

# *Florida's Legislature*

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# The Legislature

*“The legislative power of the state shall be vested in a legislature ...”*  
Florida Constitution, Article III, Section 1

The legislature has been generally described as the lawmaking branch of a state government. In Florida, the Legislature defined its function more precisely in these words from the Executive Reorganization Act of 1969: “The legislative branch has the broad purpose of determining policies and programs and reviewing program performance.”

Although the physical setting is much the same and rituals remain, the Legislature of today bears little resemblance in its internal workings and its philosophy to the Legislature of a few years ago. Beginning in 1966, the House of Representatives and Senate underwent changes that gave the Legislature greater equality with the executive branch.

The first year-round staff for legislators and committees began work in 1969. By 1994, the vitalized Legislature had 1,978 employees. Following

cutbacks, staff was reduced to 1,704 established positions as of June 2010. By March 2013, the House and Senate staff had been further reduced to 1,435—841 and 594, respectively, including volunteers.

## Now, the First Word

The big difference is that the Legislature now has the *first* word in lawmaking along with the last word.

The old pattern of biennial sessions meant the lawmakers were forced to delegate much of their sovereignty to executive agencies and others outside the legislative branch.

As in other states, the Governor came to be regarded as the chief legislator, presenting the Legislature not only with his message but a sheaf of bills

*House Speaker Marco Rubio, R-Miami, offers encouragement to House members and staff during the opening session of the 2008 Legislature, Tallahassee.*



Photo by Mark T. Foley

already prepared for introduction. The Governor's legislative program became the checklist by which some judged legislative performance.

Thus, while the Legislature always possessed the last word—voting on legislation—the preparation of bills often was in other hands.

Prior to 1969, in order to process the grist produced by agencies of the executive branch, the Legislature was forced to borrow many of its specialists from the same source. Other employees were recruited from among persons willing and able to work a maximum of 60 days every two years.

On October 7, 1982, Governor Bob Graham, in off-the-cuff remarks to Democratic nominees of the House of Representatives, said:

I appreciate the fact that our form of government is not like a parliamentary system where the Legislature and the Executive are essentially one. We have a system that's built around a division of governmental powers. Those of you who have not served in the Legislature before will find out that what the textbook said about the balance of powers in the three branches: that *ain't* just for the textbook any more. That really works.

### A Turn-Around

Today's Legislature represents a turnaround, with the legislative branch able to coexist on equal terms with the executive and judicial branches. This has been made possible by a number of steps, including:

- A constitutional amendment requiring an organization session following regular November general elections. These sessions are for the exclusive purpose of reorganizing the Legislature so that the new Senate President and House Speaker may appoint members to committees and adopt the standing and joint rules for the two-year term.
- Revision of the Constitution in 1968 changed the regular sessions of the Legislature from a biennial to an annual basis.
- The presiding officers have been given the joint authority to convene the Legislature in special session. Previously, only the Governor possessed this power. Florida has a self-starter provision,

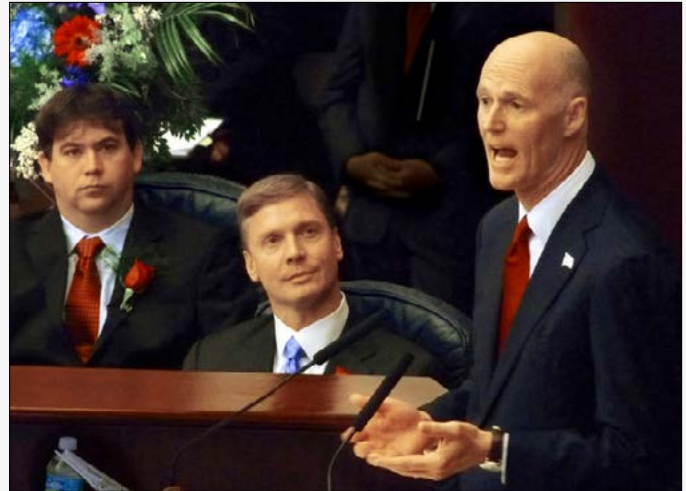


Photo by Mark T. Foley

*Governor Rick Scott delivers his State-of-the-State address to a joint session of the Legislature on opening day, 2012. Speaker Dean Cannon, R-Winter Park, center, and Speaker-pro tempore John Legg, R-Port Richey, look on.*

but due to its cumbersome nature no special session has ever been convened under this method.

- Transfer of the state's auditing department from the executive branch to the Legislature materially strengthened its effectiveness. No longer an appointee of the Governor, the Auditor General is independent from the executive agencies being audited and can provide the Legislature an untinted window into the performance of those executive agencies.
- The legislative committees have been staffed with analysts, researchers, attorneys, and other year-round personnel capable of enabling the committees to function effectively.
- Florida retains its tradition of part-time legislators but recognizes the new demands upon their time—an annual session and continuing committee activity—through an increase in pay plus an annual percentage increase equal to that generally received by state employees. An allowance has also been made so legislators may maintain offices in their districts to transact public business.

### Separation of Powers

The result of these and other changes has been the attainment of true separation of powers. This has cost money. Whether there has been a dollar-and-cents return in a more effective executive system can hardly be proven or disproven because the

yardsticks—among these the value of money and the growth of population—change daily. However, the Supreme Court of Florida (through Justice John E. Mathews) stated the significance in these words (*Pepper v. Pepper*, 66 So.2d 280 (Fla. 1958)):

The separation of governmental power was considered essential in the very beginning of our government, and the importance of the preservation of the three departments, each separate from and independent of the other, becomes more important and more manifest with the passing years. Experience has shown the wisdom of this separation. If the judicial department of the government can take over the legislative powers, there is no reason why it cannot also take over the executive powers; and in the end, all powers of the government would be vested in one body. Recorded history shows that such encroachments result in tyranny, in despotism, and in destruction of constitutional processes.



Florida State Archives

*Senate President Jack Mathews (left) and Speaker of the House Frederick Schultz share a moment of levity, 1970.*

### **Equality of the Houses**

The Senate and the House of Representatives of our Florida government equally share the power of lawmaking. Neither can bring about the passage of a law by its independent action. Neither possesses any right in the legislative process not enjoyed by the other. Either house may originate any type of legislation.

The Legislature exercises quasi-judicial functions separate from lawmaking. The House possesses the exclusive right to impeach officers, and only the Senate may try officers so accused. Only the Senate may pass judgment upon officers appointed by the Governor subject to confirmation by the Senate, and only the Senate may remove officers suspended by the Governor.

### **The Power of the Legislature**

The Florida Supreme Court has defined the lawmaking jurisdiction of the Florida Legislature in these words: “The legislative power to enact statutes is subject only to the limitations provided by the state and federal Constitutions.” (*City of Jacksonville v. Bowden*, 67 Fla. 181)

Under our overall system of state and federal government, the power to make laws is divided between the government of the United States and that of the individual states. The United States Constitution is a grant of power from the states to the federal government. It specifies in general terms the main powers of the national (federal) government. The delegated and implied powers as listed in the United States Constitution provide the basis on which the national government operates. All powers not expressly given to the national government are retained in and belong to the states. Hence, the powers of the states are not listed in the United States Constitution.

The state constitutions do not attempt to list all their reserved and inherent powers. These powers constitute the basis for all actions of a state government. This is because the state legislatures may take any action and enact any law they wish as long as those actions and laws do not violate the state constitution or the United States Constitution.

The reserved powers of state governments are many. Among them are the levying and collection of taxes for state purposes and the defining of crimes and punishment. The state can authorize counties, cities, and other local governmental agencies to levy and collect taxes for their purposes. It can pass laws relating to health and safety. It can build highways. It can enact marriage and divorce laws. The state can also authorize the establishment of cities.

## Laws

A law is the final product of the legislative process. It is the end result of the introduction of a bill, its passage by both houses into an act, and its approval by the Governor (or the overriding by the Legislature of his veto), and its recording by the Custodian of State Records. A statute is a law after it has been organized, by topic, into the compiled body of laws. For example, House Bill 3 of the 2008 Regular Session—Children’s Zones (the second bill proposed by a member of the House, as House bills use odd numbers), was passed by both houses, approved by the Governor, and became law. This law was first identified as Chapter 2008-96 of the 2008 Laws of Florida (Session Laws) and later became section 153.0372 of the *Florida Statutes*. The statutes constitute the body of existing laws enacted, with new laws incorporated along with the changes and deletions new acts have made to prior laws.

### General Laws

Theoretically, a “general law” is a law which is intended to have statewide application. But there are many laws which relate to less than the whole state and which are still legally “general laws.” The Supreme Court of Florida, in an early case, declared that “every law is general which included in its provisions all persons or things of the same genus.” A law does not have to be universal in application to be a general law. Laws relating to the location of the state capitol, a state university, the state prison or hospital are local in character but affect directly or indirectly every citizen of the state, and are regarded as general laws.

### Special Laws

As a general statement, a special act is any legislative act which meets both of the following criteria: (1) it applies to an area or group which is less than the total area or population of the state, and (2) its subject matter is such that those to whom it is applicable are entitled to the publication or referendum required by Section 10 of Article III of the Florida Constitution. Having said this, it should be noted that it is often difficult to determine whether or not a par-



Photo by Darryl Jarmon

*Senate Secretary Dr. Phil Twogood (left) confers with Rules Committee Chairman Alex Villalobos, circa 2009.*

ticular legislative proposal comes within the scope of these two criteria. Section 11 of Article III of the Florida Constitution provides that “there shall be no special law or general law of local application pertaining to” a specified list of topics.

### Population Laws

A population act is the most commonly encountered type of “general law of local application.” It is worded in such a way as to be applicable only to counties of a certain specified size. Although a population act may apply to only a few counties (or perhaps only one) it is not considered to be a special act and does not have to be advertised or made subject to a referendum.

Are population acts constitutional? They can be. Section 11 of Article III of the Florida Constitution provides in part that: “In the enactment of general laws ... political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.” Therefore, if the grouping of counties of a certain size can be justified on the basis of being “reasonably related to the subject” of the bill, it is perfectly all right to enact a law which relates only to those counties.

The Legislature formerly passed in substantial volume another type of population act, which was very limited in application. These were enacted as general laws, without advertising or provision for ratification by referendum as required for local special legislation. But the population acts had a limited,

“special” or “local,” application because their effectiveness was limited to counties falling within prescribed minimum and maximum population brackets. For example, a law might be framed as to apply only to “the members of the county board of public instruction in all counties having a population of not less than 3,000 nor more than 3,100.” Such a population act at least until the taking of the next federal census, likely would apply to only one county. Virtually all such acts were likely unconstitutional, but few were ever challenged. Use of these laws largely has passed out of existence because of the granting in the 1970s of home rule powers to counties. When this was done, some 2,100 population acts were repealed.

NOTE: James Lowe, a former director of the House Bill Drafting Service, authored the following sections on general bills, special laws, and population laws.

### Oldest Laws

A search of the *Florida Statutes* by Edith Pollitz, Chief Attorney of the state’s Division of Law Revision and Information, revealed that two ordinances proclaimed by Andrew Jackson on July 21, 1821, are still in force. These laws relate to the boundaries of Escambia and St. Johns counties. Not including amending law provisions, 26 other sections of the *Florida Statutes* date from 1822-1825, the first four years of Florida’s territorial government. Most of the



Photo by Darryl Jarmon

*Florida Senate chamber during the signing ceremony by Florida’s 27 presidential electors, 2008.*

material comprising chapter 79 of the statutes relating to habeas corpus was created by an 1822 law.

### Quorum

Each house may do business with a quorum of its members, a quorum having been defined by the Supreme Court as not less than a majority of all members. Vacancies from death, resignation, or failure to elect cannot be deducted from the total number of seats when determining a quorum.

### Legislative Sessions

*Regular Sessions:* The 1885 Constitution called for regular sessions of the legislature to be held biennially, commencing on the first Tuesday after the first Monday in April 1887. The 1968 revision of the Constitution instituted annual regular sessions commencing on the first Tuesday after the first Monday in April.

In 1990, Article III, Section 3(b) was amended to read that in 1991, “a regular session of the legislature shall convene on the first Tuesday after the first Monday in March. In 1992 and thereafter, a regular session of the legislature shall convene on the first Tuesday after the first Monday in February of each odd-numbered year, and on the first Tuesday after the first Monday in February, or such other date as may be fixed by law, of each even-numbered year.” Sessions were convened in February of 1992, 1993, and 1994, but in 1994 the Constitution was again amended to begin regular sessions on the first Tuesday after the first Monday in March.

Regular sessions have a maximum life of 60 consecutive days, including Sundays, but may be extended by a three-fifths vote of each house.

There are seven types of legislative session other than regular:

*Special Session*—The Governor may call the Legislature into special session. This kind of special session may last no longer than 20 consecutive days, but may be extended by a three-fifths vote of each house. In his proclamation convening the Legislature, the Governor states the matters that, in his opinion, require the extraordinary session. The Governor may later add other subjects to his original *call*, or agenda

stated within the proclamation. At such special sessions, no other matters can be considered by the Legislature unless by a two-thirds vote of the members elected. This exception, however, applies only to the question of whether a bill concerning some matter not in the Governor's call may be introduced. After its introduction has been permitted, only the usual number of votes is required for passage.

*Apportionment Session*—The Governor is required by the Constitution to convene the Legislature in special session if the legislators have, in his opinion, failed to properly reapportion the representation in the Senate and House of Representatives. This reapportioning must be according to the specifications of Article III, Section 16(a) of the Florida Constitution. Such a session shall not exceed 30 consecutive days. The Constitution says it “shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.” No business other than apportionment can be considered during this type of special session.

*Self-Starter Session*—The 1885 Constitution permitted the Legislature to convene itself in extraordinary session for a period not to exceed 30 days when “conditions warrant,” and this provision has been carried forward as a law. Such a session can be convened only upon the affirmative votes of three-fifths of all the members of the Legislature. These votes are cast in a poll taken by the Secretary of State at the written request of not less than 20 percent of the membership of the Legislature.

Four unsuccessful efforts have been made by legislators to call the Legislature into this type of special session. In each instance, 20 percent of the members of the Legislature had requested the Secretary of State to poll the membership, but the poll failed to produce the required affirmance of three-fifths of the members of each house. In August 1960, the Legislature was polled for a session to declare Florida's presidential electors uninstructed. In January 1963, the poll concerned legislative apportionment. In August 1972, the session would have considered the reinstatement of capital punishment and the restoration of filing fees for candidates, both having been stricken by the U.S. Supreme Court. In August 2013, the session would have considered



Photo by Meredith Geddings

*Majority Leader Adam Hasner, R-Delray Beach, (left) confers with Rep. Will Weatherford, R-Zephyrhills, and Rep. Carlos Lopez-Cantera, R-Miami, on the House floor during a special session of the Legislature called to adjust Florida's budget, 2009.*

repealing the controversial “stand your ground” law following the acquittal of George Zimmerman. The vote in this instance was 47 in favor of a special session, 108 against.

*Suspension Session of Senate*—The President of the Senate, or a majority of its membership, may convene the Senate in this type of special session for the purpose of considering the suspension, by the Governor, of a state or county officer, or the impeachment, by the House, of a state officer.

The Senate has been called into special session four times to consider executive suspensions. Those sessions were February 17, 1969; July 8, 1970; November 16, 1970; and February 26, 1974.

*Session Called by Presiding Officers*—The President of the Senate and the Speaker of the House of Representatives, by joint proclamation filed with the Custodian of State Records, may convene the Legislature in special session. During such a special session, only such legislative business may be transacted as is within the purview of the proclamation, in a communication from the Governor, or is introduced by consent of two-thirds of the membership of each house. The first such session was called for December 13, 1977, so the Senate could consider charges of misuse of office against Senator Ralph R. Poston, Jr., of Miami. Poston was reprimanded and fined \$500. It was necessary that both houses be called. The House

was in session 27 minutes, receiving veto messages and transacting other in-house business since the meeting had been called for the “sole and exclusive” purpose of the Poston matter, which did not involve the House.

*Organization Session*—This session of a special nature is commanded by the Constitution to be held on the 14th day after each general election. This session is for the exclusive purpose of organizing the houses. By selecting officers and adopting rules, the Legislature puts itself in business four months earlier than was the case prior to 1966. There is no time limit on an organization session, but usually the limited business can be transacted within two hours.

*Extended Session*—The Legislature may extend its regular 60-day session and any special session. This requires a three-fifths vote of the membership of both houses. There is no limit to the length of such extensions. The purpose of an extended session is to complete action on legislation already introduced. New measures may, however, be received with the consent of two-thirds of the membership of each house. That would be 80 “yea” votes in the House and 27 in the Senate.

### **Number of Special Sessions**

The Legislature was called into special session 110 times between June 8, 1869, and March 2013. Of these special sessions 12 were called by Governor Reubin O’D. Askew, 12 by Governor Robert Graham, eight by Governor Robert Martinez, nine by Governor Lawton Chiles, 11 by Governor Jeb Bush, two by Governor Charlie Crist, and one by Governor Rick Scott. Since 1977, 23 have been called by the Senate President and House Speaker.

### **Number of Extended Sessions**

The first extended session was held in 1957. As of March 2013, 25 regular and special sessions have been extended. Although technically extended, in some years no sessions were held during the extension.



Photo by Mark T. Foley

*House Sergeant at Arms Earnest W. “Ernie” Sumner and Senate Sergeant at Arms Donald Severance drop handkerchiefs to signify Sine Die in the Capitol rotunda, 2006.*

### **Shortest Session**

The shortest session of the Legislature occurred on November 17, 1970, when the Senate and House, already in Tallahassee to reorganize after a general election, were called into special session by Governor Claude R. Kirk, Jr., to pay official expenses of Governor-elect Reubin O’D. Askew, including those of his inauguration. The House was in session 21 minutes; the Senate, 15.



## Longest Session

The longest session of the Legislature occurred in 1955. Called into legislative reapportionment session by Governor LeRoy Collins, the Legislature met 74 fruitless days. Then, unable to adjourn *sine die* without complying with the constitutional mandate to reapportion, the Legislature recessed until the next general election when the terms of all House members and half the Senate had expired. Thus, the Legislature technically was in session 520 days, from June 6, 1955, until November 6, 1956.

## How Laws are Made

Each bill is prefaced by the words, “A Bill to be Entitled an Act ...” followed by a title summarizing its contents. Each bill also contains the phrase, “Be it Enacted by the Legislature of the State of Florida.” Should this phrase be omitted, the measure is not valid. In the House of Representatives, an amendment to strike out the enacting clause is often used as a means of bringing a controversial measure to a decisive vote quickly.

An *act* passed by the Legislature becomes a *law* only after the Governor has had the opportunity to

express himself on its merits. He may give his approval by signing his name to the act, or he may allow it to become a law without his signature by doing nothing. His third option is to object to the act by vetoing it, in which case the Governor will return the act with a *message* expressing why he objects. It still can become law by the Legislature passing it despite the veto. This overriding of a gubernatorial veto requires the agreeing votes of two-thirds of the members *present* in each house.

## Introduction of Bills

Bills, then, are the raw material of the legislative process. Only a member of the Legislature or a committee can introduce a bill. The Senate has no rule limiting the number of bills a member may introduce, but House speakers since 1981 have sometimes imposed a limitation. Members were allowed to file eight bills for that term and the limit has remained close to that number during the ensuing years.

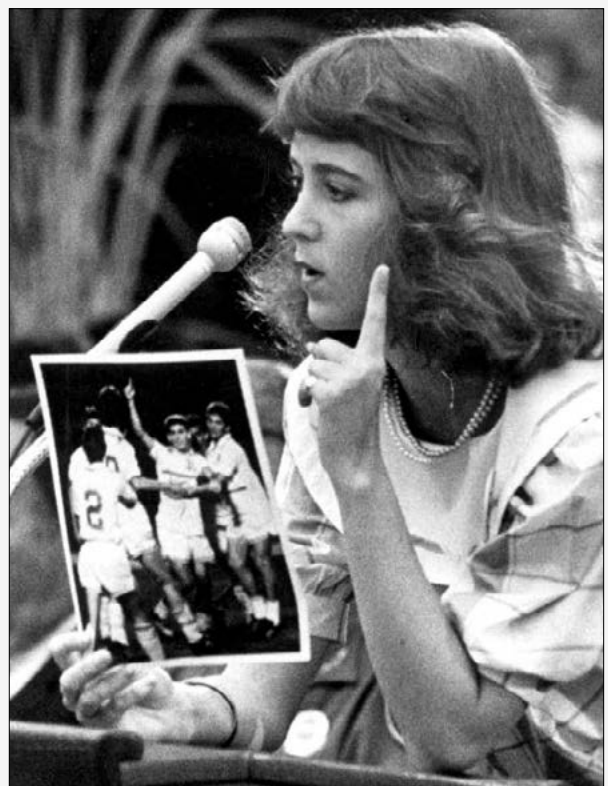
According to current House Rule 5.3, members may file no more than six bills each regular session, though there are exceptions that do not count toward this limit, such as resolutions, memorials, bills that repeal statutes, and bills of various types that adhere

Photos by Donn Dughi



From left: Katie Hardgrave, Debbie Stones, and Lisa Tiller at the Senate Commerce Committee hearing on the legal age for alcohol consumption, 1985.

Right: Katie Hardgrave speaks to the committee about the details of her boyfriend's death. At the time, 18 was the legal drinking age in Florida, and Katie's boyfriend was killed by a 19-year-old 'legal' drunk driver. The Legislature responded by raising the drinking age to 21.



to other bills.

The actual writing of bills is done by staff in the House and Senate Bill Drafting services. A legislator, or staff member at his/her direction, will outline the ideas to be included in a bill. A draft is prepared by Bill Drafting staff in proper form and is reviewed for potential placement in existing statute or constitutional law. The draft is sent to the legislator, who reviews and approves, changes, or disapproves the draft. If approved, the bill is filed with the Secretary of the Senate or the Clerk of the House.

All bills must go through the bill drafting services in order to be filed. Computer-generated bills are then available for engrossing, should a bill be amended, and for release to the general public.

The evolution of year-round committees means many bills are generated in committee.

Bills dealing with local governments are most often prepared by attorneys for the respective cities, counties and special districts. Others are prepared at the request of the Governor to carry out phases of his legislative program. A great many of the bills introduced are prepared for those persons particularly interested in their enactment into law. These bills still must go through the bill drafting services.

### **The Governor's Message**

The Constitution directs that the Governor "shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest" (Article IV, Section 1(e), Florida Constitution). Nevertheless, the Governor, in this case, is on the same footing as any other non-legislator insofar as the introduction of bills to carry out his recommendations.

### **Passage of Bills**

Virtually all bills are passed in each house by a majority vote (half plus one) of the members answering to roll call. The exceptions are: bills for a special general election, which require the approval of three-fourths of the membership of each house; the adoption of joint resolutions for amendments to

the state Constitution and bills creating trust funds or related to state securities, each of which require the approval of three-fifths of the membership of each house; local mandates, which require a two-thirds vote of the membership of each house; and public records exemptions, which require a two-thirds vote of the members voting of each house.

A quorum for the purpose of transacting business is fixed by the Constitution at a majority of the members elected to a legislative house.

Before being brought to roll call on the question of its passage, a bill usually will have traveled to and from a committee in each house. "Usually" is the word that applies to nearly all of the legislative process, for the Legislature freely uses its very extensive discretionary power over procedure. The Constitution and the rules of each house provide brakes and speed limits, but, when so minded, the Legislature can move with a headlong swiftness bewildering to onlookers.

For example, a bill must be read by title in each house on three separate days (the first reading usually is accomplished by publication in the *Journal*), but the Constitution permits this to be waived with the approval of two-thirds of the members present.

Judy Doyle of the *Tallahassee Democrat* had this personal encounter that illustrates the uncertainty of legislative life:

It was late Friday, the last day of the 1988 Regular Session, when House Speaker Jon Mills walked by. I grabbed his arm and asked if the House was going to take up the garbage bill before it recessed.



*Jon Mills*

"Probably," the House honcho answered.

I rudely grabbed his arm again, demanding "Does 'probably' mean 'certainly'?"

Mills paused, glared icily and replied, "If you want 'certainly,' you shouldn't be covering the Legislature."

### **Rules of Procedure**

As was pointed out at the beginning of this chapter, the Legislature is limited in its power only

by the Florida Constitution and the United States Constitution. How the Legislature goes about the exercise of this power—the mechanics of lawmaking—is governed to a considerable extent by rules. The Senate and the House of Representatives each adopt their own rules, and it is important to keep in mind that the rules are the product of the lawmaking body itself. These rules may be changed or waived by a vote of the body.

### Tools and Services

Much of the explanation for the Legislature’s ability to move quickly yet with confidence can be found in the tools and services provided to it. Every day, each legislator has access to the general bills and a *Calendar* of the day’s business. If a bill on the calendar pertains to the appropriation of public money or to taxation, it will be accompanied by a fiscal note. It may also have a staff report analyzing its contents. The user of a bill can tell at a glance what changes are proposed in existing law, for deletions are shown in struck-through type while new language is underlined. The legislator also has a *Journal* of yesterday’s business.

The standing committees furnish year-round research and fact-finding services, which have relieved the lawmakers of their former dependence on outside sources of information.

### The Veto

As previously stated, an act becomes a law only after approval by the Governor. He may directly approve it by affixing his signature. Or he can merely imply that he approves it. He does this by allowing a certain number of days to lapse, after the act has been delivered to him by the Legislature, without exercising his right to veto.

The Governor has seven consecutive days to sign or veto if the Legislature is in session. If the session ends before the seven days pass, the num-



Photo by Mark T. Foley

*House Fiscal Council Chairman Rep. Joe Negron, R-Stuart, announces his filing of HB691 proposing the largest single tax cut in Florida’s history during a news conference January 12, 2006, in Tallahassee. The bill provides for a one-week sales tax holiday on virtually all taxable items. Speaker Allan Bense, R-Panama City, is shown at center-left, while at right is House Republican Leader Andy Gardiner, R-Orlando.*

ber of days increases to 15, counted from the day he received the act from the legislative officers. This may be a week or more after *sine die* adjournment because of the crush of business in the last days of a session. In 2013, almost 90 percent of all bills passed were presented to the Governor after *sine die* adjournment. These bills include the extensive *General Appropriations Bill*, in which the Legislature provides, on an item-by-item basis, the financing for departments and agencies of the state government during the state’s fiscal year beginning each July 1. The Governor’s need for time to review the legislative product is most pronounced after the legislative adjournment.

The Legislature can override the Governor’s veto and cause the act to become law despite his disapproval. It can do this by repassing the act notwithstanding the Governor’s veto by a two-thirds vote of the members *present* in each house. But the passage of time can make it ineffectual for the Legislature to exercise that power. Generally, the Governor’s vetoes come after the Legislature has adjourned. This legislative review will be possible at the next regular or special session, usually months later.

## Effective Date

Article III, Section 9 of the Florida Constitution says:

Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted or as otherwise provided therein. If the law is passed over the veto of the governor it shall take effect on the sixtieth day after adjournment sine die of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution passed by both houses of the legislature.

This 60-day period was intended to give the public an opportunity to learn of new laws. In the past, the offices of the Attorney General and Secretary of State have tried to encourage the use of this or October 1 as uniform dates to allow time for the printing and distribution of new laws. But many laws become operative in a shorter time. A clause often



Photo by Mark T. Foley

Majority Leader Carlos Lopez-Cantera, R-Miami, calls for a yes vote on House Joint Resolution 7111, which amended Article V of the State Constitution to divide the Supreme Court into two divisions, 2011.

found in bills reads: “This law shall become effective upon becoming a law”—in other words, at once. If the Governor vetoes an act after the effective date, a new date of 60 days from *sine die* adjournment automatically becomes the operative date if the Legislature repasses the bill.

## Other Legislation

The business of the Legislature is devoted mainly to considering bills that propose new laws or bills that modify existing laws. There are, however, other types of legislative business. This includes the consideration of measures such as *joint resolutions*, *concurrent resolutions*, *simple resolutions*, and *memorials*:

A *joint resolution* is most commonly used to propose an amendment to the State Constitution. The Governor cannot veto a joint resolution proposing an amendment because joint resolutions do not have the force of law until ratified by the electorate. When so used, a joint resolution can be adopted only by the “yea” votes of three-fifths of the senators (24) and three-fifths of the representatives (72). Voting separately in each house, they must approve submission of the proposed amendment to the electorate. When the question is put before the voters, they can approve or reject the amendment at the next regular general election or at a special election, if one is called for that purpose through passage of a law approved by three-fourths of the membership of the Senate (34) and the House (90).

Joint resolutions are also used to reset the effective date of an act vetoed by the Governor when the veto is overridden by the Legislature after the original effective date has expired. The Constitution gives the Legislature the opportunity to provide a new effective date.

Still another use of joint resolutions is to reapportion the membership of the Legislature after each decennial federal census. Again, the Governor cannot veto the work of the Legislature since the Constitution provides for the State Supreme Court to review the new apportionment plan.

Where a joint resolution is used for a purpose other than proposing a constitutional amendment, only a majority is needed for adoption.

A *concurrent resolution* deals with some matter, other than those requiring a joint resolution, involving both houses of the Legislature. A concurrent resolution does not have the force of law and needs only a voice vote to pass. A concurrent resolution may express regret or praise, fix the time for the houses to meet in joint session to hear a distinguished speaker, or create a joint committee.

Ironically, one of the most important responsibilities performed by the Legislature, the ratifying of amendments to the Constitution of the United States, is accomplished through adoption of a concurrent resolution.

A *simple resolution* is one expressing the will only of the legislative house in which it is adopted. It is identified by the term “House Resolution” or by the term “Senate Resolution,” as the case may be. These resolutions are used to express regrets or praise of the house, or to create committees whose membership will be drawn only from the adopting house.

A *memorial* is addressed to Congress. It expresses the sentiment of the Florida Legislature on subjects within the jurisdiction of the federal government or in which there is common interest. The Governor has nothing officially to do with memorials. The Secretary of State transmits them.

A type of bill known as a *claim bill*, or relief bill, deserves separate mention. A claim bill is one that authorizes payment by the State of a claim for compensation or damages. This applies only in situations where a lawsuit on the claim is not legally permissible.

When acting on bills of this nature, the Legislature functions in a quasi-judicial capacity. Its committees hear testimony and review records, much as though it were being done in court. Until 1968, a claim bill could be passed only by a vote of two-thirds of the members elected to each house. Since 1968, only a majority of those voting has been required.

### **Companion Bills**

The House and Senate use *companion bills* as a timesaving device. These are often identical bills in-

troduced in both houses, thereby allowing committee study in each body during the same period.

If favorably reported by the committees, the companion bills can advance at the same time on the calendars of the Senate and House. When, for example, a Senate-passed companion bill reaches the House, it can be substituted for the House’s own bill without the necessity of going through the committee process again.

### **Volume of Legislation\***

Those who properly regard a law with awe are likely to be shocked by the legislative volume. Roughly 2,000 measures affecting the people of Florida are introduced each session, and about a fifth of these measures will be passed or adopted. In 2014, legislators filed 1,623 general and local bills, of which only 255 passed both houses. When considering the total number of bills introduced, it should be kept in mind that the use of companion bills means substantial duplication.

### **Local Bills**

Because of the granting of home rule powers in the 1970s, the number of local bills has fallen off substantially. In 1965, for example, there were 2,107 local bills introduced, of which 1,832 passed. In 2014, the House and Senate introduced only 78 local bills, of which 26 became law.

### **Voting**

The Constitution safeguards public interest by being quite explicit on the permanent recording of how legislators voted. This is particularly important on matters having the force of law. The *Journals* (records of House and Senate action) must show, by name, how each participating member voted on the final passage of every bill or joint resolution (proposed constitutional amendment). Other types of resolutions and memorials are not binding on the public and are usually adopted by a voice vote.

In taking the ‘yeas’ and ‘nays’ (the yes and the no votes) the presiding officer uses this set formula:

\*Throughout this section, bill statistics from the 2014 Legislative Session taken from an internal House of Representatives statistics report. June 4, 2014.

“All in favor signify by saying ‘yea,’ opposed, ‘nay.’”

In both the House and Senate, an electronic roll-call machine records the members’ votes, which show their names in red or green on two large panels at the front of each chamber. The machine also displays the total votes for and against the measure.

Generally, every legislator present is required to vote. However, a member whose private interest would be affected should abstain from voting. (Private interest is distinguished from the interest that would be shared with every other citizen in, say, a new tax.) This abstention is recorded in the *Journal*.

The name of the presiding officer is placed at the end of the roll call. He is excused from voting on procedural questions unless his vote is necessary to

break a tie; otherwise, he is required to vote on bills and other legislation.

### **The Journals**

The printed records of the daily proceedings in the Senate and House of Representatives are known as the *Journals*. These are prepared by the Secretary of the Senate and the Clerk of the House. Almost without exception, the journal of one day’s proceedings is available at the convening of the next day’s session.

The journals of the Florida Legislature primarily record formal actions and not the words spoken by members in debate. A notable exception is the inclusion in the *Journal* of the Governor’s yearly State of the State Address, which the Constitution requires he make to the Legislature. Formal actions include the official recording of final votes on bills and amendments, the adoption of resolutions, and a record of daily quorums. The daily *Journals* are edited and reprinted as the final bound *Journal*, becoming the official record of the House. Once a regular session’s (and any special or extended session held that year) bound *Journal* is published, it replaces the original daily *Journals*.

From *Amos v. Gunn*, Fla. 285, 94 So. 615 (1922):

This Court has held that the legislative journals are the only evidence superior in dignity to recorded acts and that acts can only be impeached by showing a clear constitutional violation on the face of the journals.

In the event of conflict between an act and the *Journal*, the *Journal* controls.

### **Identification**

Bills and other legislation are numbered in the order of introduction. Senate bills are prefixed as SB and House bills as HB. An amendment to the State Constitution can be identified by the initials HJR for House joint resolution or SJR for Senate joint resolution. Other identifying letters are HCR or SCR for concurrent resolutions, HM or SM for memorials, and HR or SR for resolutions. HBs are odd-numbered and SBs are even-numbered.



Photo by Donn Dughi

Senator Illeana Ros-Lehtinen signals her vote on the bill, 1989. She was using the phone in the conference room to make an outside call and, when the vote suddenly came up, she dragged the phone off the desk behind her and signaled with a shout and a thumbs-up.



Photo by Mark T. Foley

*Mary Krause and Daniel White prepare bills for the Legislature, 1985. These copies were distributed to members of both the House and Senate for their desks in the chambers of the Legislature. The total to distribute was 120,000 bill copies prior to the opening day of session. Computers have drastically changed the way information travels through the Capitol.*

### Bills Filed and Passed

Year	Filed	Passed
1887	698	158
1909	1,291	250
1919	1,419	613
1929 (reg. & spec.)	2,574	1,074
1939	3,269	1,213
1949 (reg. & spec.)	3,085	1,483
1959	3,792	2,040
1969	4,814	1,680
1979	2,963	614
1989	3,200	561
1999	2,377	498
2009	2,080	262
2014	1,623	255

### Legislative Scoreboard

#### House and Senate Bills (General and Local)

##### Regular Sessions

Calendar Year	1990	1995	2000	2005	2010	2013
Total bills introduced in legislature (includes companion bills)						
General	2994	2605	2270	2018	2113	1591
Local	203	159	232	131	100	66
<b>Total</b>	<b>3197</b>	<b>2764</b>	<b>2502</b>	<b>2149</b>	<b>2156</b>	<b>1657</b>
Acts passed						
General	399	473	380	323	253	259
Local	120	86	117	66	39	24
<b>Total</b>	<b>519</b>	<b>559</b>	<b>497</b>	<b>389</b>	<b>292</b>	<b>283</b>
Acts vetoed by Governor	18	28	7	37	18	11
Acts becoming law	501	531	490	352	274	272

## Proxy Voting

A legislator must be present to vote on matters pending in either house. Use of proxy votes, or those cast by absent members, was outlawed in the mid-1950s.

### Extraordinary Votes Required in the Legislature

Apportionment, Legislative—Joint Resolution (Article III, s.16)	Majority of members voting
Apportionment, Congressional—Bill	Majority of members voting
City or county mandates:	
To pass general law requiring expenditure of funds by a city or county (Article VII, s. 18(a))	2/3 of membership
To alter general law to reduce the authority of cities or counties to raise revenues (Article VII, s. 18(b))	2/3 of membership
To alter general law to reduce the percentage of a state tax shared with cities or counties (Article VII, s. 18(c))	2/3 of membership
Expel Member (Article III, s. 4(d))	2/3 of membership
Impeach Officer (Article III, s. 17(a))	2/3 of members voting
Income Tax (Corporate) over 5% (Article VII, s. 5(b))	3/5 of membership
Judiciary:	
Create Judicial offices other than certified or when Court fails to certify (Article V, s. 9)	2/3 of membership
Repeal Rules of Practice (Article V, s. 2(a))	2/3 of membership
Local laws (add prohibited subject) (Article III, s. 11(a)(21))	3/5 of membership
Sessions:	
Extend Session (Article III, s. 3(d))	3/5 of members voting
Extended Session, new business (Article III, s. 3(d))	2/3 of membership
Special Session, legislation outside call (Article III, s. 3(c)(1))	2/3 of membership
State Securities (School and Higher Education Capital Outlay):	
Interest over 5% (Article XII, s. 9(a)(2))	3/5 of members voting
Trust Funds (creation)	3/5 of membership

## Seniority

In the United States Congress, *seniority* determines the progress of a senator or congressman in the committee system. But in the Florida Legislature a member's length of service by itself meant little in the past, and with the passage of the 1992 constitutional amendment limiting the service of state officials to eight years, seniority has even less meaning.

The value of seniority, or length of service, lies in each individual. It depends on such things as the familiarity with the legislative process that experience gives, and on the friendships made with other members. Some members gain experience and friends very quickly. To an extent, lawmaking is an intuitive skill and involves the art of sensing how people will react.



## Term of Legislators

Representatives are elected for two-year terms and are limited to four consecutive terms. Senators are elected for four-year terms and are limited to two consecutive terms. Each legislator's term begins with the general election in the November in which they are elected. Their term starts at midnight on Election Day. In instances of a close vote, the actual declaration of election may be delayed until after a canvass—a close examination of vote authenticity. Terms of other elected state officials (except county commissioners, school board members, and county school superintendents who take office on the second Tuesday after the general election) begin on the first Tuesday after the first Monday in January following the general election.)

## Staff

The character of employment in the Legislature has changed through the years. Legislative workers, once known as *attachés*, are required to possess technical skills that fit them to do the work required in a modern office.

The Senate's elected constitutional officers are the President and the recording officer, known as the Secretary. In the House, the constitutional officers are the Speaker and Clerk. Like the Speaker and both Senate officers, the Clerk was an elected position, but in 2006 the House changed its rules and gave the Speaker authority to appoint the Clerk. The members affirm that reappointment during each organization session.

The Senate President and House Speaker designate the Sergeant at Arms for their respective houses. Numerous other employees once chosen by election, from doorkeeper to pages, are now selected by less formal means.

## Oath

A legislator's first act is taking the constitutionally required oath of office. New members raise their right hands and repeat after the justice administering the oath:

"I (name) do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of Member of the House of Representatives on which I am now about to enter. So help me God."

Incidentally, the same oath, with the appropriate title substituted, is taken by every officer of the state and county, from Governor to Clerk.

## The Legislators

Legislators are the delegates from their communities to a statewide assembly, the Legislature. They are elected by a majority of the voters in the district they represent. Legislators should be responsive to the will of their constituents. They cannot, however, possibly determine their constituents' collective



*Portrait of Florida House attaches, 1905.*

Florida State Archives

wishes on each of the hundreds of matters presented for a vote. It is necessary that voters elect men and women whose judgment can be trusted. Also, legislators may be in a position to collect facts not generally known to their constituents.

In addition to passing laws, the legislators also keep an eye on the conduct of the state government. Members of the Legislature often, for example, receive complaints from their constituents about agencies of the executive branch. Resultant legislative inquiries may produce an explanation and possibly legislation to correct the problem that caused the complaint. Legislators may inquire privately, through a telephone call or letter, or they may inquire publicly, perhaps by appearing before the governing board of the agency.

A legislative investigating committee can focus public attention on practices, which, however lawful, a government agency or even a private business might find difficult to explain or justify. Such committees often possess the right to compel the attendance of witnesses and the production of records.

The Legislature, as the lawmaking branch of our state government, functions in the realm of public opinion. Laws result from someone saying, "There ought to be a law." The legislators will be held responsible, more or less, for the passage of laws, so they generally encourage public discussion of matters that will come before them for consideration.

Studies of various aspects of the state government are underway continuously nowadays. Also, there are meetings of hundreds of service clubs and other organizations in Florida. These give the legislators opportunities to discuss government issues and stimulate interest and reaction at the source, or, as is sometimes said, "the grassroots."

These, then, are some of the ways in which members of the Legislature influence and are influenced in the administration of government other than by the passage of laws.

### **Members of the Legislature**

All legislators are elected by the voters. The Governor has no power to temporarily fill vacancies in the Legislature caused by death or resignation. A candidate for election to the Legislature must be at least 21 years of age, a resident of Florida for two



Photo by Mark T. Foley

*Representative Thad Altman, R-Melbourne, closes debate on his Contraband and Counterfeit Cigarette bill, HB 205, which was later approved by the House, 2005.*

years prior to election, and an elector and resident of the district from which elected.

Members of the Senate are referred to as senators. Members of the House of Representatives are referred to as representatives. They are also referred to as members. During the course of proceedings in the House of Representatives, a member will be addressed by name. In the Senate, the formal address is "The Senator from ... (the numbered Senatorial district which he represents)." The term legislator applies to both senators and representatives and is customarily used when reference is being made to members of both houses.

Senators serve for a regular term of four years. This means they will represent their districts in four regular sessions of the Legislature. The Senate has overlapping membership in that half of its members are regularly elected every two years. Representatives serve for a regular term of two years. Thus, they represent their district in two regular sessions of the Legislature.

### **Representation**

Seats in the Senate and House of Representatives are apportioned on the basis of population, with the Constitution requiring the Legislature to reapportion districts at its regular session in the year following proclamation of the decennial federal census.



Photo by Mark T. Foley

*Education Committee member Representative Dwight Bullard, D-Cutler Bay, makes a point in support of an amendment before the committee in Tallahassee, 2011.*

Approval by the Supreme Court is required of any plan, and the Constitution directs the Court to produce a plan if the Legislature cannot.

### **Prefiling**

To speed up committee consideration of legislation, the Legislature has authorized the Clerk and the Secretary to accept bills in advance of sessions. This is known as “prefiling.” A prefiled bill may be referred by the Speaker or President to a standing committee after these have been appointed in November. The bills cannot yet be introduced in the legislative sense, as the Constitution requires all bills to receive their first reading in the *Journal* before they are formally brought before the body. The first reading of all “prefiled” bills occurs in the first daily *Journal*.

### **Councils**

In 1996, under Speaker Daniel Webster, the House adopted rules to establish a system of “super committees” called councils. House bills were first referred by the Speaker to one or more councils. Then the council chair had the power to refer a bill to one or more of the council’s committees, schedule the bills to be heard by their council, determine the order in which bills are considered, or hold a bill without scheduling a hearing or referring. The 2011 Legislature reverted to the committee, subcommittee system.

## **Committees**

Committees are the heart of the legislative process. The committees do what the whole Senate and House of Representatives cannot—the fact-finding spadework. This gives the lawmaking body greater assurance of exercising good judgment.

The formation of committees breaks down the membership into numerous small groups. This provides the Senate and House a greater opportunity for closer study of a bill than is possible in debate on the floor. In this preliminary screening, the committee will hear from the legislator who introduced the bill, other legislators, and members of the general public who either favor or oppose the bill.

But committees may go outside the Legislature to learn the opinion of interested persons who may be well informed on the subject of the bill. Committees can send out for witnesses and for records. They can also use the research facilities of the Legislature to analyze the situation here and in other states.

Technically, both the Senate and the House, sitting as a committee, could do all these things. But their smaller committees can and do perform the work more efficiently and thoroughly. The volume of business in today’s Florida Legislature is considerable. It certainly could not be completed if the entire body attempted to study every bill upon its introduction.

The types of committees are: *standing*, *select*, and *conference*.

### **Standing Committees**

*Standing* committees are those established by the Senate and the House of Representatives for the management of their business. They are established by authority of rules separately adopted by the Senate and by the House. The appointments of committee members, and the designation of the committee/subcommittee chairs and vice-chairs, are made by the Senate President and House Speaker. Proposed legislation will be referred to a standing committee/subcommittee. Usually, the committee then has the responsibility of first passing judgment on that legislation. Committees/subcommittees may originate legislation within the field assigned to them (usually indicated by the committee’s name).

A committee sometimes reports unfavorably on a measure. Under the rules usually adopted, it takes the votes of two-thirds of the members present to revive that measure for further consideration. This shows how significant the committee is in the legislative process.

There is something else that makes it even more difficult to revive a bill than the arithmetic of the two-thirds rule would indicate. It is that the committee system is so embedded in legislative thought that members are reluctant to vote against a committee's judgment even when the facts appear to justify doing so. Many claim, perhaps rightly, that if the judgment of one committee is to be reversed, none will be safe. The Legislature would then spend much of its time in reviewing adverse committee reports.

With the evolution of the year-round Legislature, drastic changes have occurred in the structuring and purpose of committees.

Coupled with the recruitment and training of a cadre of analysts, researchers, and other personnel possessing specialized skills, the committees have a capability for independent action that formerly did not exist. In short, committees are no longer limited to stamping "favorable" or "unfavorable" upon bills submitted to them from sources outside the committee.

Upon introduction, every bill or joint resolution (except those originating in a committee of jurisdiction) will be assigned by the presiding officer to one or more committees. This is called a *reference*.

Bills relating to the spending or raising of money are usually referred to a fiscal committee. But when bills involve more than one purpose they are often referred to one or more additional committees. A typical example would be a bill levying a special tax on hotels. This would raise a question which properly should be studied by the Senate Commerce and Tourism Committee, or the House Economic Development & Tourism Committee, as well as a fiscal committee.

It should be kept in mind that nearly every bill must travel the same long road in each house. A Senate-passed bill may be referred to one or more committees when it reaches the House of Representatives. And the Senate may refer a House-passed measure to one or more of its committees.

The number of members on a committee is de-

termined by the rules adopted by each legislative body at its biennial organization. Generally, the presiding officer is given considerable leeway.

### Select Committees

Select committees are those that have been appointed, or selected, to perform a specific task. The life of a select committee may last for only one session, but will generally last a term, or two years.

The powers of each select committee are set forth in the action creating it. Select committees may be empowered with specific authority just as regular committees and subcommittees in accordance with house's rules.

### Committee of Conference

For a bill to become an act it must be passed by both houses in precisely the same words. Because of pride, jealousy, differences of opinion, or a better grasp of the substance, the second house may amend and return the bill to the house of origin.

Four courses then may be taken. The originating house may concur in the amendments, thereby



Photo by Frank Noel

*The Senate team of the joint Senate-House budget conference committee seeks to even differences, 1965. The House appropriations committee first approved and had passed their \$1.086 billion bill but the Senate was more liberal with their \$1.093 billion, almost a \$7 million difference. Seated from left are Senators Robert Williams, Graceville; G.T. Melton, Lake City; Ed. H. Price, Bradenton. Standing, from left are Senators Dewey Johnson, Quincy; and Senate President James E. Connor, Brooksville.*

completing the legislative process. Or, it may reject the amendments and ask the other house to recede. Or, it may concur in some of the amendments and ask the other house to recede from those remaining. Bills may travel back and forth until, depending upon the importance of the legislation and the tenacity of the persons involved, one house surrenders or the reworked bill satisfies both houses.

In the case of significant bills with substantial differences, the shortcut of a conference committee may be convened, but it is currently, and in recent history, almost exclusively used for the resolution of differences in the budget.

Conference committees are among the oldest of lawmaking procedures, dating back to early days of the British Parliament. In America, colonial legislatures used conference committees. During the 1789 Congress, a conference committee was appointed on its second day. Yet few legislators are knowledgeable about conference committees.

A conference committee is composed of separate committees from the Senate and the House of Representatives. As separate committees, they vote separately, not only on the final product but on any subsidiary questions put to a vote. A majority of each committee prevails.

Conference committees are intended to reconcile differences. This suggests a give-and-take process; if a majority of the conferees from either house refused to budge, the conference would be stalemated and the bill could fail. However, this rarely happens.

Until 1967, when the Government-In-The-Sunshine Law was passed, conference committees in Florida often met in secret. While the House long had a rule requiring all committee meetings to be open and announced as to time and place, the Senate did not. Since the conference committees were composed of separate Senate-House committees, the Senate was able to close the meetings to the press and public.

In earlier years, the General Appropriations Bill for the financing of the state government was often hammered out at various hideaways, among these: a Senate President's cottage at St. Teresa, a Leon County senator's lodge on Lake Iamonia, and the President's dining room at Florida State University.

These private sessions lent themselves to cries of protest, particularly from legislators whose pet

items were diminished or dropped.

A conference committee possesses the power to change the Senate and House versions at will. The committee, by striking everything after the enacting clause of the bill before it, can write a new bill without regard even for the items or language not in controversy. It may include substance or items not in either the Senate or House versions.

The Senate and House have the conference committee report presented on a take-it-or-leave-it basis. No amendments may be offered. Occasionally, a report will be rejected and the bill sent back to conference.

The Senate President and House Speaker agree upon the number of conferees from each house. (The General Appropriations Bill, by its magnitude, requires a larger conference committee.) The conferees are known as managers. They generally are appointed from the committee which handled the bill, but sometimes the President or Speaker will go outside the committee to select conferees. Usually this occurs when the House/Senate has so amended the bill during floor consideration that the bill may no longer resemble the bill reported from the committee. Then, those who shaped the bill during floor consideration may more easily speak for the House/Senate in the conference committee.

### **Special Order Calendar**

The House and Senate standing committees on Rules & Calendar have been the final sieve through which legislation must pass to reach the chamber. The regular *Calendars* have become a shelf list for the Rules & Calendar Committee of bills reported favorably by all committees of reference.

### **Debate and the Previous Question**

The question of whether debate changes votes on a significant bill is a debated question itself. Perhaps there can be no conclusive generalization.

Unlike filibusters common in some legislative bodies, Florida limits the amount of time each member can debate. A member proposing the matter before the body has an additional few minutes to close.

Each house provides a method for additionally limiting debate. The House by majority vote may

limit debate to 10 minutes per side or a shorter time as stated in the motion. The Senate, by a two-thirds vote, may limit debate to the amount of time stated in the motion. In each house, the introducer has the right to close.

The House has an additional means of restricting debate: a motion for the previous question. This motion requires only a majority vote for adoption. If adopted, it has a guillotine result, cutting off all further debate (except for a stated number of minutes, divided among proponents and opponents) and the offering of any further amendments or motions on second reading. The previous question itself cannot be debated.

The motion for the previous question requires the exercise of judgment by its maker and by the presiding officer, for the House occasionally is offended by its application. The Speaker attempts to judge the mood of the House before accepting the motion, for the abrupt cessation of debate or the opportunity to offer further amendments may irritate members who feel they are being deprived of a right.

An anomaly of floor consideration, particularly in the leisurely early days of a session, is that the shorter the bill the longer the debate. Gene Ready, a Polk County Representative from 1976 to 1984, said he learned this when he sought to pass a bill naming a Polk community “the blue grass capital” of Florida. A floor amendment struck “blue,” which would have caused the community to be designated the marijuana center of the state. The debate went on until the embarrassed Ready finally withdrew the legislation. Years afterward Ready said, “I learned that day never

to introduce a one-page bill.” That same session he sponsored a plant-siting bill of some 300 pages, and not a question was raised beyond a colleague or two privately seeking his assurance the bill was sound.

### Reconsideration

After the final passage of a bill, any member who voted with the prevailing side may move for reconsideration of the vote on that or the succeeding legislative day.

This has the effect of holding the bill in suspense until the vote has been reconsidered. Generally speaking, no question may be reconsidered twice. If twice offered in the House it requires a vote of unanimous consent.

In practice, this motion is used both by proponents and opponents of a measure.

Proponents will move for immediate reconsideration of a vote just taken as a means of disposing of the last parliamentary means of delaying the bill.

### Filibusters

Practically speaking, it is no longer possible for one or two legislators to filibuster. If members wish debate to end, they possess the means to bring that about in a reasonably short time. The longest filibuster on record in Florida occurred in the House in 1931 when Representative John E. Mathews of Jacksonville held the floor for a cumulative total of approximately 19 hours over three days, from May 27–29. His longest day was the 28th, when he was on



*Senator Van Poole, R-Fort Lauderdale, tugs on the mike cord of Senator Pat Neal, D-Bradenton, as Neal reads from a Tampa phone book during his filibuster of the proposed pipeline bill, 1982.*

Photo by Donn Dughi

his feet for some seven and three-quarter hours. This filibuster, over allocation of gasoline tax revenue to counties, resulted in a stalemate, which was a victory for Mathews. The filibuster also ended in a flurry of swinging fists.

(For other memorable filibusters, see *Reconsiderations*, compiled by Allen Morris and published by the Florida House of Representatives.)

### Sunset and Sundown

*Sunset* and *Sundown* are similar processes in that both involve the automatic repeal of various provisions of the *Florida Statutes* establishing state agencies, unless legislative scrutiny demonstrates a continued need.

The most significant use of Sunset occurred in 1980 when laws relating to the Public Service Commission's regulation of trucks and buses were allowed to lapse.

The guillotine-like nature of Sunset has caused a number of professions and occupations to accept revision of their laws rather than allow their regulatory laws to expire.

Sunset reviews focus on the need for, and the effectiveness of, a *regulatory* function carried out by a state agency, while Sundown reviews focus on the continued need for *advisory* bodies—boards and commissions that are adjunct to executive agencies.

The systematic and periodic repeal of designated statutes began in Florida with the Regulatory Reform Act of 1976 (ch. 76-168, Laws of Florida). The concept, however, was not new. During President Franklin Roosevelt's administration, William O. Douglas, chairman of the Securities and Exchange Commission, proposed to the President that every federal agency be abolished in 10 years. Although the President is said to have been delighted at the idea, it was never implemented.

In 1975, the Colorado chapter of Common Cause proposed that regulatory agencies come up, on a rotating basis, for periodic review by the Legislature. If their existence could not be justified, "the sun would set on them." Colorado's idea became the nation's first Sunset law in 1976. The following year, Sunset reviews were conducted on 13 of Colorado's regulatory agencies.

Florida became the second state to enact a Sun-

set law with the passage of the Regulatory Reform Act of 1976, which scheduled 37 prospective repeals July 1, 1978, and continued extensive repeals July 1, 1980, and July 1, 1982. No reviews were ever conducted under this law as enacted. Subsequent laws extended the six-year cycle of review to 10 years.

The reopening of regulatory laws through Sunset has afforded foes of the status quo an advantage. In 1986, contention between optometrists and ophthalmologists necessitated a special session of the Legislature.

*Sunset* concerns the periodic review of statutes controlling departments and agencies that exercise the state's power for regulation. *Sundown* involves the systematic review of the need for boards, committees, commissions, and councils created by statute as adjuncts to executive agencies. Agencies under either Sunset or Sundown are automatically terminated by specified dates unless their life has been extended by legislative action.

As part of the Florida Government Accountability Act, the 2006 Legislature created the Legislative Sunset Advisory Committee to regularly review and make recommendations to abolish, continue, or reorganize every state agency. Consultation with the committee is required before creating new agencies.

### Lobbying

*"The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances."*

Florida Constitution, Article I, Section 5

The right to communicate with their lawmakers is a right guaranteed to the people by the Constitutions of the United States and the State of Florida.

Florida Statute 11.045 (paraphrased) defines a lobbyist in this language:

Lobbyist means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

Lobbying means influencing or attempting to

influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of legislative lobbyists. The rule may provide for the payment of a registration fee, or for exemptions from registration or registration fees.

Each lobbying firm and each principal shall preserve for a period of four years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by legislative subpoena of either house of the Legislature, and the subpoena may be enforced in circuit court.

Reporting statements shall be filed no later than 45 days after the end of each reporting period and shall be open to public inspection. Reporting statements must be filed by electronic means as provided in s. 11.0455, F.S.

Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any

material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature.

During a 2005 special session, the Legislature passed SB 6B, a blanket prohibition on lobbyists making “any expenditure” while lobbying a lawmaker or legislative employee, “except floral arrangements or other celebratory items given to legislators and displayed in chambers the opening day of a regular session.”

During the 2013 Regular Session, the Legislature passed SB 2, an ethics bill that, among many other things, prohibited former legislators from lobbying the executive branch for two years after vacation of office, amended the gift and honoraria acceptance provisions of the Code of Ethics, and increased the power of the Commission on Ethics.

## The House Chamber

The House Chamber of the Capitol is octagonal in shape and spans 6,400 square feet, measuring 82 feet by 82 feet at its longest and widest points. The domed ceiling is 44 feet high at the center and composed of triangular sections of acoustical panels with plaster edges. The member level is on the fourth floor of the Capitol, and the gallery, including the press box, is on the fifth floor.

The 2000 House convened in a newly renovated Chamber. The teak walls, rostrum, and desks were replaced with mahogany. New blue carpet, with the Great Seal of Florida in the forefront, tufted leather chairs and a 1,700 pound faux alabaster chandelier softened the look of the formerly austere Chamber.

The Speaker’s rostrum occupies the highest point on the floor in recognition of the importance of that office.

Directly below the Speaker’s rostrum is the Clerk’s desk. There bills and amendments are read to the House, actions recorded, and notes taken from which the daily *Journal* is compiled.



Photo by Donn Dughi

Children lobby against corporal punishment outside of the Senate Chamber, 1985. From left: Melanie Ford, Akil Melchoir, and Stacy Jones.





Photo by Meredith Geddings

*House members, former House leaders, and special guests of the 2010 Organization Session listen as Speaker Dean Cannon sets the tone for the upcoming legislative term.*

The lectern in front of the Clerk's desk is known as "the well." Members may ask to approach the well to address the House on a matter of particular importance.

With the renovation a new voting system and wireless communication system were added, the latter of which allows members to take laptop computers from the chamber to computer ports in committee rooms and their offices.

The glass was removed from the spectator galleries and hardwood pews added to increase the seating capacity from 265 to 280.

A stadium-style overhead television screen gives an unobstructed view of bill texts and amendments and can also display PowerPoint presentations, films, scenes from the floor, and remote broadcasts from House committee rooms.

The House Speakers' portraits hang below the galleries.

John Thrasher, House Speaker (1999-2000), commissioned Tarpon Springs artist Christopher M. Still to paint eight murals depicting historic themes, each 48 by 126 inches, to occupy the space below the portraits. Two panels were completed before the end of the 2000 session, and six more were completed in 2001. These eight tell the story of Florida's history, beginning with a scene of native people and the first arrival of European explorers and ending, full

circle, with a space shuttle lift-off carrying explorers into space. Each mural is packed with details, actual and symbolic, that show what Florida is and what it is to be Floridian. Two additional murals, 56 x 158 1/4 inches, were added to the rear of the Chamber later. One shows a coral reef ecosystem and the other a spring, but both are striking depictions of two of Florida's great resources, its water and the wildlife within.

## The Senate Chamber

Across from the House Chamber on the Capitol's fourth floor, the Senate Chamber is 62 feet square and, like the House, also has a circular gallery on the fifth floor, all resting under a dome of geometric panels that rises 45 feet above the Chamber floor.

The walls, the Senate President's rostrum, the Senate Secretary's desk, and the senator's desks are all from the same flitch (tree) of ebony, matched for continuity of wood grain and coloration.

Voting boards on either side of the wall behind the President's rostrum display yea and nay votes, the number of the bill or amendment being debated, and other information related to the proceedings. Like the House, the Senate's voting system is completely electronic.

The Senate automation system allows Sena-

tors the flexibility of accessing information from their Tallahassee offices and in the Chamber on their laptop computers. Telephones link the senators with their offices.

Lighting in the dome fills the Chamber with evenly diffused light while occasional spotlights point to the room's important features. Speakers at each senator's desk spread sound evenly throughout the Chamber so that volume is as uniform and diffused as the light.

Above the main entrance is the press gallery. The remainder of the gallery is open to the public, except for a portion reserved for the senators' families.

Below the gallery hang portraits of Presidents from the last 100 years. They are arranged in chronological order with the most recent one on the current presiding officer's right.

### The Way it Was

The legislative chambers were not air-conditioned until 1939.

Purchase of electronic voting equipment for the House Chamber was authorized in 1937 and first used in 1939. The Senate stayed with voice voting until 1966.

Microphones were not added to House members' desks until 1957; before that members went to

the well (a lectern in front of the Clerk's desk) to use a microphone there.

Press Corps members sat on the floor of each Chamber at tables to the side of the Clerk's and Secretary's desks. In 1962, reporters moved into glassed-in sections on the floor called bubbles. With the move to the new Capitol chambers in 1978, the Press moved to designated sections of the gallery level of each house.

Secretaries and aides worked beside their bosses on the floor of each Chamber until 1973, when the Senate and House office buildings were completed.

Computers to display the text of amendments were installed on House members' desks in 1991, the first such system in any state legislature. Members use computers in their district and Tallahassee offices, as well as mobile devices while on the go, to stay on top of legislative business.

### Open Doors

The Florida Constitution (Article III, Section 4(b)) says, "Sessions of each house shall be public; except sessions of the senate when considering appointment to or removal from public office may be closed."

Generally, this means the public may be admitted during sessions to the galleries overlooking the Senate and House chambers. The public has, on oc-



*Interior view of the Florida Senate Chamber in its current state.*

Photo by Darryl Jarmon

casion, been excluded from the galleries when the chambers were being used for non-legislative business, including party caucuses.

In 1967, the Senate began the open consideration of gubernatorial appointments or suspensions. This reversal of custom followed public outcry over an incident on January 26, 1967, when four newsmen refused to leave the Senate Chamber because they suspected the secret session was for a purpose other than the consideration of appointments or suspensions, the *only* constitutional justification for closing the door to non-senators. Secrecy had been enforced

by a Senate rule for expulsion of a senator who told what was discussed in an executive session.

The four news-making newsmen were Don Pride of the *St. Petersburg Times*, Rex Newman of the John H. Perry newspapers, and John McDermott and William C. Mansfield of the *Miami Herald*. “It was a snap decision,” wrote Pride at the time. After much furor, the newsmen were physically ejected by deputies of the Senate Sergeant at Arms.

In 1990, voters expressed their desire for more open meetings of public officials by approving a constitutional amendment extending application of the Sunshine Law, which applied to local school boards and county commissioners, to the cover Legislature as well. The amendment specifically requires prearranged meetings between more than two members of the Legislature, the Governor, the House Speaker, or Senate President, at which official acts are to be taken or at which public business is to be transacted or discussed, to be noticed and reasonably open to the public. In April 2001, Lucy Morgan, capital bureau chief for the *St. Petersburg Times*, observed that the “leaders of our Legislature since 1990 have mostly honored the wish of voters and provided notice and access to their joint meetings, but serious negotiations are going on behind closed doors and in whispered conferences away from the prying eyes and ears of those who spend their days and nights trying to figure out what is going on, and that the symbol to best describe the 2001 Legislature would be a closed door.” In the wake of the September 11, 2001, terrorist attacks, the Senate, with little debate and no recorded vote, weakened the secret-meeting rule by adopting a rule allowing closed committee meetings when matters relating to terrorism are discussed.

“All records, research, information, remarks, and staff work products” compiled during a closed meeting, or prepared for discussion in an executive session, would be sealed for 30 days or longer if the Senate president decided they needed to remain secret. Attorney Barbara Petersen, president of the First Amendment Foundation, said giving Senate Presidents sole discretion might lead to abuse if a presiding officer wanted to throw a “security blanket” over anything that might embarrass the Senate. “I hope they wouldn’t abuse it, but it’s possible. How will we ever know if they do, and what can we do about it?”



Photo by Mark T. Foley

*House security officer Al Whitfield surveys the remnants of the House Chamber after workers stripped it in preparation for destruction, 1978. The Legislature appropriated more than \$7 million to dismantle and gut the inside of the building, demolish several recent additions, and restore the 1902 portion of the Capitol*

## Television Coverage

Since 1973, Florida Public Television has aired an overview of each regular and special session day in a show called *Today in the Legislature*.

Beginning on March 5, 1996, WFSU Television, with Florida Public Television, aired gavel coverage of the legislative chambers, augmented by selected committee meetings and other state government programming. The coverage was seen statewide on The Florida Channel. With the regular session of 1998 came the premiere of *Capitol Update*, a daily half-hour news program summarizing the daily action of the Legislature.

With an additional million-dollar appropriation from the Legislature to buy equipment and hire staff, The Florida Channel, in October 2002, launched year-round, 24 hours a day, seven days a week coverage of all three branches of government. Florida is the first state to offer such a programming schedule, with much of it live and unedited.

In addition, the House website, [www.myfloridahouse.gov](http://www.myfloridahouse.gov), and Senate website, [www.flsenate.gov](http://www.flsenate.gov), both offer live streaming video of legislative sessions and committee meetings, as well as video and audio archives. In this way, Florida serves a model state for legislative transparency.

## United States Senators

On May 31, 1913, the 17th Amendment to the United States Constitution deprived state legislatures of their former right to elect United States senators. However, the Florida Legislature had recognized the voters' choice since statewide primaries commenced in 1902.

## Impeachment

The following officials are removable from office by impeachment: the Governor and Lieutenant Governor; administrative officers of the executive branch (referred to generally as the "Cabinet"); Justices of the Supreme Court; and Judges of the Courts of Appeal, Circuit Courts, and County Courts (In the case of judges, an additional method of removal exists through the judicial qualifications commission. See Article V, Section 12 of the Florida Constitution).



Photo by Al Galbraith

*A flurry of papers in the Senate press gallery, 1977.*

The House of Representatives possesses the exclusive power to vote articles (or charges) of impeachment, and the Senate to try those who have charges against them. The Constitution was amended in 1962 to allow the Speaker to appoint a committee to investigate alleged grounds for impeachment at any time, either during or between legislative sessions. This was an outgrowth of the Holt impeachment of 1957, when considerable time was diverted from some members' regular legislative duties because of the preliminary investigation of charges. It was felt then that means should be provided for making such inquiries when the Legislature was not in session. The Senate already possessed the right to meet as a special court of impeachment at any time within six months after the House brought its formal charges.

A vote of two-thirds of all members present of the House of Representatives is required to impeach any officer, and no accused person may be convicted by the Senate without the concurrence of two-thirds of the Senators present.

The Chief Justice presides at trials by impeachment except in the trial of himself, when the Governor presides.

Judgment of impeachment extends only to removal from office and disqualification to hold any office of “honor, trust or profit” of the state, but the accused officer, whether convicted or acquitted, is liable to criminal trial and punishment (Florida Constitution, Article III, Section 17(c)).

### Articles of Impeachment Voted On

Articles of impeachment have been voted six times by the House of Representatives and in three cases carried to a vote in the Senate.

The first completed case was the trial of Circuit Judge George E. Holt of Miami in 1957. Judge Holt had been accused by the House of bringing his court into disrepute, mainly through the awarding of fees which were claimed to be excessive. The Senate returned to the Capitol on July 8 and sat as a court for 23 working days before voting on August 15. The vote was 20 to 14 against Judge Holt, but since the concurrence of two-thirds of the Senators voting was necessary to convict, Judge Holt was acquitted by three votes.

The second court of impeachment saw the Senate, sitting for twelve working days in September 1963, dismiss eight articles brought against Circuit Judge Richard Kelly of Dade City. The House had, in sum, accused Judge Kelly of pursuing a “continuous course of conduct calculated to intimidate and embarrass” lawyers, officials, and others mainly in Pasco County. The House voted to impeach him twice. The first vote fell seven votes short of impeachment, but after reading Kelly’s comments in the newspaper the next day, the representatives reconsidered and sent him to the Senate for trial. The Senate voted 23 to 20 to terminate the trial after hearing witnesses and the arguments of prosecution and defense.

### First Impeachments

The first impeachment proceeding involved Circuit Judge James T. Magbee of Tampa, a Confederate soldier turned scalawag. He was charged with a variety of offenses that Chief Justice Glenn Terrell, who presided at the Holt trial, characterized as “a little bit frivolous” in retrospect. The House voted the articles two days before the adjournment of the 1870 Regular Session and the Senate did not get around to

acting until a special session the same year. By that time, the House moved to discontinue the prosecution and the Senate, meeting again in January 1871, agreed to do so.

The House voted 16 articles of impeachment against Governor Harrison Reed in February 1872,



*Governor Harrison Reed*

charging him with misapplication of public funds and with receiving unlawful compensation. The Senate organized as a court but adjourned without a trial during the regular legislative session. At a special session in May, counsel for the Republican Governor asked the Senate to acquit him on the grounds that the Senate had adjourned

its regular session without proceeding to try him, that the special session lacked jurisdiction, and that the Governor’s term would expire before the next regular legislative session. The Governor’s motion to discharge was granted by the Senate.

The third attempt to oust a state officer through impeachment was made against State Treasurer C. B. Collins in 1897. The House voted nine articles accusing him of mishandling public funds. The Senate organized as a court on May 28 and adjourned ultimately to June 4 when they learned Treasurer Collins had resigned.

Articles of impeachment were introduced against Governor Fuller Warren by a 1951 House member, but these were rejected as legally insufficient by a special committee whose finding was sustained by the House.

### Adams Censure

After 75 years without blemish, the “roof fell in,” as one observer phrased the situation, on the Cabinet and Supreme Court in the 1970s.

Articles of impeachment were brought against Lieutenant Governor Tom Adams, with a House committee accusing him of “misconduct and misdemeanor” through the improper use of state employees under his jurisdiction. On May 17, 1973, the House voted 61 to 55 on the articles, the resolution of impeachment failing of the constitutional two-thirds

vote of the members present. A resolution of censure, based upon the same articles, was then adopted by a vote of 88 to 26. Nine of the nay votes were cast by Representatives who recorded their belief the House lacked the constitutional authority to censure an officer of the executive branch.

These problems at the highest level of state government ended with Governor Reubin O'D. Askew removing Adams as secretary of commerce and dropping him from his reelection ticket. Adams subsequently lost bids for election as Governor and as state senator.

### **Resignations**

U.S. Senator Edward J. Gurney resigned at the end of his term in 1974 because of federal and state grand jury investigations involving \$300,000 in unreported campaign funds and alleged kickbacks for federal housing contracts in connection with fundraising on his behalf.

After an investigation by a House committee and a grand jury, Commissioner of Education Floyd T. Christian resigned April 25, 1974. His resignation came as the committee prepared impeachment articles. Christian had been indicted on 19 counts of bribery, conspiracy, and perjury after the grand jury's inquiry into his handling of state contracts. Christian pleaded no contest to the state charges and was sentenced to seven years of probation and fined \$11,000. On a federal income tax evasion charge, Christian served six months at the Eglin prison.

State Treasurer Thomas D. O'Malley resigned July 29, 1975, after having been impeached by the House on June 2. The House voted nine articles charging O'Malley with constitutional misdemeanors in office. O'Malley surrendered to federal authorities to serve a three-year prison term after being convicted of extortion and mail fraud. A four-year delay between conviction and imprisonment resulted in part from the temporary inability to locate the court reporter who recorded O'Malley's trial.

Comptroller Fred O. "Bud" Dickinson, Jr., accused of misuse of political contributions, was voted out of office. In addition, Dickinson was fined \$9,382 on an income tax evasion misdemeanor charge and the federal government dropped two more serious

charges. Dickinson agreed to pay nearly \$50,000 in back taxes and penalties.

These scandals had three main results: the creation of the Ethics Commission to monitor the behavior of public officials, voter approval of the constitutional Sunshine Amendment, which prescribes rules of conduct for government officials, and increased popularity of Governor Askew, who championed the amendment.

### **Justices Resign**

During the same session of 1975, two Justices of the Florida Supreme Court, Hal P. Dekle and David L. McCain, resigned while a House committee was investigating separate charges against them. Subsequently, on June 15, 1978, McCain was disbarred by the Supreme Court for "undermining the entire judicial process" by trying to influence lower-court judges for his friends. McCain was the first former member of the Supreme Court to lose his license to practice law. While still a fugitive from federal indictments, McCain died in Jacksonville on November 12, 1986.

### **Conviction of Judge Smith**

The first House impeachment successfully carried through to Senate conviction was that of Circuit Judge Samuel S. Smith of Lake City on September 15, 1978. The Senate convicted Smith on four articles of impeachment, denying him the right to ever again hold a public office of honor and trust.

Smith sought to resign after conviction in federal court on charges of conspiracy to sell 1,500 pounds of marijuana seized by sheriff's deputies in Suwannee County. Governor Reubin Askew refused to accept the resignation. Askew pressed for removal of Smith by the Senate to prevent the judge from claiming a state pension of approximately \$22,000 a year.

The first article taken up by the Senate accused Smith of debasing and degrading the office, bringing the court into "disrespect, scandal, disgrace, discredit, disrepute, and reproach." This was adopted unanimously. Three other articles, specific in nature, were then approved by votes of 32-3, 33-2, and 33-2. In

May, the House had voted 115-0 to impeach Smith. Smith, suffering from a heart condition, did not attend his Senate trial on the advice of his physicians.

### The Phantom Government

The “phantom government” is the title applied to the unauthorized expansion of laws enacted by the Legislature through rules adopted by state agencies.

To control the “phantom government,” the 1974 Legislature created the Joint Administrative Procedures Committee. This committee reviews the rules promulgated each year to determine whether each proposed rule has been authorized by law.

The incident prompting the creation of the Joint Administrative Procedures Committee was the administration by the Department of Environmental Regulation of this exemption from an environmental law: “A private, noncommercial boat dock, provided it is not more than 500 square feet in size.”

That is all the law said. The department, however, on its own, said this exemption applied only if (1) two boats of less than 25 feet or one boat of less than 50 feet were docked, (2) no boxes could be placed for storage of fishing gear, (3) no roof could cover the dock, (4) the dock could not be screened, and (5) the existence of a dock could not be used as grounds for widening the channel to the dock.

There being no basis in the law for these prohibitions, the Legislature at its next session said that the rule-maker had become a lawmaker. The Joint Administrative Procedures Committee was created in answer to public complaints about administration of the dock law and similar situations. In short, this committee conducts continuous oversight of executive branch actions implementing legislatively delegated powers.

### The Court and the Legislature

The independence of the Legislature was reinforced in the 1980s by a series of landmark decisions by the state Supreme Court.

The Justices decided:

Legislative audio and video tapes could not be used in court to impeach the *Journals* of the House of Representatives and Senate since those



Photo by Donn Dughi

*Florida Governor Bob Graham rearranges some papers and chides a reporter who asked if they weren't veto messages he intended to sign, 1986. Graham, who held a press conferences to discuss the upcoming one-day special session of the Legislature, admitted they were.*

tapes never had been recognized by the Houses as official documents. Impeach journal, read title: *State v. Kaufman*, 430 So.2d 904 (Fla. 1983).

Only the House or Senate can determine the eligibility of any person claiming a legislative seat. Eligibility, election of legislators: *McPherson v. Flynn*, 397 So.2d 665 (Fla. 1981), and *Harden v. Garrett*, 483 So.2d 409 (Fla. 1985).

Only the House or Senate may make, interpret, and enforce its own procedural rules in considering whether a rule or law requiring open meetings of committees was violated. Open meetings: *Moffitt v. Willis*, 459 So.2d 1018 (Fla. 1984).

When the Constitution speaks of “reading” the title of a bill, it can mean only sufficient for identification, which may be simply the bill number, such as SB 1234 or HB 1234, and the relating-to clause. Impeach journal, read title: *State v. Kaufman*, 430 So.2d 904 (Fla. 1983).

The Governor’s selective veto may extend beyond the general appropriations bill to any bill with two or more appropriations, so that provision for an appropriation may be stricken without nullifying the remainder of the bill. Appropriations,

veto: *Thompson v. Graham*, 481 So.2d 1212 (Fla. 1985), and *Brown v. Firestone*, 382 So.2d 654 (Fla. 1980). See also: *Florida Defenders of the Environment v. Graham*, 462 So.2d 59 (Fla. 1st DCA 1984), and *Department of Education v. Lewis*, 416 So.2d 455 (Fla. 1982).

Constitutional ambiguities aside, the Governor has 15 days to veto a bill presented by the Legislature after *sine die* adjournment, from the time of presentation. The Supreme Court took notice of the fact that the Legislature presented 60 percent of a session's bills, including the omnibus general appropriations bill, after adjournment. Presentation after adjournment: *Florida Society of Ophthalmology v. Florida Optometric Association*, 489 So.2d 1118 (Fla. 1986). Miscellaneous matters: Special sessions: *Florida Senate v. Graham*, 412 So.2d 360 (Fla. 1982). Reapportionment, elections: In re Apportionment Law, 414 So.2d 1040 (Fla. 1982).

In 1998, the Supreme Court ruled in the case brought by Lawton Chiles, as *Governor v. John B. Phelps et al.*, that during a special session the Legislature could not be required to consider all bills vetoed after adjournment of a regular session.

### **Resign to Run Law**

Florida's Resign to Run Law (s. 99.012, F.S.) serves two purposes: it prevents an officer from using his present office to seek another, and it also spares the taxpayers the expense of having to finance special elections when an incumbent officer is elected to another office.

The law applies only to elected or appointed officers and not employees. Almost all elected officials are officers who share some of the sovereign responsibilities. The difficult question is determining whether an appointed person is an officer. A deputy to an officer, who has many of the powers that the officer has, is an officer for the purposes of the Resign

to Run Law. However, an employee working in an officer's office, and who works at the officer's direction but makes no major decisions, is an employee and not an officer.

Basically, the Resign to Run Law provides that a candidate may not qualify for more than one office at a time, but this does not apply to people qualifying for political party office. A candidate may not qualify for another office if the terms of office are concurrent or overlap unless the candidate resigns from the office that he presently holds. The resignation, except for people qualifying for federal office, must be submitted no later than 10 days prior to the first day of qualifying. An office-holder qualifying for federal office must resign no later than when he qualifies for federal office. The resignation must be effective the earlier of one of two dates: when the office-holder assumes office, if elected, or when his successor takes office.

The 2007 Legislature changed the law to allow state and local officials to run for the U.S. House, the U.S. Senate, President, or Vice President without having to resign. The wording also allows them to run for the federal positions while simultaneously running for reelection to their current posts.

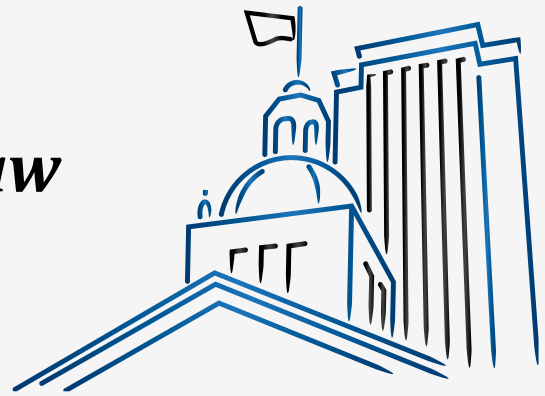
Any resignation submitted pursuant to the Resign to Run Law must be irrevocable. There is an exception in the law for officers serving as members of an appointee board of authority and who serve without salary. Such persons do not need to resign to run for another office.

Officers who are subordinates, deputy sheriffs, or police officers do not need to resign unless running against their "boss." However, such persons must take a leave of absence without pay during the period they are seeking election to public office.

In addition, officers who are subordinates, deputy sheriffs, or police officers may choose between submitting an irrevocable letter of resignation or taking a leave of absence without pay from their employment during the period they are seeking election.



# How An Idea Becomes A Law



## Idea

A citizen, group, or legislator has an idea for a new law. A Representative then decides that the idea should be a bill.



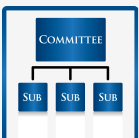
## House Bill Drafted

The Representative (also called a Member) contacts House Bill Drafting Services and requests a bill to be drafted. The Member may provide very detailed instructions or just the general idea. A staff member, called a "bill drafter," will work with the Member and his or her staff until the Member is satisfied and a final draft is approved. Once approved, the idea receives a bill number (odd numbers only in the House) and is called a bill for the first time.



## 1st Reading is by Publication in the House Journal

In accordance with Article III of the Florida Constitution, all bills must be read three times before being voted on. The 1st Reading is by publication of the bill number, its sponsor, and a short one paragraph description of the bill, called a title, in the House Journal. The Speaker will also refer the bill to one or more committees or subcommittees in the House. Committees and subcommittees are groups of Members appointed to review specific areas of government such as education, criminal justice, and agriculture, to name a few.



## House Committee or Subcommittee Meeting

Once a bill is referred to a committee or subcommittee, it is reviewed for inclusion on an agenda. The Chair of the committee or subcommittee will decide which bills should be heard. In 2010, of the 843 general bills filed, 488 "died" in a council or committee, never being heard. Once a bill has been heard and voted favorably by all of its committees or subcommittees, it is placed on a House Calendar signifying that it is available for 2nd Reading.



## 2nd Reading on the Floor is by consideration of the Special Order Calendar

Once a bill is on the House Calendar, that does not mean that the bill will be heard on the floor. The House has a special committee called the Rules & Calendar Committee that will determine when and if a bill will be sent to the floor for 2nd Reading. These bills are placed on a recommended Special Order Calendar. Each Special Order Calendar is voted on prior to the House considering those bills on a specific legislative day. Once a bill has been introduced and read on the Special Order Calendar, it is explained, questions are answered about the bill, and amendments are considered. This constitutes a bill's 2nd Reading.



### 3rd Reading on the Floor by consideration of the 3rd Reading Calendar



After a bill has been read a second time on the Special Order Calendar, it is taken up on 3rd Reading, generally, on a subsequent legislative day. This is the final reading of the bill prior to being voted on. Once a bill's title has been read a third time, it is explained again, questions are again permitted, and amendments may be offered; at this point, amendments 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. The bill is then voted on by the Members of the House. Any bill not receiving a favorable vote "dies" on the floor.



### Senate Consideration



Once the bill is passed by the House, it is sent to the Senate with a "message." The Senate's process varies slightly from the House's process. The Senate may vote to pass the bill without amendments and return the bill to the House, refer the bill to a committee for consideration, or defeat the bill on the Senate floor. The Senate may decide to further amend the bill and pass it. If this happens, the bill is returned to the House.



### Return to the House



If the House has received a House bill having been passed by the Senate without amendments, it puts the bill in its final form called an "enrolled" version. The enrolled version of the bill is then sent to the Governor for consideration. If the Senate has further amended the House bill, it is returned to the House for consideration of the Senate amendments. This "back and forth" consideration of the bill is an attempt to perfect the bill's language by working out the differences, but generally ends after several exchanges by each side. At any time, either the Senate or the House may decide to abandon the effort of reaching a compromise and the bill dies. If the issue is important enough, however, the House and Senate may agree to appoint a conference committee comprised of Representatives and Senators to work out the details of the bill.



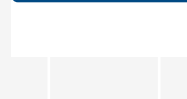
### Consideration by the Governor



Generally, if the Legislature is in Session and has sent the Governor a bill, he/she has seven days to consider the bill while the Legislature remains in Session. If the bill is received after the Legislature has adjourned "sine die" (the 60-day Session has ended), the Governor has 15 days to consider the bill. The Governor may take one of three actions: sign the bill into law, allow the bill to become law without his signature, or veto the bill. If the Governor vetoes the bill, the Legislature may override his/her veto by a 2/3 vote of the Legislature during the next Session.



Key Point: At any point of consideration, the bill may "die" for that legislative session, which means it will no longer be considered.





# The Legislator



Photo by Meredith Geddings

Meeting of the Higher Education & Workforce Subcommittee, House of Representatives, 2011.

Why did the fledgling lawmaker seek election?

The authority on American legislatures and legislators is Alan Rosenthal, director of the Eagleton Institute of Politics at Rutgers University. In his book *Legislative Life*, he explores the question of a legislator's motivation. This is his summation:

For many people politics is interesting and the job of being a legislator strikes them as worthwhile. For many the prestige of being elected, or of holding office, and of being one of a relative few is appealing. For many the chance to serve the public, to accomplish something in the public interest, to do good is of major importance. A number believe they can do a better job than those already in office. For some, there is an overriding issue, a particular philosophy, or a special interest

that has to be promoted. For many the prospect of exercising power, of being in command or control, has great appeal. For nearly all, in some way or another, politics is an “ego trip,” a means of receiving approval, support, and attention. For most of them, there is no single reason, but rather a combination that impels them toward legislative office.<sup>1</sup>

Or, as Stimson Bullitt wrote in *To Be A Politician*, “Men and women are drawn into politics by a combination of motives: power, glory, zeal for contention or success, duty, oblivion, hate, hero worship, curiosity, and enjoyment of the work.”

Rosenthal summarized the urge to hold elective office in these words: “Until you’ve been in politics you’ve never really been alive ... it’s the only sport for grown-ups—all other games are for kids.”<sup>2</sup>

## Significance: The Key Word

A perceptive Florida witness to the phenomenon of politics was Fuller Warren. Warren served in the Florida House of Representatives from two different counties—one rural and one urban—and had been defeated as a candidate for Governor before being elected in 1948. As Governor-elect, he stated his view of politics:<sup>3</sup>

I believe I know why people get more intensely interested in politics than they do in any other hobby or recreation such as bridge, baseball, horse racing, stamp collecting or even fishing.

I think the key word is *significance*.

Yesterday's bridge game is forgotten today, or tomorrow at the latest. Yesterday's baseball game is only a topic of conversation today and the same thing holds true of a horse race or a golf match.

None of these events affect those who do not actually participate in them, except to give the non-participants something to talk about. The baseball fan is disappointed if his favorite team loses but this feeling passes quickly when the same team wins. Even if he has wagered and lost, the effect is transitory and soon forgotten.

But government is a different matter. A single election may have a great effect on the personal lives of every one of us.

## Why One Man Ran

Florida Representative Frank Williams had no doubt why he ran for the House. He appeared before the House Governmental Organization and Efficiency committee at the 1972 session as director of civil defense for Bradford County, seeking greater legislative recognition of that program. He had waited three days to read a prepared statement running about three minutes. Unhappily, it was Commissioner of Agriculture Doyle Conner's legislative appreciation day at the Fairgrounds and since the clock was pushing 5 o'clock and the members were anxious to leave, the committee granted Williams one minute, interrupted with questions, and then cut him off as he exceeded the minute.

In exasperation, Williams asked: "What does an average citizen have to do to get heard by this

committee?" A member, Colonel William L. Gibson, responded: "Son, I suggest you be a member of the Legislature." Williams instantly decided he would do just that and exited with this parting remark to the committee, "Well, fellows, I'll see you in November," which he did at the organization session in November of that year. He was appointed to the re-named Governmental Operations Committee.

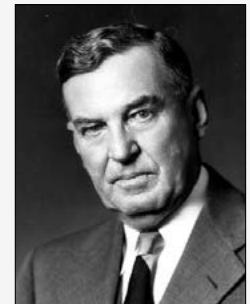
## Professions in Legislature

The typical member of the Legislature is not a lawyer. Lawyers are a minority whose numbers have been decreasing from highs in 1939 (House) and 1949 (Senate) and reached an all-time low in 1997–1998. In the 2013 House, while attorney is the most frequently named profession at 30 members, their total is far outnumbered by members in business, education, consulting, and construction, which together total 54.

## Tenure

Once, the typical House member could look forward to spending at least three or four two-year terms representing their district.

Monticello Legislator S. D. Clarke's record of 40 years of service (four in the House and 36 in the Senate, 1907-1909, 1931-1966) will likely stand since the 1992 constitutional amendment limited the terms of officials elected statewide to eight years. Since then, in the House, the average number of years of incumbent service has dropped from approximately eight to less than four per member.



S.D. Clarke

## Single-Member Districts

Beginning with the elections of 1982, candidates for the Legislature have run in single-member districts. Because single-member district incumbents have more name-recognition among their constituents than legislators of states that use multi-member districts, incumbents here have more of an edge in seeking reelection.



*House Transportation & Economic Development Appropriations Subcommittee, 2011*

Photo by Meredith Geddings

### Value of Incumbency

Few House members are defeated for reelection. According to internal House statistics, between 1968 and 2012, the percentage of incumbents running for reelection who were successful ranged from 82 to 97 percent with over 90 percent in most election years.

In 2011, two of the three cabinet officers and 19 of the 27 members of Florida’s congressional delegation (both U.S. Senators and 17 of the 25 U.S. House members) had previously served in the Florida Legislature.

### Characteristics of Members of Florida Legislature 2013-2014

	House—120		Senate—40	
	House No.	(%)	Senate No.	(%)
<b>Sex:</b>				
Male	92	(76.7%)	28	(70%)
Female	28	(23.3%)	12	(30%)
TOTAL	120		40	
<b>Ethnic Classification:</b>				
White	85	(70%)	30	(75%)
Black	21	(18.3%)	6	(15%)
Hispanic	14	(11.7%)	4	(10%)
TOTAL	120		40	
<b>Percentage of Florida and Non-Florida Natives:</b>				
Florida Natives	64	(53.3%)	18	(45%)
Non-Florida Natives	52	(43.3%)	22	(55%)
Not reported	4	(3.3%)		
TOTAL	120		40	
<b>Service:</b>				
Incumbents	74	(61.7%)	25	(62.5%)
Freshman	46	(38.3%)	15	(37.5%)
TOTAL	120		40	

### Political Party Representation in Legislature

House	Year	Democrats		Republicans		Total
	1945	(95)	100%	(0)	0%	95
	1947	(94)	98.9%	(1)	1.1%	95
	1955	(89)	93.7%	(6)	6.3%	95
	1965	(102)	91.1%	(10)	8.9%	112
	1975	(86)	71.7%	(34)	28.3%	120
	1985	(76)	63%	(44)	37%	120
	1995	(63)	52.5%	(57)	47.5%	120
	1997	(59)	49.2%	(61)	50.8%	120
	1999	(48)	40%	(72)	60%	120
	2001	(43)	35.8%	(77)	64.1%	120
	2002	(43)	35.8%	(77)	64.1%	120
	2003	(39)	32.5%	(81)	67.5%	120
	2004	(39)	32.5%	(81)	67.5%	120
	2005	(36)	30%	(84)	70%	120
	2007	(42)	34%	(78)	65%	120
	2009	(44)	36.6%	(76)	63.3%	120
	2011	(39)	32.5%	(81)	67.5%	120
	2013	(44)	36.6%	(76)	63.3%	120

Senate	Year	Democrats		Independent		Republicans		Total
	1945	(38)	100%	-0-		-0-		38
	1953	(37)	97%	-0-		(1)	3%	38
	1965	(42)	95.5%	-0-		(2)	4.5%	44
	1976	(30)	75%	(1)	2.5%	(9)	22.5%	40
	1985	(31)	78%	-0-		(9)	22%	40
	1988	(25)	63.5%	-0-		(15)	32.5%	40
	1990	(23)	57.5%	-0-		(17)	42.5%	40
	1991	(20)	50%	-0-		(20)	50%	40
	1995	(18)	45%	-0-		(22)	55%	40
	1997	(17)	42.5%	-0-		(23)	57.5%	40
	1999	(15)	37.5%	-0-		(25)	62.5%	40
	2001	(15)	37.5%	-0-		(25)	62.5%	40
	2002	(15)	37.5%	-0-		(25)	62.5%	40
	2003	(14)	35%	-0-		(26)	65%	40
	2004	(14)	35%	-0-		(26)	65%	40
	2005	(14)	35%	-0-		(26)	65%	40
	2007	(14)	35%	-0-		(26)	65%	40
	2009	(14)	35%	-0-		(26)	65%	40
	2011	(12)	30%	-0-		(28)	70%	40
	2013	(14)	35%	-0-		(26)	65%	40

## Pay and Perquisites

Annual pay for members in 2013-2014 is \$29,697. The Speaker and President are paid a base of \$41,181. Perquisites for members include:

- Two or three year-round employees for representatives, and three or four for senators, based on district size. Three employees are authorized for representatives with a satellite office.
- Up to \$2,482 a month for district office expenses of House members. Senators with three employees receive \$2,921; those with four receive \$3,244. The Senate President receives \$3,567 and the Speaker \$3,408.
- Representatives receive subsistence during the session to a maximum of \$7,860. Senators receive subsistence of \$131 per day during session up to the maximum of \$6,550. When not in session, members receive a per diem of \$80 or reimbursement for a reasonable single rate hotel, plus \$36 meal allowance, for authorized travel outside their district.
- Since 1989, computers have been installed in members' Tallahassee and district offices with direct networking. (Computers are returned to the State at the end of service.)
- Reimbursement of 44.5¢ per mile for automobile travel; aircraft travel is reimbursed at the most economical rate available.
- One weekly round trip home during the legislative session. Staff is reimbursed for up to two round trips during regular session.
- Representatives receive an expense allowance of \$9,750, Senators \$9,400, which may be used for telephone toll charges, printing and postage, member and district staff travel, newsletter costs, periodicals, and data processing.
- The Speaker and President each have a \$20,000 contingency fund.

Legislators may enroll in approved group insurance programs. The Legislature pays most of the premiums for state-sponsored dental, long-term disability, basic life, and a majority of the health premium. Representatives pay \$30 monthly for family coverage and \$8.34 for individual coverage. Senators pay \$180 monthly for family coverage and \$50

monthly for individual coverage. Legislators may also participate in the Florida Retirement System for elected state officials.

## A World Unto Itself

The Legislature in session takes on the parochial nature of a small town. When the Orange County commission voted some years ago to publish an advertisement critical of the sponsor of a local claims bill, even opponents of the bill came to his defense. A Broward County representative, Tom Bush, told the House "this is a sovereign body that circles the wagons when a local body begins accusing its members." An Orange County member and opponent of the bill, Representative Richard Crotty, said the House's spirit of camaraderie is violated when an outside force "starts tampering." The House passed the bill that otherwise it likely would have killed.

In Tallahassee, legislators spend most of their time with colleagues. As a political scientist observed after serving as a legislator, a legislature, once convened, is inclined to become a miniature world unto itself. This, wrote Frank Smallwood, despite the fact that "any legislative body is a partial reflection of the larger society it is elected to represent."

## Stepping-Stones

Legislative and congressional aides have used this experience to advantage in seeking election to the Legislature. Three Speakers, Ralph H. Haben, Jr., H. Lee Moffitt, and Ray Sansom, and Senate Presidents Jim Scott and John McKay, came to the Legislature as aides. Other former aides regularly step up to membership. As Alan Rosenthal observes, "Having spent several years helping to organize a district politically and doing favors for people, they are formidable candidates when a seat becomes vacant."<sup>5</sup>

## Qualifying Fee

A major party candidate for the Legislature pays a qualifying fee of 6 percent of the legislative salary of that year. Of the 6 percent, 3 percent is the filing fee, 2 percent goes to the party, and 1 percent shall be transferred to the Election Commission Trust Fund, according to section 99.092, *Florida Statutes*.

## Female Members

Orange County elected the first women to serve in both the House of Representatives and the Senate.

Mrs. Edna Giles Fuller of Orlando spoke for Orange in the five regular and special sessions of the 1929 and 1931 House of Representatives.

Mrs. Beth (George W.) Johnson of Orlando was elected to the Senate in 1962 after having served Orange County in the House. She was first elected in 1957 to fill a vacancy and was reelected to the House in 1958 and 1960.

Interestingly, for five months, there were two Beth Johnsons in the Senate. Mrs. Elizabeth J. (Beth) Johnson of Cocoa Beach, a Republican, was elected in 1966. The Orlando Senator Johnson, a Democrat, had been reelected in 1964. The two served together until the federal court-ordered special general election of March 1967, when Senator Johnson of Orlando was defeated and Senator Johnson of Cocoa Beach reelected.

## Women Presiding

Representative Mary Lou Baker (Mrs. Seale H. Matthews) of Pinellas County presided over the House for the passage of one bill on May 17, 1945, the first woman to do so. Speaker Evans Crary suggested the members address Baker as “Miss Speaker.”

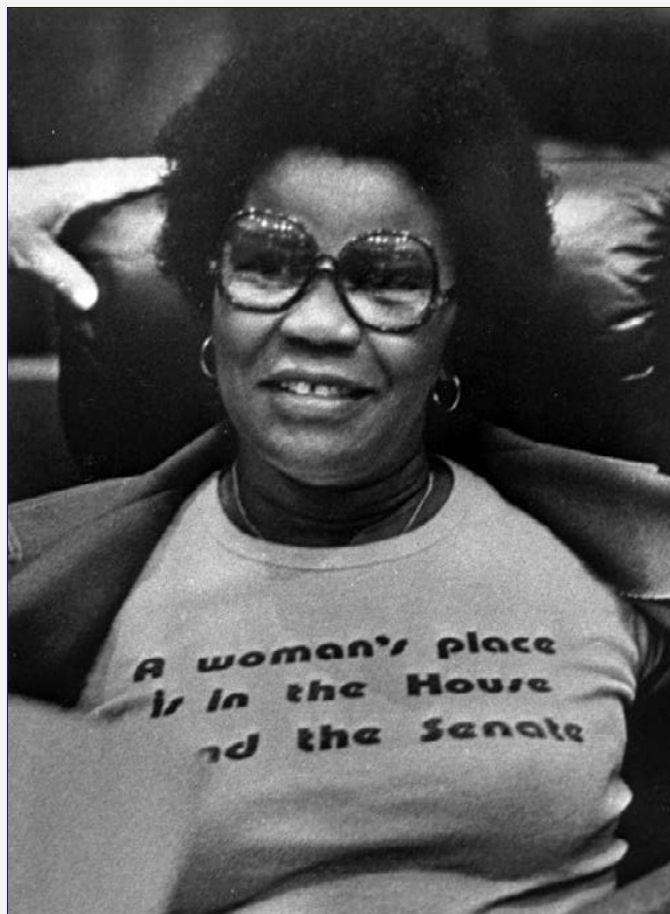


Mary Lou Baker

On November 15, 1966, Senator Beth (Mrs. George W.) Johnson of Orlando, representing the 19th District, was the first woman to preside over the Senate or House by election of the membership.

Senator Johnson was elected as temporary presiding officer at the organization session of the new Senate. She already had served as presiding officer by invitation of the President on May 26, 1965. Baker had similarly served in the House by invitation of the Speaker.

In November 1990, the Senate elected the first legislative woman presiding officer in the state’s history, Gwen Margolis of North Miami, a Democrat. Toni Jennings became the first Republican woman



Florida State Archives

Representative Carrie Meek wore this prophetic t-shirt in the House chamber, 1980. She was later elected to the Senate and then to Congress. Meek was also the first African American woman elected to the Florida Senate.

presiding officer when she was elected President of the Senate in 1996. She was reelected to an unprecedented second term in 1998.

## Political Parties

Until 1997, the membership of the Legislature was predominantly Democratic although adherents of other political parties—Republican, Socialist, Populist, and Whig—had won election over the years.

Some generalizations can be made about political parties in the Florida Legislature. The majority party elects the presiding officers, the House Speaker and the Senate president. These officers appoint the members of committees, including the chairmen. The minority has representation on committees but not necessarily in direct proportion to their membership.



The sweep of 1928, when Republican Herbert Hoover defeated Democrat Alfred E. Smith both nationally and in Florida, carried two Republicans into the Legislature from Pinellas County and one from Manatee County. They were Senator Albert R. Welsh of St. Petersburg, Representative Kenneth W. Kerr of Dunedin, and Representative Lee S. Day of Bradenton. Senator Welsh died after serving one session, and a Democrat was elected to complete his term. Representatives Kerr and Day also served in only one regular session.

Four other Republicans had served in the House early in this century: Lambert M. Ware, from Washington County in 1903, Dr. Henry C. Hood of Palm Beach County in 1917, A. D. Whitman of Hardee County in 1931, and R. Everette Burchard of Hendry County in 1933. A. J. Pettigrew of Manatee County served as a Socialist in the 1907 House.

Republican members ceased to be novelties after Pinellas County sent up an entirely GOP House delegation to the 1951 Session, including Representatives William C. Cramer and Donald C. McLaren of St. Petersburg and B. E. Shaffer of Clearwater. The Republican nature of the Pinellas delegation was rounded out two years later when J. Frank Houghton of St. Petersburg came to the Senate.

The Republicans gained sufficient legislative muscle in 1967 to become an effective opposition, with 20 senators and 39 representatives. This was a sufficient number of senators to uphold vetoes by GOP Governor Claude R. Kirk, Jr.

With minority strength came a greater need for party apparatus: a Minority Leader (corresponding with the majority party's President or Speaker), a Minority Leader *pro tempore* (matching the majority's President or Speaker *pro tempore*), and Whip (the majority's floor leader).

With the November 1998 election, Florida became the first Southern state in this century with a Republican Governor and Legislature.

### The First Republican Woman

A court-ordered reapportionment gave Pinellas County three additional seats in the House of Representatives to be filled at special elections just before convening of the 1963 Regular Session. Mary R. Grizzle of Indian Rocks defeated three other Re-



Florida State Archives

*Legislators being sworn in, 1970. From left: William L. Gibson, Mary R. Grizzle, Lewis Earle, Roger Wilson, and John Savage. Grizzle was the first Republican woman in the Legislature.*

publicans in the primary and a Democratic opponent in the general election. She thus became the first Republican woman to serve in the Florida Legislature. She rarely had opposition after those first elections, and no opponent was successful until 1992.

Her Republican colleagues in the House recognized her in 1974 by electing her as Minority Leader *pro tempore*, and Democratic Speakers recognized her by appointing her to significant committees. In 1976, for example, she was a member of the committees of Appropriations, Education, and Rules & Calendar. She left the House in 1978, won election to the state Senate, and served there until her retirement in 1992.

### A No-Party Legislator

Lori Wilson of Cocoa Beach was first elected to the Senate in 1972 as a no-party Legislator, an independent spelled with a small 'i'. There had been Independents (with a capital 'I') in prior Florida Legislatures but few, if any, who came to the Legislature in modern times with the same no-party determination of freedom. She did not seek reelection in 1978, but in 1988 she did run unsuccessfully as a Republican.

### First Blacks

Joe Lang Kershaw, a Democrat and 57-year-old civics teacher at a Coral Gables junior high school, in 1968 became the first black since 1889 to serve in the Legislature. Dade County voters sent Kershaw to the

House of Representatives where, some 30 years earlier, as a student at Florida A&M University and part time Capitol janitor, he had stood on the Speaker's podium and pretended he was addressing the House. He was defeated for renomination in 1982. Available records indicate the last blacks to serve in the House before Kershaw were George A. Lewis and John R. Scott, Jr., who represented Duval County in the 1889 House.

The first black woman ever to serve in the Florida Legislature, Mrs. Gwen Sawyer Cherry, was elected to the House from Dade County in 1970. She was born in Miami in 1923. A lawyer, teacher, and author, she received her law degree cum laude from Florida A&M University in 1965. One of the first two blacks to serve in the Florida Senate since 1887, and the first black woman ever to serve, was Mrs. Carrie P. Meek of Miami, who first came to the Legislature in 1979, having been chosen in a special election to succeed Cherry. She was nominated without opposition to serve in the Senate after the 1982 reapportionment and elected to the U.S. Congress in 1992. A native of Tallahassee and an educational administrator, Meek earned a bachelor's degree from Florida A&M University, a master's from the University of Michigan, and a doctorate of education from Florida Atlantic University.

The other black elected to the Senate in 1982 was Dr. Arnett E. Girardeau, a Jacksonville dentist. Dr. Girardeau was first elected to the House of Rep-



Florida State Archives

*Gwendolyn Sawyer Cherry (left), first black woman legislator in Florida, and Congresswoman Shirley Chisholm at the Democratic National Convention, Miami Beach, 1972.*

representatives in 1976. A Jacksonville native, Dr. Girardeau earned his bachelor's degree and doctorate from Howard University.

Available records indicate the last blacks to serve in the Senate before Meek and Girardeau were D. C. Martin from Alachua County and Henry W. Chandler from Marion County, each in the 1887 Session.

Lesley Miller, Jr. became the first black Minority Leader when elected to lead the Democrats in the House in 1998.

In 2004, for the first time for either party, both chambers had a black leader. By then a Senator, Miller was Minority Leader and Christopher L. Smith was Minority Leader in the House.

### **Party Affiliation of Blacks Since the Reconstruction Era**

Of the blacks elected to the Legislature since the 1880s, all had been Democrats until John Plummer of Miami, a Republican, served one term in the 1980-82 House. Plummer's election may be regarded as something of a fluke. He avoided photographs and interviews so there was voter confusion with another Plummer, a white Democrat member of the House.

Jennifer Carroll, of Jacksonville, defeated fellow Republican Linda Sparks in April 2003 to become the first black Republican woman elected to the Legislature.

While "since Reconstruction" serves as media shorthand to distinguish the election of blacks to the Legislature beginning with Joe Lang Kershaw in 1968, Reconstruction formally ended in 1876. The "Reconstruction era," however, lasted some years longer.

### **Black Pro Tempore**

James C. Burke, a Miami Democrat, was designated by Speaker Jon L. Mills to serve as Speaker *pro tempore* for the sessions of 1987 and 1988. Burke was the first black to occupy the Chair.

### **Black Caucus**

The first elections from the new single-member legislative districts in 1982 resulted in the seating of

two black Senators and 10 black House members.

At a November 30, 1982, meeting in the Tallahassee Hilton Hotel, 11 of the 12 black legislators organized Florida's first Black Caucus. Senator Carrie Meek of Miami was chosen chairperson and Representative John Thomas of Jacksonville was elected vice chairperson.

### **Blacks in the Legislature During Reconstruction**

Dr. Joe Martin Richardson, professor of history at Florida State University, writes that blacks were of considerable importance in the Legislature during Reconstruction, though they never were in the majority:<sup>5</sup>

In the first Legislature (during Reconstruction), there were nineteen freedmen present, which was the largest number of Negroes ever sent as representatives to the Florida law making body. The Negroes combined with white Northerners were always outnumbered. In 1868 of 76 legislators, nineteen were freedmen, 13 were from the North, 23 were white Democrats, and 21 were white Southern loyalists. Southern born whites were always in a majority in the Florida Reconstruction legislatures. In 1868 the composition according to party was 52 Republicans to 24 Democrats. Although it has been maintained that Negroes held the balance of power in the State, it would be as logical, and perhaps more so, to say that it was held by the Southern white loyalists, who generally outnumbered Negro legislators.

The Negroes probably exerted more power in the senate than they did in the house. Of the 24 senators freedmen claimed three in 1868, five in 1869–1870, three in 1871–1872, five in 1873–1874, and six in 1875–1876. The number of freedmen in the house ranged from sixteen in 1868 to eight in 1876. There never were more than thirteen in the House after 1868. Only about thirty different freedmen served in the lower house of the legislature during the entire Reconstruction era.

### **Youngest State Senators**

Dennis J. Patrick O'Grady of Inverness, a Republican who represented the 19th District in 1967-

68, appears from available records to have been the youngest member of the state Senate.

O'Grady, born December 9, 1943, in Brooklyn, New York, was elected on March 28, 1967, in a special court-ordered statewide apportionment general election. O'Grady was a building contractor and nurseryman. When elected, he was 23 years and 3 months old. Johnnie Wright of DeFuniak Springs, a Democrat, was born April 5, 1925. He was elected on November 2, 1948, at 23 years and 7 months old.

Sherry Walker of Waukeelah, a Democrat who represented District 5 in 1988-92, is the youngest woman elected to the Senate. She was born on November 3, 1960, won election on September 6, 1988 when she was 27 years 10 months old, and was unopposed in November.

### **Youngest House Members**

A number of members of the Florida House of Representatives were elected when 21, the lawful minimum. Actually, some were chosen when 20 since Democratic nominations prior to the 1960s usually were the equivalent of election as there were relatively few Republican nominees.

Former Governor Fuller Warren of Blountstown was among those nominated while 20. He served Calhoun County in the 1927 House. Walter Warren was nominated at 20 in 1934 to serve Putnam County in the 1935 House.

Doyle E. Conner, afterwards Commissioner of Agriculture, was 21 and a student at the University of Florida when elected to serve Bradford County in the 1950 House. At 28, Conner was the youngest Speaker of the House.

Debbie Wasserman Schultz is the youngest woman elected to the House. She was just over 25 years old when chosen to represent the 97th district in 1992. She later served in the Florida Senate and, in 2005, was sworn in as a member of the U.S. House of Representatives, serving parts of Broward and Miami-Dade counties.



*Doyle E. Conner*

## First Hispanic Members

Research indicates that Fernando Figueredo of Key West, a refugee, was the first Cuban-American to serve in the Legislature after statehood. He represented Monroe County in the 1885 Session of the House. After Cuba became a republic, Figueredo returned to Havana and became Treasurer of the national government.



*Fernando Figueredo*

The first Hispanic-American to serve in the House since 1925 (when J. F. Busto represented Monroe County) was Maurice A. Ferre, a native of Puerto Rico, who was elected to the House from the 91st district for the 1967-68 sessions. He returned to Miami where he was elected Mayor.

Representative Ileana Ros of Miami, elected in November 1982, was the first Hispanic woman to serve in the Legislature, representing the 110th District, Dade County.

## Father/Mother and Son Service

A special election in 2010 brought the concurrent service of a father and son to the Legislature with Don Gaetz of Niceville serving in the Senate and his son Matt Gaetz of Fort Walton Beach serving in the House. The 2012 election kept both father and son in the Legislature and saw the election of President Don Gaetz to the Senate's highest office.

The Legislature also had a mother-son pair from 2008-2012. Senator Larcenia J. Bullard, who had served in the House from 1992-2000, was serving in the Senate in 2008 when her son, Dwight M. Bullard, was elected to the House. Following the decennial census and process of redistricting, the younger Bullard was elected to the Senate in the equivalent district of that vacated by his mother due to term limits.

## Married Couples Service

Representative Ileana Ros also made legislative history when she wed one of her colleagues, Representative Dexter Lehtinen of Perrine, the first

marriage of two members of the Florida Legislature. They were married on June 9, 1984. She was then known as Ileana Ros-Lehtinen. They made more legislative history by being the first Hispanics elected to the 1986 Senate. In 1989, Ros-Lehtinen became the first Hispanic woman elected to the United States Congress. She currently serves in the House of Representatives and is Chairman of the Subcommittee on the Middle East and North Africa.

Representatives Virginia "Ginger" Bass and Thomas Kent "T. K." Wetherell married on February 15, 1988 and served until she left the House in November of that year.

Then Speaker *pro tempore* James C. Burke married Beryl D. Roberts in the House chamber on April 13, 1989. He left the House in 1992 just as she was elected to serve the 108th district.

Senator Larcenia J. Bullard and her husband Representative Edward B. Bullard were the first couple to serve in the Legislature after being married for a long time. The Senator began her service in the House in 1992. Her husband won her seat when she was term-limited in 2000. She returned to the Legislature when she was elected to the Senate in 2002.



Photo by Donn Dughi

*Representatives T.K. Wetherell and Virginia Bass Wetherell, 1988.*

## Cuban-American Caucus

The Cuban-American Caucus of the House of Representatives (CACHR) was organized on May 18, 1988, as a nonprofit corporation. Its purpose: to inform and educate the public of the "political, cultural, patriotic, and civic aspirations of the Cuban-American and Hispanic communities of Florida." The seven Cuban-Americans then members of the

House of Representatives were the incorporators and first directors of the corporation.

### **Privileges and Penalties**

Each house may, by law, compel the attendance of witnesses at an investigation held by the house or any of its committees.

Each house may, during a session, punish by fine or imprisonment any person not a member who is guilty of disorderly or contemptuous conduct in its presence, or refuses to obey a summons. Such imprisonment cannot go beyond final adjournment of the Legislature.

Each house, under the Constitution, is the sole judge of the qualifications of its members. Each may choose its own officers, and determine its rules of procedure. Each house may punish its own members for disorderly conduct, and may, with the concurrence of two-thirds of the members present, expel a member.

Representative E. Bert Riddle of Walton County was expelled from the 1961 House on an unspecified charge upon the recommendation of a special committee appointed “for the purpose of investigating a matter pertaining to the dignity of the House.”<sup>6</sup>

On April 29, 1872, the Senate directed its Secretary “to omit from the roll call the name of the late senator from the 8th Senatorial District.”<sup>7</sup> By vacating his seat, the Senate reacted to the Supreme Court judgment upholding the bribery conviction of Senator Charles H. Pearce.

The same Justices, on the same day, joined the Lieutenant Governor and Attorney General in granting Pearce a full pardon, thereby suggesting the appeals court had some question about the sufficiency of the evidence if not the procedure. Pearce, a black,

had been recruited by the African Methodist Episcopal Church to move to Florida from Canada as a missionary in February, 1866. He served Leon County concurrently in the Senate and as Superintendent of Public Instruction. Known as “the Bishop” Pearce although he never attained higher rank than elder, Pearce subsequently served in the Legislatures of 1873 and 1874 and, as a Republican elector, cast his ballot for Rutherford B. Hayes in the contested presidential election of 1876.

### **Ethics**

A legislator is bound to an ethical course of conduct by rule and statute. The ethics admonitions are contained in the Senate Rules, Rule One, and the House Rules, Rule Fifteen. The statute can be found in Part III, Chapter 112 of the *Florida Statutes*.

### **A Governor as a Legislator**

Two governors served in the Florida House of Representatives subsequent to being chief executive. William Dunn Moseley, the first Governor under statehood, was elected in 1855 to complete the term of a resigned representative from Putnam County. Governor Harrison Reed, a Republican, was Governor between July 9, 1868, and January 7, 1873. He was elected from Duval County to the 1879 Assembly.

As Senate President, Charley E. Johns of Starke served as acting Governor upon the death of Governor Dan McCarty in 1953 and returned to the Senate after a successor had been inaugurated.

Lieutenant Governor William H. Gleason, who unsuccessfully claimed the office of Governor in 1868, later served in the House from Dade County.

<sup>1</sup>*Legislative Life*, Alan Rosenthal, New York: Harper & Row, 1981, page 19.

<sup>2</sup>*Legislative Life*, Alan Rosenthal, New York: Harper & Row, 1981, page 20.

<sup>3</sup>*How to Win in Politics*, Fuller Warren, Tallahassee: Peninsular, 1948.

<sup>4</sup>*Legislative Life*, Alan Rosenthal, New York: Harper and Row, page 21.

<sup>5</sup>Joe Martin Richardson, *The Negro in the Reconstruction of Florida 1865–1877*, Florida State University Studies, No. 46 pp. 187–188.

<sup>6</sup>*Journal*, 1961 House of Representatives.

<sup>7</sup>*Journal*, 1872 Senate.

(Updated January 2014)



## *The Senate*

<http://flsenate.gov>

### **Don Gaetz, President**

Republican, District 1  
Niceville

*Legislative Service:* Elected to the Senate 2006, reelected subsequently

*Occupation:* Co-founder and Vice Chairman (retired) VITAS Healthcare Corporation

*Born:* January 22, 1948, in North Dakota; Moved to Florida in 1978

*Education:* Troy State University, M.P.A.; Concordia College, B.A., Religion and Political Science

*Spouse:* Victoria Quertermous of Fort Walton Beach  
Children: Matt Gaetz, Erin Victoria

*Religious Affiliation:* Lutheran

*Recreational Interests:* Upland game and waterfowl hunting, American history, real estate, and antiques

*District Office:* 4300 Legendary Drive, Suite 230  
Destin, FL 32541-8607  
Telephone: (850) 897-5747

*Tallahassee Office:* 212 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
Telephone: (850) 487-5001



### **The President**

The President, elected by the full membership, presides over the Senate for a two year term and is in charge of all Senate operations. The President appoints all committees and committee Chairs and refers all bills to committees of his/her choice.

**Debbie Brown**  
Secretary of the Senate

*Legislative Service:* Elected Secretary of the Senate, January 2012-present; Director, Senate Administration, Office of the President, 2010-present; Office of the Senate President, 2002-2010; Office of the Senate Secretary, 1993-2002; Florida Constitution Revision Commission Liaison, 1997-1998

*Born:* November 15, 1955, in Denver, Colorado; Moved to Florida in 1967

*Education:* Tallahassee Community College, A.S., Business Administration and Management, 1991; A.A., 2009

*Spouse:* Larry

*Children:* Monica, Michael

*Grandchildren:* Brayden Lane, Madelynn Grace; Sophie Reese, Hudson Thomas

*Religious Affiliation:* Methodist

*Recreational interests:* Reading



*Mailing Address:* 405 The Capitol  
404 South Monroe Street  
Tallahassee 32399-1100  
Telephone: (850) 487-5270

**Senator and Counties in District**

Democrats (14) Republicans (26)

1	Don Gaetz	(R)	Bay, Holmes, Jackson, Walton, Washington, and part of Okaloosa
2	Greg Evers	(R)	Escambia, Santa Rosa, and part of Okaloosa
3	Bill Montford	(D)	Calhoun, Franklin, Gadsden, Gulf, Hamilton, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla
4	Aaron Bean	(R)	Nassau and part of Duval
5	Charles S. "Charlie" Dean, Sr.	(R)	Baker, Citrus, Columbia, Dixie, Gilchrist, Lafayette, Levy, Suwannee, Union, and part of Marion
6	John Thrasher	(R)	Flagler, Putnam, St. Johns, and part of Volusia
7	Rob Bradley	(R)	Alachua, Bradford, and Clay
8	Dorothy L. Hukill	(R)	Parts of Lake, Marion, and Volusia
9	Audrey Gibson	(D)	Part of Duval
10	David Simmons	(R)	Seminole and part of Volusia
11	Alan Hays	(R)	Parts of Lake, Marion, Orange, and Sumter
12	Geraldine F. "Geri" Thompson	(D)	Part of Orange
13	Andy Gardiner	(R)	Parts of Brevard and Orange
14	Darren Soto	(D)	Parts of Orange, Osceola, and Polk

15	Kelli Stargel	(R)	Parts of Orange, Osceola, and Polk
16	Thad Altman	(R)	Parts of Brevard and Indian River
17	John Legg	(R)	Parts of Hillsborough and Pasco
18	Wilton Simpson	(R)	Hernando and parts of Pasco and Sumter
19	Arthenia L. Joyner	(D)	Parts of Hillsborough, Manatee, and Pinellas
20	Jack Latvala	(R)	Part of Pinellas
21	Denise Grimsley	(R)	Okeechobee and parts of Highlands, Martin, Osceola, Polk, and St. Lucie
22	Jeff Brandes	(R)	Parts of Hillsborough and Pinellas
23	Garrett Richter	(R)	Parts of Collier and Lee
24	Tom Lee	(R)	Part of Hillsborough
25	Joseph Abruzzo	(D)	Part of Palm Beach
26	Bill Galvano	(R)	DeSoto, Glades, Hardee, and parts of Charlotte, Highlands, Hillsborough, and Manatee
27	Jeff Clemens	(D)	Part of Palm Beach
28	Nancy C. Detert	(R)	Sarasota and part of Charlotte
29	Jeremy Ring	(D)	Part of Broward
30	Lizbeth Benacquisto	(R)	Parts of Charlotte and Lee
31	Christopher L. Smith	(D)	Part of Broward
32	Joe Negron	(R)	Parts of Indian River, Martin, Palm Beach, and St. Lucie
33	Eleanor Sobel	(D)	Part of Broward
34	Maria Lorts Sachs	(D)	Parts of Broward and Palm Beach
35	Gwen Margolis	(D)	Part of Miami-Dade
36	Oscar Braynon II	(D)	Parts of Broward and Miami-Dade
37	Anitere Flores	(R)	Part of Miami-Dade
38	Rene Garcia	(R)	Part of Miami-Dade
39	Dwight Bullard	(D)	Hendry, Monroe, and parts of Collier and Miami-Dade
40	Miguel Diaz de la Portilla	(R)	Part of Miami-Dade

Photos by Donn Dughi



Above: Senators George Stuart and Senator Bob Johnson, 1986.  
 Right: Senate President Harry Johnston and Senator George Kirkpatrick, 1986.





(Updated April 2014)



# *The House of Representatives*

<http://myfloridahouse.gov>

## **Will Weatherford, Speaker**

Republican, District 38  
Wesley Chapel

*Legislative Service:* Elected to the House in 2006, reelected subsequently

*Occupation:* Businessman

*Born:* November 14, 1979, in Dallas, TX; Moved to Florida 1986

*Education:* Jacksonville University, B.S., 2002

*Spouse:* Courtney Weatherford of Panama City

*Children:* Ella Kate, Molly Marie, Madelyn Star

*Religious Affiliation:* Christian

*Recreational Interest:* Jogging, playing sports, reading

*District Offices:* 28963 State Road 54  
Wesley Chapel, FL 33544-3218  
Telephone (813) 558-5115

*Tallahassee Office:* 420 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300  
Telephone (850) 717-5038



### **The Speaker**

The Speaker leads the House for a two-year term, manages its operations, and presides over its sessions. Among his most important duties are the appointment of committee members and selection of their chairs. The Speaker is elected by his/her fellow representatives.

## Robert L. “Bob” Ward

Clerk of the House

*Legislative Service:* Clerk of the House of Representatives, November 2008-present; House Chief of Staff, 2004-2008; House Chief of Operations, 2000-2001; House Education Council Director, 1997-2000

*Education:* St. Leo College, 1981-1983; Florida State University, B.S., Political Science/History, 1983-1986

*Born:* October 20, 1963, in Tyler, Texas

*Child:* Katherine

*Religious Affiliation:* Presbyterian

*Recreational Interests:* Fishing, history, reading, hunting

*Mailing Address:* 513 The Capitol  
402 South Monroe Street  
Tallahassee 32399-1300  
Telephone (850) 717-5400



### ***Representative and Counties in District***

Democrats (45) Republicans (75 )

1	Clay Ingram	(R)	Part of Escambia
2	Mike Hill <sup>1</sup>	(R)	Parts of Escambia and Santa Rosa
3	Douglas Vaughn “Doug” Broxson	(R)	Parts of Okaloosa and Santa Rosa
4	Matt Gaetz	(R)	Part of Okaloosa
5	Marti Coley	(R)	Holmes, Jackson, Walton, Washington, and part of Bay
6	Jimmy Patronis	(R)	Part of Bay
7	Halsey Beshears	(R)	Calhoun, Franklin, Gulf, Jefferson, Lafayette, Liberty, Madison, Taylor, Wakulla, and part of Leon
8	Alan B. Williams	(D)	Gadsden and part of Leon
9	Michelle Rehwinkel Vasilinda	(D)	Part of Leon
10	Elizabeth W. Porter	(R)	Baker, Columbia, Hamilton, Suwannee, and part of Alachua
11	Janet H. Adkins	(R)	Nassau and Part of Duval
12	Lake Ray	(R)	Part of Duval
13	Reggie Fullwood	(D)	Part of Duval
14	Mia L. Jones	(D)	Part of Duval
15	Daniel Davis	(R)	Part of Duval
16	Charles McBurney	(R)	Part of Duval

17	Ronald “Doc” Renuart	(R)	Part of St. Johns
18	W. Travis Cummings	(R)	Part of Clay
19	Charles E. Van Zant	(R)	Bradford, Putnam, Union, and part of Clay
20	Clovis Watson, Jr.	(D)	Parts of Alachua and Marion
21	W. Keith Perry	(R)	Dixie, Gilchrist, and part of Alachua
22	Charlie Stone	(R)	Levy and part of Marion
23	Dennis K. Baxley	(R)	Part of Marion
24	Travis Hutson	(R)	Flagler and parts of St. Johns and Volusia
25	Charles David “Dave” Hood, Jr.	(R)	Part of Volusia
26	Dwayne L. Taylor	(D)	Part of Volusia
27	David Santiago	(R)	Part of Volusia
28	Jason T. Brodeur	(R)	Part of Seminole
29	Michael Philip “Mike” Clelland	(D)	Part of Seminole
30	Karen Castor Dentel	(D)	Parts of Orange and Seminole
31	Bryan Nelson	(R)	Parts of Lake and Orange
32	Larry Metz	(R)	Part of Lake
33	H. Marlene O’Toole	(R)	Sumter and parts of Lake, Marion
34	Jimmie T. Smith	(R)	Citrus and part of Hernando
35	Robert C. “Rob” Schenck	(R)	Part of Hernando
36	Amanda Hickman Murphy <sup>2</sup>	(R)	Part of Pasco
37	Richard Corcoran	(R)	Part of Pasco
38	Will Weatherford	(R)	Part of Pasco
39	Neil Combee	(R)	Parts of Osceola and Polk
40	Seth McKeel	(R)	Part of Polk
41	John Wood	(R)	Part of Polk
42	Mike La Rosa	(R)	Parts of Osceola and Polk
43	Ricardo Rangel	(D)	Part of Osceola
44	Eric Eisnaugle <sup>3</sup>	(R)	Part of Orange
45	Randolph Bracy	(D)	Part of Orange
46	Bruce Antone	(D)	Part of Orange
47	Linda Stewart	(D)	Part of Orange
48	Victor Manuel “Vic” Torres, Jr.	(D)	Part of Orange
49	Joe Saunders	(D)	Part of Orange
50	Tom Goodson	(R)	Parts of Brevard and Orange
51	Steve Crisafulli	(R)	Part of Brevard
52	Ritch Workman	(R)	Part of Brevard
53	John Tobia	(R)	Part of Brevard
54	Debbie Mayfield	(R)	Indian River and part of St. Lucie
55	Cary Pigman	(R)	Glades, Highlands, Okeechobee, and part of St. Lucie
56	Ben Albritton	(R)	DeSoto, Hardee, and part of Polk
57	Jake Raburn	(R)	Part of Hillsborough
58	Daniel D. “Dan” Raulerson	(R)	Part of Hillsborough

59	Ross Spano	(R)	Part of Hillsborough
60	Dana D. Young	(R)	Part of Hillsborough
61	Betty Reed	(D)	Part of Hillsborough
62	Janet Cruz	(D)	Part of Hillsborough
63	Mark Danish	(D)	Part of Hillsborough
64	James W. “J.W.” Grant	(R)	Parts of Hillsborough and Pinellas
65	Carl F. “Z” Zimmermann	(D)	Part of Pinellas
66	Larry Ahern	(R)	Part of Pinellas
67	Ed Hooper	(R)	Part of Pinellas
68	Dwight Richard Dudley	(D)	Part of Pinellas
69	Kathleen M. Peters	(R)	Part of Pinellas
70	Darryl Ervin Rouson	(D)	Parts of Hillsborough, Manatee, Pinellas and Sarasota
71	Jim Boyd	(R)	Parts of Manatee and Sarasota
72	Ray Pilon	(R)	Part of Sarasota
73	W. Gregory “Greg” Steube	(R)	Parts of Manatee and Sarasota
74	Doug Holder	(R)	Part of Sarasota
75	Kenneth L. “Ken” Roberson	(R)	Charlotte
76	Ray Wesley Rodrigues	(R)	Part of Lee
77	Dane Eagle	(R)	Part of Lee
78	Heather Dawes Fitzenhagen	(R)	Part of Lee
79	Matthew H. “Matt” Caldwell	(R)	Part of Lee
80	Matt Hudson	(R)	Hendry and part of Collier
81	Kevin Rader	(D)	Part of Palm Beach
82	MaryLynn “ML” Magar	(R)	Parts of Martin and Palm Beach
83	Gayle B. Harrell	(R)	Parts of Martin and St. Lucie
84	Larry Lee, Jr.	(D)	Part of St. Lucie
85	Patrick Rooney, Jr.	(R)	Part of Palm Beach
86	Mark S. Pafford	(D)	Part of Palm Beach
87	Dave Kerner	(D)	Part of Palm Beach
88	Bobby Powell	(D)	Part of Palm Beach
89	Bill Hager	(R)	Part of Palm Beach
90	Lori Berman	(D)	Part of Palm Beach
91	Irving “Irv” Slosberg	(D)	Part of Palm Beach
92	Gwyndolen “Gwyn” Clarke-Reed	(D)	Part of Broward
93	George R. Moraitis, Jr.	(R)	Part of Broward
94	Perry E. Thurston, Jr.	(D)	Part of Broward
95	Hazelle P. “Hazel” Rogers	(D)	Part of Broward
96	James W. “Jim” Waldman	(D)	Part of Broward
97	Jared Evan Moskowitz	(D)	Part of Broward
98	Katie A. Edwards	(D)	Part of Broward
99	Elaine J. Schwartz	(D)	Part of Broward
100	Joseph A. “Joe” Gibbons	(D)	Parts of Broward and Miami-Dade

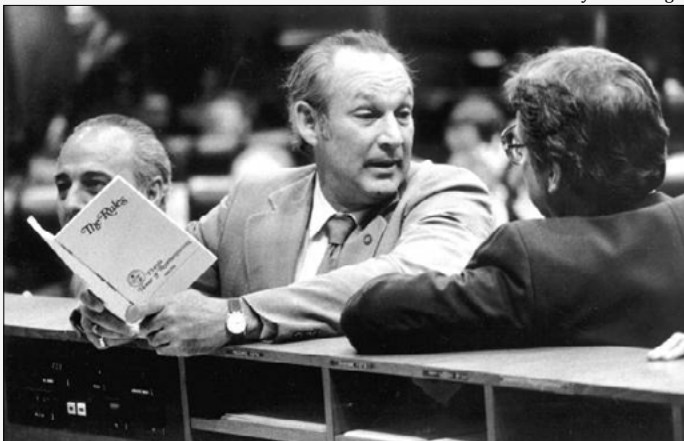
101	Shevrin D. “Shev” Jones	(D)	Part of Broward
102	Sharon Pritchett	(D)	Parts of Broward and Miami-Dade
103	Manny Diaz, Jr.	(R)	Parts of Broward and Miami-Dade
104	Richard Stark	(D)	Part of Broward
105	Carlos Trujillo	(R)	Parts of Broward, Collier, and Miami-Dade
106	Kathleen C. Passidomo	(R)	Part of Collier
107	Barbara Watson	(D)	Part of Miami-Dade
108	Daphne D. Campbell	(D)	Part of Miami-Dade
109	Cynthia A. Stafford	(D)	Part of Miami-Dade
110	Jose R. Oliva	(R)	Part of Miami-Dade
111	Eduardo “Eddy” Gonzalez	(R)	Part of Miami-Dade
112	José Javier Rodríguez	(D)	Part of Miami-Dade
113	David Richardson	(D)	Part of Miami-Dade
114	Erik Fresen	(R)	Part of Miami-Dade
115	Michael Bileca	(R)	Part of Miami-Dade
116	Jose Felix Diaz	(R)	Part of Miami-Dade
117	Kionne L. McGhee	(D)	Part of Miami-Dade
118	Frank Artiles	(R)	Part of Miami-Dade
119	Jeanette M. Nuñez	(R)	Part of Miami-Dade
120	Holly Merrill Raschein	(R)	Monroe and part of Miami-Dade

<sup>1</sup>Representative Clay Ford of District 2 passed away March 18, 2013. Republican Mike Hill took his place following his win in a special election held June 11, 2013.

<sup>2</sup>Representative Fasano of District 36 resigned August 6, 2013, to become Pasco County Tax Collector. Democrat Amanda Hickman Murphy won his seat in the House following a special election held October 15, 2013.

<sup>3</sup>After the resignation of Representative Stephen L. “Steve” Precourt, January 9, 2014, Eric Eisnaugle was elected to serve District 44 in a special general election April 8, 2014, and was sworn in during session on the following day. Eisnaugle, a former House member, decided not to run for reelection in 2012 when the reapportionment plan placed he and Precourt in the same district.

Photos by Donn Dughi



*Representative Gene Hodges, D-Cedar Key, gives his interpretation of one of the rules of the House to Representative Carl Carpenter, D-Plant City, while Representative George Crady, D-Yulee, waits to talk to Hodges, 1986.*



*Right: Representative Joe Lang Kershaw, D-Miami, debates passionately on the House floor, 1971. Kershaw was the first black elected to the House since the era of Reconstruction.*



# *The Speaker and the President*

The Speaker is the presiding officer of the House of Representatives. The President is the presiding officer of the Senate.

But presiding, or managing the in-chamber proceedings of a legislative house, is the least of the responsibilities for which the Speaker and President are regarded as possessing unrivaled power and influence. Every Speaker or President has asked some representative or senator to take the gavel and preside for hours and days.

The powers of the Speaker and President are these:

- The exclusive right to appoint the members of all committees and to remove committee members.
- The exclusive right to choose the chairmen of all committees.
- The exclusive right for the reference of bills to committees.
- The ability to influence, through the chairman of the Committee on Rules and Calendar, the placing of bills on the Special Order Calendar.
- The Speaker and President also appoint members of their houses to councils and commissions that operate outside the Legislature, such as the Constitution Revision Commission and the Commission on Ethics.

In weighing the stages of lawmaking, it may be safely said that the committee is more important than the chamber and the leadership meetings in the private offices of the President and Speaker are most important of all.



Photo by Donn Dughi

*House Speaker J. Hyatt Brown (left) and Senate President Phil Lewis pretend to arm wrestle for control of the Legislature the day before the opening of the 1978 Regular Session.*

## **Majority Leadership**

Although the style of leadership changes from Speaker to Speaker, the House majority office usually consists of the majority leader, the majority whip, and deputy majority leaders, with a staff that varies in size.

At times the majority office has produced publications designed to keep the majority members of the House informed, with sample speeches and newsletters. The Speaker also keeps in touch with the issues through periodic meetings with committee and subcommittee chairmen.

In the Senate, because of its smaller membership (40, compared to 120 in the House), the President sometimes deals with majority Senators through leaders not demarcated by title. On issues, the President can meet with the most concerned Senators and

have periodic meetings with the committee chairmen.

Through those networks, the presiding officers maintain channels to the members and their activities.

### Reference to Committee

The reference of bills to committees is regarded as one of the powers possessed by the Senate President or House Speaker. That is because committees, and their subcommittees, have life-or-death domination. One President, vexed by a bill, referred the offensive bill to “every committee now existing or may be hereafter created.” Another President said he favored staff reference of bills since the number of committees had been reduced to 16 with fairly non-conflicting jurisdictions. The Senate then had three past Presidents and each of them warned him against his intention to allow references to be made by staff. Time proved the wisdom of the counsel, he said, for while 98 percent of the bills could be referred almost automatically, the remaining 2 percent demanded presidential judgment.

With fewer committees, the presiding officers no longer have the choices they once did. Thus, the choice for reference of any bill has been narrowed.



Florida State Archives

Swearing in day for Senate President William C. Hodges, 1935.

### Selection, Term, and Perquisites of President and Speaker

The House Speaker and Senate President are elected by the members of each body by majority vote after having been nominated by the members of their party in caucus. The Constitution (Article III, Section 2) provides for the biennial selection of “permanent” presiding officers. Their term lasts two years, from one organization session to the next.

The Senate President and House Speaker have staff in such number as they find necessary. Since the President and Speaker also are the representatives of their home districts, they receive the same per diem, subsistence, and expenses as other members.

Campaigns for President and Speaker have commenced well in advance of the term of service. In 1985, for example, the Speaker for the 1986–1988 term had already been selected although two selections were ahead: one for party designation followed by the formal election after the general election in 1986. At the same time there were representatives who had served notice of their candidacy for terms beginning in 1988, 1990, and 1992.

The passage in 1992 of a state constitutional amendment limiting the service of Florida’s state and federal officers to eight years has had impact on the selection of the presiding officers in each legislative house. Mark Silva wrote the following about term limits in the Miami Herald’s *Almanac of Florida Politics* in 1994:

This ends an era when some lawmakers served 20 or 30 years. It should preclude power brokers like Dempsey Barron, a former state senator from Panama City, from building fiefdoms in the Legislature. Barron’s rule over the Senate in the 1970s and 1980s lasted well beyond his service as Senate president, handpicking his successors and engineering the coalitions that elected them. Traditionally it has taken most lawmakers at least six or eight years to build the support needed to campaign for Florida Speaker or Senate President. The limitation of terms will not only compress the careers of lawmakers but also quicken the ascendancy of leaders.

The coming of term limits does seem to be speeding up the selection process. Speaker Marco Rubio claimed the job after just four years as a member of the House.

The pursuit of the Presidency in the Senate is more chancy. Discarded pledges and coalitions, either threatened or actual, may figure in the selection of a President just prior to the election at the Organization Session.

When the roll was called on the election of a President at the Senate Organizational Session of November 17, 1992, a 20–20 tie resulted. Twenty Republicans had voted for Senator Ander Crenshaw of Jacksonville and 20 Democrats had voted for Senator Pat Thomas of Quincy. On the third day thereafter and five formal roll calls, the Senate agreed to elect Senator Crenshaw to serve as President and Senator Thomas as President Pro Tempore until October 11, 1993. At that time, the roles were reversed, with Senator Thomas becoming President and Senator Crenshaw becoming President Pro Tempore, both to serve until November 8, 1994.

Members of the Senate signed a resolution agreeing to the breaking of the deadlock, swearing on their sacred honor as members of the Florida Senate.

In 1998, Toni Jennings was elected to an unprecedented second two-year term as President of the Senate.



Toni Jennings

### The Speaker/President

Six men have presided over both the House and Senate. Abraham K. Allison was Speaker of the House in 1852, and as Lieutenant Governor, presided over the Senate in 1864. Hamlin V. Snell was President of the Senate in 1854 and 1855 and Speaker of the House in 1856. Philip Dell was Speaker of the House in 1855 and 1864 and President of the Senate in 1856. Thomas J. Eppes was President of the Senate in 1860 and 1861 and Speaker of the House in 1862 and 1863. Marcellus L. Stearns was Speaker in 1869 and 1872. In 1873 and 1874, as Lieutenant



Photo by Frank Noel

Senate President F. Wilson Carraway (left) chatting with President Pro Tempore Harry O. Stratton, Tallahassee, 1963.

Governor, he presided over the Senate. Mallory E. Horne was Speaker in 1962 and 1963 and President of the Senate in 1973 and 1974.

### The President/Speaker *Pro Tempore*

The role of a *pro tempore* depends upon the President or Speaker. Until the mid-1970s, the *pro tempores* occupied a ceremonial position at best. Then elected separately, the Speaker and his Speaker *pro tempore* might possess vastly different philosophies. Some *pro tempores* were never given the opportunity of presiding.

The President/Speaker *pro tempore* presides in the absence of the regular presiding officer only if some other member has not been chosen by the President/Speaker. Senate rules state the Senate may designate a presiding officer should the Chair be vacated permanently. The President Pro Tempore would not automatically succeed. The President may, prior to his resignation, designate “a member of the Majority Party to assume the duties of the Chair until a permanent successor is elected.”

A one-time change occurred in the House when Donald L. Tucker and John L. Ryals ran as a team.

With the resignation of Speaker Ray Sansom on February 2, 2009, Larry Cretul became the first





Photo by Donn Dughi

Senator Betty Castor shows her support on the Senate floor. In 1985, she became the first woman President Pro Tempore.

Speaker *pro tempore* to step up to the Speakership. He was officially elected Speaker on March 3, 2009, the first day of the regular session.

### **The First Woman Pro Tempore**

The 1985–1986 Legislature had the distinction of having the first women legislators to serve as President Pro Tempore and Speaker *pro tempore*. Senator Betty Castor of Tampa served in the Senate and Representative Elaine Gordon of Miami served in the House.

### **The First Woman President**

In November 1990, the Senate elected Democrat Gwen Margolis of North Miami as the first woman presiding officer in the state’s history. Margolis is one of the most experienced legislators at the Capitol. She served in the House from 1974-1980 and in the Senate from 1980-1992, from 2002-2008, and was again elected to the Senate in 2010 and subsequently reelected.

### **First Cuban-American Speaker**

In 2006, the House elected Miami Republican Marco Rubio as the first Cuban-American Speaker. His election marked the 10th anniversary of the Republican takeover of the Legislature and was attributed to the shift to single-member districts, which started the rise in black and Hispanic membership in the 1980s.

### **Appeal from Rulings**

The “Chair,” occupied by the Speaker/President or their designee, is the symbol of parliamentary government. Hundreds of years of Parliaments, Congresses, and Legislatures protect the Chair. This sanctity clothes the occupant of the Chair.

Rarely, some member has become so absorbed in seeking to pass or defeat a measure that the member will appeal the ruling of the Chair. They will regret doing so almost immediately because the focus shifts from the parliamentary issue to a vote on the confidence of the body in the presiding officer. Speakers make many rulings in the course of an annual session, and some of these may be questionable because they are given during the heat of debate. Yet the moment a member appeals a ruling rather than suggest the Chair reconsider, the presiding officer steps down from the rostrum and another takes his place. It is a moment of high drama, with the result being the upholding of the Chair. The ruling may be “revisited” overnight by the Chair and, if thought necessary, the ruling may be withdrawn and a new finding made.

No appeal has been successful since May 17, 1893. This instance of a rare procedure can be seen in the House bound *Journal* of that year, found at <http://myfloridahouse.gov/Sections/Search/HistoricalJournal/HistoricalJournal.aspx>.

### **Minority Leadership**

Minority leaders have been around since 1951 when Republicans first had three members of the House, but formal recognition wasn’t given until 1969 when the Legislature passed a law that designated Senate and House minority leaders as “permanent offices of the Legislature.” This designation enabled the budgeting of funds and the allocation of personnel for these offices.

Each party officer has an opposite number. In the House, for example, the Speaker, as the Majority Leader, is matched by the Minority Leader, and the Speaker *pro tempore* is likewise matched by the Minority Leader *pro tempore*. The minority leadership may also include a minority caucus chairman and minority whips.

In 1992, Republican Representative Sandra B.

Mortham of Largo became the first woman Minority Leader. In 2000, Representative Lois Frankel became the first Democratic female Minority Leader.

Party decisions are reached in *caucuses* by Democrats and in *conferences* by Republicans. Since a caucus/conference is a private gathering, it may or may not be open to the public. Generally, however, a caucus will be open, particularly if it is held in the House or Senate Chamber.

### Relations with Minority Party

Relations by the President and Speaker with the minority party may be described as a truce. The minority tends to be more cohesive than the majority. The minority usually avoids being obstructive and the majority tends, more or less, to give the minority consideration in the awarding of committee/subcommittee appointments. Politics enters into this. Some Speakers have denied the minority any committee or subcommittee chairmanships, believing to do so would be helpful to the minority in the next elections. Other Speakers have felt it prudent to share.

The President and the Speaker exercise the right to determine the size of the staff of the minority office. One Speaker virtually wiped out the minority staff, which had grown measurably through the goodwill of the Speaker's predecessor.

### Dual Roles of President, Speaker

The President and the Speaker serve dual roles. Each is the presiding officer of his house. Each also is the leader of a group, nowadays predominantly a political party but previously, in the one-party years, a personal faction.

Evolution of the two-party system has complicated the role of the presiding officers been. This means there is an identifiable opposition, most of whose members are inclined to vote as a group on legislation where a party position has been determined.

As leaders of a political party with a program to enact, the presiding officers can find themselves in an awkward position when they must rule on questions raised in opposition to segments of that program.

There have always been factions in the Senate and House. For example, the "Pork Chop Gang," composed predominantly of rural senators, delayed legislative reapportionment in 1955 by refusing to award additional legislative seats to fast-growing urban areas of the state.

In each contest for the President's or Speaker's chair, there are winners to reward and losers to ignore.



Florida State Archives

*Group portrait of the Pork Chop Gang during a 1956 special session of the Senate. Back row (from left): James E. "Nick" Connor, Brooksville; L.K. Edwards Jr., Irvine; Irlo O. Bronson Sr., Kissimmee; W.E. Bishop, Lake City; H.B. Douglas, Bonifay; William A. Shands, Gainesville; W. Randolph Hodges, Cedar Key; Charley E. Johns, Starke. Front row: John S. Rawls, Marianna; Philip D. Beall Jr., Pensacola; Harry O. Stratton, Callahan; F. Wilson Carraway, Tallahassee; W. Turner Davis, Madison; Scott Dilworth Clarke, Monticello; Dewey M. Johnson, Quincy; J. Edwin Baker, Umatilla; Edwin G. Fraser, Macclenny; Basil Charles "Bill" Pearce, East Palatka; Woodrow M. Melvin, Milton; J. Braham Black, Jasper; J.C. Getzen Jr., Bushnell.*

## *Presidents of the Senate*

<u>Session</u>	<u>Senator</u>	<u>City, County of Residence</u>
1845	James A. Berthelot	Tallahassee, Leon
1846	D. H. Mays	Madison, Madison
1847	Daniel G. McLean	Euchee Anna, Walton
1848	Erasmus Darwin Tracy	(Trader's Hill, Ga.) Nassau
1850	Robert J. Floyd	Apalachicola, Franklin
1854-1855	Hamlin Valentine Snell	Manatee, Hillsborough
1856	Philip Dell	Newnansville, Alachua
1858	John Finlayson	Monticello, Jefferson
1860-1861	Thomas Jefferson Eppes	Apalachicola, Franklin
1862-1863	Enoch J. Vann	Madison, Madison
1864	Abraham K. Allison	Quincy, Gadsden
1889, Extra Sess.	Patrick Houstoun	Tallahassee, Leon
1889	Joseph B. Wall	Tampa, Hillsborough
1891	Jefferson B. Browne	Key West, Monroe
1893	William H. Reynolds	Lakeland, Polk
1895	Frederick T. Myers	Tallahassee, Leon
1897	Charles J. Perrenot	Milton, Santa Rosa
1899	Frank Adams	Jasper, Hamilton
1901	Thomas Palmer	Tampa, Hillsborough
1903	Frank Adams	Jasper, Hamilton
1905	Park M. Trammell	Lakeland, Polk
1907	W. Hunt Harris	Key West, Monroe
1909	Frederick M. Hudson	Miami, Dade
1911	Frederick P. Cone	Lake City Columbia
1913	Herbert J. Drane	Lakeland, Polk
1915	Charles E. Davis	Madison, Madison
1917	John B. Johnson	Live Oak, Suwannee
1919	James E. Calkins	Fernandina, Nassau
1921	William A. MacWilliams	St. Augustine, St. Johns
1923	Theo. T. Turnbull	Monticello, Jefferson
1925	John Stansel Taylor	Largo, Pinellas
1927	Samuel W. Anderson	Greensboro, Gadsden
1929	Jesse J. Parrish	Titusville, Brevard
1931	Patrick C. Whitaker	Tampa, Hillsborough
1933	Truman G. Futch	Leesburg, Lake
1935	William C. Hodges	Tallahassee, Leon
1937	D. Stuart Gillis	DeFuniak Springs, Walton

1939	J. Turner Butler	Jacksonville, Duval
1941	John R. Beacham	West Palm Beach, Palm Beach
1943	Philip D. Beall	Pensacola, Escambia
1945	Walter W. Rose	Orlando, Orange
1947	Scott Dilworth Clarke	Monticello, Jefferson
1949-1950	Newman C. Brackin	Crestview, Okaloosa
1951	Wallace E. Sturgis	Ocala, Marion
1953	Charley E. Johns	Starke, Bradford
1955	W. Turner Davis	Madison, Madison
1957	William A. Shands	Gainesville, Alachua
1959	Dewey M. Johnson	Quincy, Gadsden
1961	W. Randolph Hodges	Cedar Key, Levy
1962-1963	F. Wilson Carraway	Tallahassee, Leon
1965	James E. Connor	Brooksville, Hernando
1967	Verle A. Pope	St. Augustine, St. Johns
(Annual sessions commence following revision of Florida Constitution)		
1969-1970	John E. Mathews, Jr.	Jacksonville, Duval
1971-1972	Jerry Thomas	Riviera Beach, Palm Beach
1973-1974	Mallory E. Horne	Tallahassee, Leon
1974	Louis A. de la Parte, Jr.	Tampa, Hillsborough
(President Pro Tempore serving as Acting President from July 1 to November 6, 1974)		
1975-1976	Dempsey J. Barron	Panama City, Bay
1977-1978	Lew Brantley	Jacksonville, Duval
1979-1980	Philip D. Lewis	West Palm Beach, Palm Beach
1981-1982	Wyon D. Childers	Pensacola, Escambia
1983-1984	N. Curtis Peterson, Jr.	Lakeland, Polk
1985-1986	Harry A. Johnston, II	Parts of Broward, Palm Beach
1987-1988	John W. Vogt	Cocoa Beach, Brevard
1989-1990	Robert B. Crawford	Winter Haven, Polk
1991-1992	Gwen Margolis	North Miami, Dade
1992-1993	Ander Crenshaw	Jacksonville, Duval
1993-1994	Pat Thomas	Quincy, Gadsden
1995-1996	James A. Scott	Ft. Lauderdale, Broward
1997-1998	Toni Jennings	Orlando, Orange
1999-2000	Toni Jennings	Orlando, Orange
2001-2002	John M. McKay	Bradenton, Manatee
2003-2004	James E. King, Jr.	Jacksonville, Duval
2005-2006	Tom Lee	Brandon, Hillsborough
2007-2008	Kenneth Pruitt	Port St. Lucie, St. Lucie
2009-2010	Jeffrey H. Atwater	Palm Beach Gardens, Palm Beach
2011-2012	Mike Haridopolos	Melbourne, Brevard
2013-2014	Don Gaetz	Niceville, Bay

## ***Speakers of the House of Representatives***

NOTE: Speakers are shown only for the regular sessions at which they presided unless they were elected for a special session. Beginning in 1966, the House of Representatives reorganized in November after the general election. Also, beginning in 1970, the Legislature resumed annual sessions after a hiatus of nearly a century.

<b><u>Session</u></b>	<b><u>Representative</u></b>	<b><u>City, County of Residence</u></b>
1845	Hugh Archer	Tallahassee, Leon
1845, Adj. Sess.	Isaac Ferguson, Jr.	Quincy, Gadsden
1846	Robert Brown	Columbia
1847	Joseph B. Lancaster	Jacksonville, Duval
(Lancaster vacated Speakership December 23, 1847, to become Circuit Judge)		
1847	John Chain	Milton, Santa Rosa
1848	Benjamin A. Putnam	St. Augustine, St. Johns
1850	Hugh Archer	Tallahassee, Leon
1852	Abraham K. Allison	Quincy, Gadsden
1854	W. F. Russell	Fort Pierce, St. Lucie
1855, Adj. Sess.	Philip Dell	Newnansville, Alachua
1856	Hamlin Valentine Snell	Manatee, Manatee
1858	John B. Galbraith	Tallahassee, Leon
1861	S. B. Love	Quincy, Gadsden
1862	Thomas Jefferson Eppes	Apalachicola, Franklin
1864	Philip Dell	Newnansville, Alachua
1865	Joseph John Williams	Tallahassee, Leon
1868	William W. Moore	Wellborn, Columbia
1869	Marcellus L. Stearns	Quincy, Gadsden
1870	Marcellus L. Stearns	Quincy, Gadsden
1871	Marcellus L. Stearns	Quincy, Gadsden
1872	Marcellus L. Stearns	Quincy, Gadsden
1873	Simon B. Conover	Tallahassee, Leon
1874	Malachi Martin	Chattahoochee, Gadsden
1875	Thomas Hannah	Vernon, Washington
1877	G. G. McWhorter	Milton, Santa Rosa
1879	Charles Dougherty	Port Orange, Volusia
1881	J. J. Harris	Tuscawilla, Orange
1883	Charles Dougherty	Port Orange, Volusia
1885	Robert W. Davis	Green Cove Springs, Clay
1887	Samuel Pasco	Monticello, Jefferson
(Pasco vacated Speakership May 23, 1887, upon being elected U.S. Senator)		

1887	George H. Browne	Oviedo, Orange
1889, Extra Sess.	John L. Gaskins	Starke, Bradford
1889	John L. Gaskins	Starke, Bradford
1891	John L. Gaskins	Starke, Bradford
1893	John B. Johnston	Dade City, Pasco
1895	William Sherman Jennings	Brooksville, Hernando
1897	Dannitte Hill Mays	Monticello, Jefferson
1899	Robert McNamee	Leesburg, Lake
1901	John W. Watson	Kissimmee, Osceola
1903	Cromwell Gibbons	Jacksonville, Duval
1905	Albert W. Gilchrist	Punta Gorda, DeSoto
1907	E. S. Matthews	Starke, Bradford
1909	Ion L. Farris	Jacksonville, Duval
1911	T. A. Jennings	Pensacola, Escambia
1913	Ion L. Farris	Jacksonville, Duval
1915	Cary A. Harde	Live Oak, Suwannee
1917	Cary A. Hardee	Live Oak, Suwannee
1918, Extra Sess.	George H. Wilder	Plant City, Hillsborough
1919	George H. Wilder	Plant City, Hillsborough
1921	Frank E. Jennings	Jacksonville, Duval
1923	L. D. Edge	Groveland, Lake
1925	A. Y. Milam	Jacksonville, Duval
1927	Fred H. Davis	Tallahassee, Leon
1929	Samuel W. Getzen	Bushnell, Sumter
1931	E. Clay Lewis, Jr.	Port St. Joe, Gulf
1933	Peter Tomasello, Jr.	Okeechobee, Okeechobee
1935	W. B. Bishop	Nash, Jefferson
1937	W. McL. Christie	Jacksonville, Duval
1939	G. Pierce Wood	Wilma, Liberty
1941	Dan McCarty	Ft. Pierce, St. Lucie
1943	Richard H. Simpson	Monticello, Jefferson
1945	Evans Crary	Stuart, Martin
1947	Thomas D. Beasley	DeFuniak Springs, Walton
1949	Perry E. Murray	Frostproof, Polk
1951	B. Elliott	Pahokee, Palm Beach
1953	C. Farris Bryant	Ocala, Marion
1955	Thomas E. (Ted) David	Hollywood, Broward
1957	Doyle E. Conner	Starke, Bradford
1959	Thomas D. Beasley	DeFuniak Springs, Walton
1961	William Chappell, Jr.	Ocala, Marion
1962-1963	Mallory E. Horne	Tallahassee, Leon
1965	E. C. Rowell	Wildwood, Sumter

1967	Ralph D. Turlington	Gainesville, Alachua
(Annual sessions commence following revision of Florida Constitution)		
1969-1970	Frederick H. Schultz	Jacksonville, Duval
1971-1972	Richard A. Pettigrew	Miami, Dade
1973-1974	T. Terrell Sessums	Tampa, Hillsborough
1975-1977	Donald L. Tucker	Tallahassee, Leon
NOTE: John L. Ryals of Brandon, Hillsborough County, was elected Speaker by the 1977 House in anticipation of the resignation of Speaker Tucker, who had been appointed by President Jimmy Carter as a member of the Civil Aeronautics Board (CAB). The resignation did not materialize as Tucker withdrew his name from consideration by the U.S. Senate.		
1978	Donald L. Tucker	Tallahassee, Leon
1979-1980	J. Hyatt Brown	Daytona Beach, Volusia
1981-1982	Ralph H. Haben, Jr.	Palmetto, Manatee
1983-1984	H. Lee Moffitt	Tampa, Hillsborough
1985-1986	James Harold Thompson	Quincy, Gadsden
1987-1988	Jon L. Mills	Gainesville, Alachua
1989-1990	Tom Gustafson	Fort Lauderdale, Broward
1991-1992	T. K. Wetherell	Daytona Beach, Volusia
1993-1994	Bolley L. Johnson	Milton, Santa Rosa
1995-1996	Peter Rudy Wallace	St. Petersburg, Pinellas
1997-1998	Daniel Webster	Orlando, Orange
1999-2000	John Thrasher	Orange Park, Duval
2001-2002	Tom Feeney	Oviedo, Seminole
2003-2004	Johnnie B. Byrd, Jr.	Plant City, Hillsborough
2005-2006	Allan B. Bense	Panama City, Bay
2007-2008	Marco Rubio	West Miami, Miami-Dade
2009	Ray Sansom	Destin, Okaloosa
2009-2010	Larry Cretul	Ocala, Marion
2011-2012	Dean Cannon	Winter Park, Orange
2013-2014	Will Weatherford	Wesley Chapel, Pasco



## ***Legislative Agencies***

### **Joint Administrative Procedures Committee**

680 Pepper Building, 111 W. Madison, Tallahassee 32399-1400

Phone: (850) 488-9110 Fax: (850) 922-6934

[www.japc.state.fl.us/](http://www.japc.state.fl.us/)

Coordinator: Kenneth J. Plante

*Legal basis:* Joint Rule Four of the Florida Legislature

*Created:* 1974

*Membership:* No fewer than five and no more than seven members from each house.

*Chairman:* President shall appoint the chairman in odd years and the Speaker in even years.

*Powers and duties:* To maintain continuous review of the statutory authority on which each administrative rule is based. To review proposed and existing administrative rules to determine whether the rules are within the statutory authority delegated by the Legislature, and to advise appropriate agencies of its findings and objections. To generally review agency action pursuant to the operation of the Administrative Procedure Act. To advise the appropriate executive agency whenever a rule's statutory authority is amended, repealed, or significantly affected by court decision. To advise the Legislature annually of needed legislation or action. Where rules are not modified, repealed or withdrawn to meet such objections, the committee may seek, after consulting with the affected agency and the Governor, judicial review of the rules' validity.

### **Joint Legislative Auditing Committee**

876 Pepper Building, 111 West Madison Street, Tallahassee 32399-1400

Phone: (850) 487-4110 Fax: (850) 922-5667

[www.leg.state.fl.us/](http://www.leg.state.fl.us/) (Joint Legislative Committees)

Coordinator: Kathryn H. DuBose

*Legal Basis:* Joint Rule Four of the Florida Legislature

*Created:* 1967

*Membership:* No fewer than five and no more than seven members from each house.



*Chairman:* President shall appoint the chairman in even years and the Speaker in odd years.

*Powers and Duties:* The responsibilities of the Joint Legislative Auditing Committee (Committee) are broad and affect many areas of government in Florida. The Committee is authorized to investigate any matter within the scope of an Auditor General audit or an Office of Program Policy Analysis and Governmental Accountability (OPPAGA) evaluation and is granted subpoena power in connection with such investigations. The Committee appoints the Auditor General and may direct the Auditor General and OPPAGA to conduct audits. The Committee may enforce penalties against local governmental and educational entities that fail to comply with financial reporting requirements or fail to correct audit findings. Also, the Committee assists in monitoring local governments that are in a state of financial emergency as defined in s. 218.503, F.S.

## **Joint Legislative Budget Commission**

House Location: 221 The Capitol, 402 South Monroe Street, Tallahassee 32399-1300

Phone: (850) 717-4810 Fax: (850) 488-9633

Staff Director: JoAnne Leznoff

Senate Location: 201 The Capitol, 404 South Monroe Street, Tallahassee 32399-1100

Phone: (850) 487-5140 Fax: (850) 487-5161

Staff Director: Cindy Kynoch

[www.leg.state.fl.us/](http://www.leg.state.fl.us/) (Joint Legislative Committees)

*Legal Basis:* Art. III, s. 19(j), Florida Constitution; s. 11.90, *Florida Statutes* and Joint Rule 6

*Membership:* The Commission is comprised of 14 legislative members—seven House members appointed by the Speaker and seven senators appointed by the President.

*Chair:* From November of each odd-numbered year through October of each even-numbered year, the Senate President appoints the chair of the Commission and the Speaker of the House appoints the vice chair. From November of each even-numbered year through October of each odd-numbered year, the Speaker of the House appoints the chair of the Commission and the Senate President appoints the vice chair.

*Powers and Duties:* The Constitution authorizes the Commission to oversee certain aspects of the implementation of the approved budget for the State of Florida. The Commission is empowered in Chapter 216, *Florida Statutes*, to ratify certain adjustments to the budget as recommended by the Governor or the Chief Justice of the Supreme Court without the concurrence of the full Legislature. The Commission is also charged with developing the long-range financial outlook described in Article III, Section 19 of the Constitution, with reviewing certain proposed information technology-related budget amendments and with performing other duties as prescribed by general law or joint rule.

## **Auditor General**

G74 Claude Pepper Building, 111 West Madison Street, Tallahassee 32399-1450

Phone: (850) 412-2722 Fax (850) 488-6975

[www.myflorida.com/audgen](http://www.myflorida.com/audgen)

Auditor General: David W. Martin, CPA

*Legal basis:* Article III, Section 2, Florida Constitution, and sections 11.40, 11.42, 11.45, and 11.47, *Florida Statutes*

*Created:* 1969

*Method of selection:* Auditor General appointed to office by a majority vote of the members of the Legislative Auditing Committee, subject to confirmation by both houses of the Legislature.

*Qualifications:* Certified under Florida public accountancy law for a period of at least 10 years, with not less than 10 years' experience in an accounting or auditing related field.

*Term of appointment:* Until terminated by a majority vote of both houses of the Legislature.

*Duties:* To conduct financial and operational audits of State government, all State universities, all State colleges, and specified district school boards. To conduct operational audits of the Florida Clerks of Court Operations Corporation, Citizens Property Insurance Corporation, water management districts, and the Florida School for the Deaf and the Blind. To conduct performance audits of the local government financial reporting system and the Florida Department of Revenue's administration of ad valorem tax laws. To review a sample of internal audit reports at each State agency. To conduct audits of local government and other entities when determined necessary or when otherwise directed or required. To conduct audits of State land acquisitions and divestitures. To examine district school board reports of the numbers of full-time equivalent students. To adopt rules relating to the audit of local governments, district school boards, State single audits, certain nonprofit organizations, charter schools, and clerks of court. To review other auditor's reports on audits of local governments, district school boards, charter schools, and charter technical centers and prepare reports summarizing significant findings and financial trends.

## **Commission on Ethics**

325 John Knox Road, Building E, Suite 200, Tallahassee 32303

Mailing Address: P.O. Drawer 15709, Tallahassee 32317-5709

Phone: (850) 488-7864 Fax (850) 488-3077

[www.ethics.state.fl.us](http://www.ethics.state.fl.us)

Executive Director: Virlindia Doss

*Legal basis:* Article II, Section 8(f) of the Florida Constitution and ch. 112.320, *Florida Statutes*

*Created:* 1974

*Method of selection:* Nine members; five appointed by the Governor, one of whom must be a former city or county official and no more than three of whom may be of the same political party; two appointed by the President of the Senate, no more than one of whom shall be from the same political party; two appointed by the Speaker of the House, no more than one of whom shall be from the same political party. No member may be a public officer or employee.

*Term:* Two years

*Compensation:* None; reimbursement of travel expense at state rate.

*Purpose:* To serve as the guardian of the standards of conduct for public officers and employees at the state and local level by issuing advisory opinions and by making public reports on complaints.

## **Constitution Revision Commission**

The third Constitution Revision Commission will convene in 2017.

*Legal basis:* Article XI, Section 2, Florida Constitution

*Created:* Commission required to be established the 10th year after adoption of the Constitution in 1968 and each 20<sup>th</sup> year thereafter.

*Method of selection:* The Governor appoints 15 members, the Senate President and House Speaker appoint nine each, the Chief Justice of the Florida Supreme Court appoints three, and the Attorney General also serves.

*Chairman:* The Governor designates one of the members as chairman.

*Purpose:* “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.”

## **Historic Capitol Museum**

400 South Monroe Street, Room B-06, Tallahassee 32399-1100

Phone: (850) 487-1902 Fax (850) 410-2233

[www.flhistoriccaptol.gov/](http://www.flhistoriccaptol.gov/)

Staff Director and Curator: Michelle Gammon Purvis

### *Museum Hours*

Monday-Friday 9:00 a.m. – 4:30 p.m.

Saturdays 10:00 a.m. – 4:30 p.m.

Sundays & Holidays Noon – 4:30 p.m.

*Legal basis:* Chapter 272, *Florida Statutes*

The Florida Historic Capitol Museum has been under the direction of the Florida Legislature since 2006 and is housed in the Historic Capitol building, which has been restored to its 1902 appearance. The Museum’s mission is to serve to illuminate the past, present, and future connection between the people of Florida and their political institutions through programs of civic education, historic interpretation, and preservation, including the Florida Legislative Research Center. The Research Center has a substantial collection of oral histories and an archive of important papers, photographs, and related materials connected with Florida’s legislative history. The Museum is free and open to the public.

## **Office of Legislative Services**

874 Claude Pepper Building, 111 West Madison Street, Tallahassee 32399-1400

Phone: (850) 487-8234 Fax (850) 414-1909

Coordinator: Karen Chandler

Staff Directors:

Allison Deison, General Counsel

Linda Jessen, Division of Law Revision and Information

Barbara Gleasman, Human Resources Office

Gene Lawhon, General Services Office

Lisa Swindle, Finance & Accounting Office

(vacant), Budget Office

Jeannie Evans (Program Administrator), Purchasing Analysis Office

*Legal basis:* Joint Rule 3 and s. 11.147, *Florida Statutes*

The Office of Legislative Services is a joint unit of the Legislature authorized by section 11.147, F.S., and established under the joint rules of the Legislature to provide support services to the Florida Senate, Florida House of Representatives, and other legislative units. The office is directed by a coordinator selected each legislative biennium by the President of the Senate and Speaker of the House of Representatives. The services provided include payroll, purchasing, fiscal, personnel, medical clinic, property management and mail services, statutory revision, and maintaining a legislative lobbyist registration and compensation reporting system.

## **Office of Program Policy Analysis and Government Accountability**

312 Claude Pepper Building, 111 West Madison Street, Tallahassee 32399-1475

Phone: (850) 488-0021 Fax: (850) 487-3804

[www.oppaga.state.fl.us](http://www.oppaga.state.fl.us)

Coordinator: R. Philip Twogood

*Legal basis:* Joint Rule Three of the Florida Legislature

*Created:* 1994

*Duties:* To perform independent examinations, program reviews, and other projects as provided by general law, as directed by the Legislative Auditing Committee, or by the President of the Senate or by the Speaker of the House of Representatives.

## **Office of the Public Counsel**

812 Claude Pepper Building, 111 West Madison Street, Tallahassee 32399-1400

Phone: (850) 488-9330 Fax: (850) 487-6419

Lifeline Assistance Complaint Hotline: (800) 540-7039

[www.floridaopc.gov](http://www.floridaopc.gov)

Public Counsel: J.R. Kelly

*Legal basis:* Sections 350.061-0614, F.S.

*Created:* 1974

*Method of selection:* Appointed by majority vote of the Joint Committee on Public Counsel Oversight. Attorney admitted to practice before Florida Supreme Court.

*Tenure:* Serves at pleasure of Joint Public Counsel Oversight Committee.

*Duties and powers:* The Public Counsel has the statutory duty to provide legal representation for the people of the state of Florida in proceedings before the Florida Public Service Commission involving electric utilities, gas utilities, water utilities, and wastewater utilities, and in proceedings before counties that elect jurisdiction over water and wastewater utilities pursuant to section 367.171(8), F.S.

## **Public Service Commission**

2540 Shumard Oak Boulevard, Tallahassee 32399-0850

Phone: (850) 413-6100 Fax: (800) 511-0809

Complaint Hotline: (800) 342-3552

[www.floridaPSC.com](http://www.floridaPSC.com)

<b>Commissioners</b>	<b>Telephone</b>	<b>Term Ends</b>
Chairman: Art Graham	(850) 413-6036	Jan. 2014
Lisa Polak Edgar	(850) 413-6044	Jan. 2016
Eduardo E. Balbis	(850) 413-6038	Jan. 1, 2015
Julie Imanuel Brown	(850) 413-6042	Jan. 1, 2015
Ronald A. Brisé	(850) 413-6040	Jan. 2018

*Chairman:* Rotates every two years by majority vote of commission for term beginning on first Tuesday after first Monday in odd-numbered years. No member may serve two consecutive terms as chairman.

*Legal basis:* Section 350.001, F.S., (as restated in Chapter 78-426, Laws of Florida) declares the Public Service Commission “has been and shall continue to be an arm of the legislative branch.” However, the Legislature delegates to the Governor a limited authority so he may participate in the selection of members of the commission only from the Florida Public Service Nominating Council as provided in s. 350.031. Chapters 350, 351, 364, 365, 366, 367, 368, F.S.

*Created:* 1887

*Membership:* Five commissioners appointed pursuant to s. 350.031., F.S.

*Compensation:* \$132,690 a year

*Qualifications:* Commissioners must be competent and knowledgeable in one or more fields, which include, but are not limited to public affairs, law, economics, accounting, engineering, finance, natural resource conservation, energy, or another field substantially related to the duties and functions of the commission.

*Term:* Four years

*Method of removal:* By the Governor for cause by and with the consent of the Senate.

*Method of financing:* Entirely from fees and assessments from the utilities regulated by the Commission placed in a Regulatory Trust Fund.

*Duties:* To regulate the rates and services of telecommunications companies, privately-owned electric, gas, water, and wastewater utilities.

*Purposes:* This regulatory agency was established by the Florida Legislature in 1897. At one time the Chief Justice of the Supreme Court of Florida, George G. McWhorter, resigned his position as Chief Justice to become Chairman of the Florida Railroad Commission. For the first 60 years of its existence, this agency was known as the Florida Railroad Commission; however, in 1947 its name was changed by the Legislature to The Florida Railroad and Public Utilities Commission; in 1963 to Florida Public Utilities Commission, and in 1965 to Florida Public Service Commission. This new name more accurately reflects its purpose and jurisdiction. Originally it had supervision over railroads only, but successive Legislatures have added to its powers and duties. Until 1978, members of the commission were elected on the statewide ballot. The 1978 Legislature changed the basis for selection.

*Powers:* The Commission has the power to summon and require the attendance of witnesses, to require the production of books and records and to levy fines up to \$5,000 a day for continuous offenses. In fixing rates to be charged by various utilities, it acts as an agent of the Legislature. Its functions, therefore, are legislative, executive and judicial, combining in one single agency the three primary functions of government.

## **Public Service Commission Nominating Council**

874 Pepper Building, 111 West Madison Street, Tallahassee 32399-1400

(850) 717-0301

[www.leg.state.fl.us/pscnc](http://www.leg.state.fl.us/pscnc)

Contact: Mavis Knight

*Legal basis:* Section 350.031, F.S.

*Created:* 1978

*Membership:* Twelve

*Method of selection:* Six members, including three members of the House of Representatives, one of whom shall be a member of the minority party, shall be appointed by the Speaker of the House; six members, including three members of the Senate, one of whom shall be a member of the minority party, shall be appointed by the President of the Senate. At least one member must be 60 years of age or older.

*Term:* Four years except those members of the House and Senate shall serve two-year terms concurrent with two-year elected terms of House members.

*Qualifications:* No member or spouse shall be the holder of the stocks or bonds of any company, other than through ownership of shares in a mutual fund, regulated by the commission, or any affiliated company of any company regulated by the commission, or be an agent or employee of, or have any interest in, any company regulated by the commission or any affiliated company of any company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission. A member may be removed by the Speaker and President upon a finding that the council member has violated these prohibitions or for any other good cause.

*Compensation:* None

*Duty:* Council shall recommend to the Governor no fewer than three persons for each vacancy on the Public Service Commission. If Governor neglects to act, the council, by majority vote, shall appoint. This occurred in 2008.



# Florida's Budget Process

## Consensus Estimating Conference Process

Office of Economic and Demographic Research\*

Economic, demographic, resource-demand, and revenue forecasts are essential for a variety of governmental planning and budgeting functions. Most importantly, revenue and resource-demand estimates are needed to ensure that Florida meets its constitutional balanced budget requirement. In this regard, the various forecasts are primarily used in the development of the constitutionally required Long-Range Financial Outlook, the Governor's budget recommendations and the General Appropriations Act. Economic and demographic forecasts are also used to support the other estimates of revenues and demands for state services.

Florida's revenue forecasting system is founded on a base forecast which typically assumes a "current law, current administration" structure in which no changes are allowed to the legal setting and practices known at the time of the forecast. This multi-stage process begins with the adoption of a national economic forecast based in part on information from a private forecasting firm, and the subsequent development of a Florida-specific economic forecast linked to major elements from the national forecast. Key state economic variables are then used to model the likely paths of individual revenue sources. They are further adjusted by recent revenue collection trends and calibrated to current receipts.<sup>1</sup> This process de-

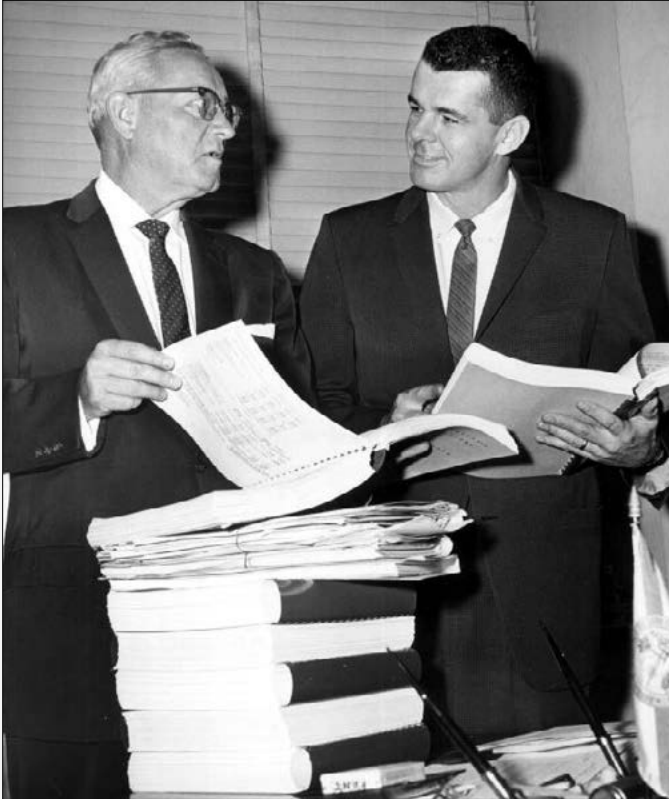


Photo by Mark T. Foley

*Governor Reubin Askew and Lieutenant Governor Jim Williams announce their new "no new taxes" budget, Tallahassee, 1978.*

termines the baseline forecasts, and proposed law changes are modeled as deviations from the projected base. In the next round of forecasts, the process begins again, and the baseline is updated to account for any new or changed information, such as data revisions and law changes. All revenue estimates are made on a "cash" basis where revenues are assigned to the fiscal year in which they are likely to be re-

*\*The Office of Economic and Demographic Research (EDR) is a research arm of the Legislature principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations. Coordinator: Amy Baker. Visit EDR's website at <http://edr.state.fl.us>.*



Florida State Archives

*State Budget Director Harry G. Smith (left) thumbs through the 776-page 1963 2-year budget, which totaled a little over one-billion dollars.*

ceived. The resource-demand conferences follow a similar process, and most rely heavily on the shape of the Florida-specific economic forecast.

Rather than constitutional or statutory guidance, the classification of recurring and non-recurring revenues is based on institutional forecasting conventions developed over time by the principals of the Revenue Estimating Conference. Typically, the forecasted revenue level for each baseline year is deemed to be the “recurring” amount of funds for that year, regardless of the projected levels in subsequent years. Narrow exceptions are made for one-time events such as hurricanes and the receipt of special federal funds, as well as time-limited statutory provisions. Recent estimates have included at least five complete fiscal years in the forecast adopted at the conference. Moreover, the annual Long-Term Revenue Analysis (Book 2) adopted each Fall contains 10-year forecasts for revenues.

Consensus estimating informally began in 1970 and was limited to forecasts of the General Revenue Fund. The law establishing the conference process in statute did not pass until 1985 (Chapter 85-26, Laws

of Florida). The use of consensus forecasting to support the planning and budgeting process has expanded in the years since, and there are now 10 estimating conferences formally identified in statute:

1. Economic Estimating Conference
  - Florida Economic
  - National Economic
2. Florida Demographic Estimating Conference
3. Revenue Estimating Conference
  - Ad Valorem
  - Article V Fees & Transfers
  - Documentary Stamp Tax
  - General Revenue
  - Gross Receipts/Communications Services Tax
  - Highway Safety Fees
  - Indian Gaming
  - Long Term Revenue Analysis
  - Lottery
  - Public Education Capital Outlay (PECO)
  - Slot Machines
  - Tobacco Settlement
  - Tobacco Tax and Surcharge
  - Transportation Revenue
  - Unclaimed Property/State School Trust Fund
4. Education Estimating Conference
  - Public Schools Enrollment
  - Public Schools Capital Outlay Full-Time Equivalent Enrollment
  - Florida College System Enrollment
  - Post Secondary Financial Aid
5. Criminal Justice Estimating Conference
6. Social Services Estimating Conference
  - TANF/WAGES
  - Medicaid Caseloads
  - Medicaid Expenditures
  - Kidcare
7. Workforce Estimating Conference
8. Early Learning Programs Estimating Conference
  - School Readiness Program
  - Voluntary Prekindergarten Education Program
9. Self-Insurance Estimating Conference
  - Risk Management Trust Fund
  - State Employees Health Insurance
10. Florida Retirement System Actuarial Assumptions Estimating Conference
  - Florida Retirement System
  - Retiree Health Insurance Subsidy Benefit



While references to specific conferences exist in several places within the *Florida Statutes*, general statutory authority for the consensus process is provided in s. 216.133 through s. 216.138, F.S., which specifies the duties of each conference and designates the conference principals and participants. Conference principals can call conferences and are generally responsible for developing and choosing the forecasts. Participants may be requested to provide alternative forecasts and to generate supporting information. All conferences are open, public meetings.

The four principals for each conference are designated professional staff. The staff members represent the Governor's Office, Senate, House of Representatives, and Legislative Office of Economic and Demographic Research. Historically, the revenue representatives of the House and Senate have been the staff directors of the tax committees, and the policy coordinator overseeing tax issues has represented the Governor's Office. In the other conferences, the principals represent the same offices, but they are specifically chosen for their subject-matter expertise in the area represented by the conference. An exception is made for the Coordinator of the Legislative Office of Economic and Demographic Research who—by law—sits as a principal on all conferences.

Consensus forecasting requires the conference principals to agree on the forecasts before they are finalized. The procedure is truly by consensus with each principal having a veto. Section 216.133(3), F.S., defines "consensus" as "the unanimous consent of all of the principals." Each state agency and the judicial branch must use the official results of the conference in carrying out their duties under the state planning and budgeting process; however, the Legislature is not bound to use the official consensus forecasts. Nevertheless, since 1970, the Florida Legislature has consistently used the results of these conferences in its official duties.

Over the course of each year, the principals meet in a series of regularly scheduled Consensus Estimating Conferences to provide the forecasts needed to support the planning and budgeting process. Recently, these conferences have occurred in three "seasons" (Summer, Fall, and Spring). In addition, impact conferences are held when estimates are needed to determine the impact of changes or

proposed changes to current law or current administration. Current law does not specify the methods, techniques, or approaches for developing estimates or forecasts; however, the impact conferences typically use static analyses with modest adjustments for likely behavioral changes when conditions warrant their inclusion.

A special case of the estimating conference process has been developed for evaluating the fiscal impact of petition initiatives. In 2004, a constitutional amendment passed that requires initiative petitions be filed with the Secretary of State by February 1st of each general election year in order to be eligible for ballot consideration. Section 15.21, *Florida Statutes*, requires the Secretary of State to "immediately submit an initiative petition to the Attorney General and to the Financial Impact Estimating Conference" once the certified forms "equal ... 10 percent of the number of electors statewide and in at least one-fourth of the congressional districts required by s. 3, Art. XI of the State Constitution." At the point an initiative petition is received, the Financial Impact Estimating Conference (FIEC) has 45 days to complete an analysis and financial impact statement to be placed on the ballot (s.100.371, F.S.). The statement must include the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The Financial Impact Estimating Conference consists of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal must have appropriate fiscal expertise in the subject matter of the initiative. A separate Financial Impact Estimating Conference is appointed for each initiative.

Another special case of the estimating conference process has been developed for evaluating legislative proposals—whether statutory or budgetary—based on tools and models not generally employed by the consensus estimating conferences, including cost-benefit, return-on-investment, or dynamic scoring techniques, when suitable and appropriate for the legislative proposals being evaluated. In 2010, House Bill 1178 was passed and signed into law (Chapter 2010-101) establishing section 216.138, F.S., autho-

riking the President of the Senate and the Speaker of the House of Representatives to request special impact estimating conferences employing such tools and models. The Special Impact Estimating Conference consists of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research,

or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal must have appropriate fiscal expertise in the subject matter of the legislative proposal. A separate Special Impact Estimating Conference may be appointed for each proposal.

<sup>1</sup>Designated principals also use independent (but informed) judgment to alter the forecast.

## ***Florida's Budget Process\****

Article III, Section 19, and Article VII, Section 1 of the Florida Constitution vests in the Legislature the responsibility for determining the fiscal policies of state government. Annually, the Legislature passes the General Appropriations Act (GAA) usually during its regular legislative session. The GAA, or the *Budget*, contains appropriations for one fiscal year beginning July 1 and ending June 30. In addition to adopting the GAA, the Legislature may also pass other legislation containing appropriations or laws affecting the state's budget either in the regular session or in a separate special session.

The Governor, as the Chief Budget Officer, is charged with implementing the state's *operating budget*, which incorporates all legislative budget actions affecting spending for the fiscal year. The majority of the operating budget is typically based on appropriations contained in the GAA. Adjustments may be made to the operating budget pursuant to Article III, Section 19 of the Florida Constitution which creates the Legislative Budget Commission, and also authorizes the Legislature to provide for limited budget adjustments, or *interim budget amendments*, as provided by general law. Generally, the Legislative Budget Commission approves trust fund adjustments of over \$1 million and many adjustments involving the General Revenue Fund. Adjustments not required to go before the LBC are submitted by the Governor to the House and Senate for joint review or review and approval as specified in Chapter 216 of the *Florida Statutes*.

In early summer, as the Governor begins the process of implementing the operating budget for the



Photo by Mark T. Foley

*Senate budget Chair J.D. Alexander, R-Lake Wales, and House budget Chair Denise Grimsley, R-Sebring, compare final notes on the compromised Florida budget, 2012.*

current fiscal year, the development process begins for the subsequent year's budget. No later than July 15, agencies receive budget instructions for building the next fiscal year's budget requests. These instructions are jointly developed by the Governor's and Legislature's staff, pursuant to law. Agencies must submit their budget requests by October 15. By law, agencies must request funding based on an independent judgment of its needs. Agency requests are not limited by available revenues. Agencies may amend their budget requests as needed, after the Governor's recommended budget is submitted to the Legislature.

*\*Written November 2013 by House Appropriations Committee Staff*



Photo by Bill Cotterell

*Governor Rick Scott signing the \$69 billion state budget for fiscal year 2011-2012 at The Villages in Sumter County, 2011.*

After agencies submit their budget requests, the Governor begins to develop recommendations for all agency budgets. The Governor's budget recommendation is submitted to the Legislature in an appropriations bill format at least 30 days prior to the regular session. The Governor's recommended budget must be balanced to his or her estimate of available revenues and any adjustments in revenue that the Governor is recommending.

Based on analysis and review of both agency budget requests and the Governor's recommended budget, the House and Senate each prepares its own proposed appropriations bill. The proposed appropriations bills of each chamber reflect the priorities of its respective members and must be based on a consensus estimate of available revenues. Because the two bills will typically differ, the Speaker and the President appoint conference committees to resolve the spending differences. Once the conference committees reach a compromise, each chamber votes on the resulting conference committee report. Neither chamber can amend a conference committee report; it must be either accepted or rejected. The conference committee report must be furnished to each member of the Legislature, each member of the cabinet, the Governor and the Chief Justice of the Supreme Court at least 72 hours before it is voted on.

After the legislative session, the Speaker and the President present the General Appropriations Act

to the Governor. Article III, Section 8 of the Florida Constitution grants the Governor line-item veto power of the General Appropriations Act. In effect, the Governor can eliminate any specific appropriation that the Legislature has chosen to fund. The Legislature can overturn the Governor's veto by a two-thirds vote.

Unlike the federal government's ability to spend in excess of available funding, Florida's Constitution requires a balanced budget (Art. VIII, Section 1, Florida Constitution). It is not unusual for revenue collections, either for the General Revenue Fund or trust funds, to vary from the estimate on which the Legislature based its budget. If a deficit occurs, the Governor must develop for the executive branch, and the Chief Justice of the Supreme Court must develop for the judicial branch, plans of action to eliminate the deficit and then provide these plans to the Legislature. If the Revenue Estimating Conference projects a deficit in the General Revenue Fund in excess of 1.5 percent of the moneys appropriated from the General Revenue Fund during a fiscal year, the deficit must be resolved by the Legislature. Deficits in the General Revenue Fund that are less than 1.5 percent are resolved by the Governor for the executive branch and the Chief Justice of the Supreme Court for the judicial branch. Also, the Budget Stabilization Fund (BSF) (see Article III, Section 19, Florida Constitution) was created, upon approval of a 1992 constitutional amendment, for the purpose of addressing emergencies such as shortfalls in the General Revenue Fund.

In Fiscal Year 2013-2014, approximately 35.6 percent (or \$26.4 billion) of the state's \$74.2 billion budget was funded with federal funds. Federal grants revenues fund significant portions of a number of state programs such as the Transportation Work Program, the Temporary Assistance to Needy Families (TANF) program, and the Medicaid program. Programs funded with federal funds are directly dependent on the amount of funding authorized at the federal level and are also typically restricted by any federal requirements governing the use of those funds. The overall spending level (federal funds combined with state funds) can depend on the amount of state matching funds appropriated. Other cases, such as entitlement programs—Medicaid for example—depend on the number of eligible persons.

The state must come up with its required matching funds to provide Medicaid services. In summary, federal government actions strongly influence a significant portion of the state budget.

A second significant component of the state budget is appropriation from state trust funds. In Fiscal Year 2013-2014, \$21.1 billion or 28.5 percent of funding was appropriated for various state agency programs from 160 state trust funds. Trust funds are typically established for special purposes from specified revenue sources that may be fees or revenues associated with the program activities being funded. The uses of these funds are limited by statutory provisions authorizing specific uses for expenditure from the fund.

Appropriations funded from the General Revenue Fund are the third and final major component of the state budget. General Revenue funds are general purpose funds which may be spent for a variety of state programs, unlike specific trust funds which have specific lawful uses as mentioned above. The fiscal year 2013-2014 budget contained \$26.7 billion in General Revenue Fund appropriations and comprised 36 percent of the total budget. Over 80 percent of the revenues going into the General Revenue Fund are from the state Sales Tax and the Corporate Income Tax.



*Florida State Comptrollers Office, Sales Tax Filing Department, Tallahassee, 1961. Sales tax revenues go into the General Revenue Fund, which may be spent for a variety of state programs.*

Photo by Garrett and Associates



# Reapportionment in Florida

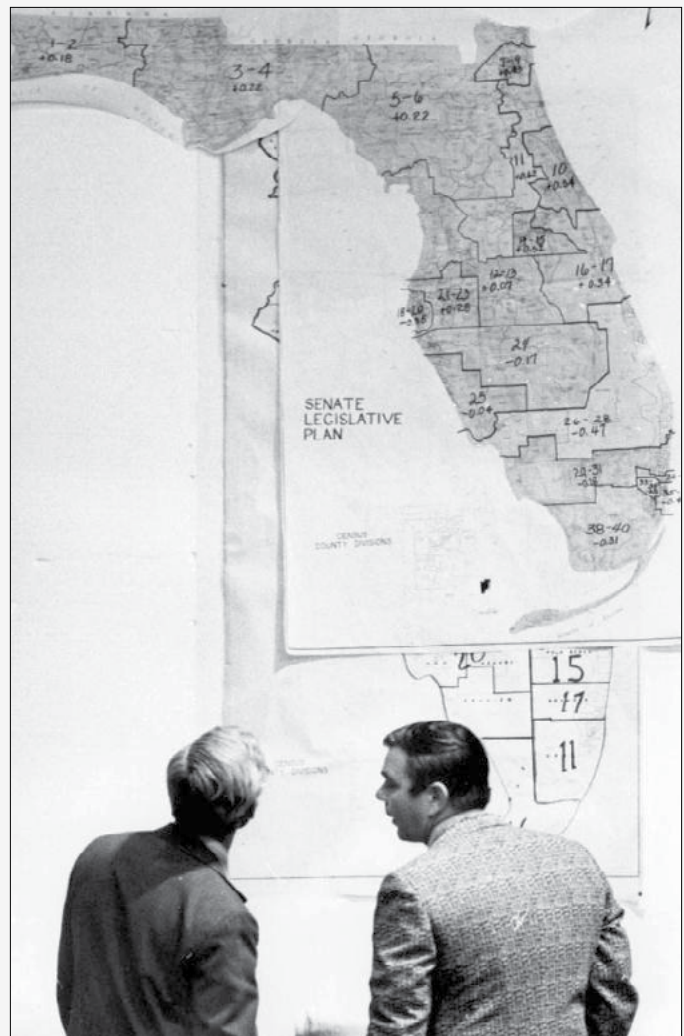
Neil Skene\*

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Florida's reapportionment every ten years might be thought of as professional wrestling for the C-SPAN set: Lots of arm-twisting, loud rhetoric and low comedy. And yet this raucous, fierce, partisan process has reshaped Florida politics like almost nothing else since the federal courts in the 1960s insisted that Florida and the rest of the states give its citizens equal representation in the state legislature and the U.S. House of Representatives.<sup>1</sup>

The stark rural domination of Florida politics 50 years ago is illustrated by comparing little Jefferson County (Monticello) east of Tallahassee, which with 10,000 citizens had its own senator and representative in the 1950s, and Dade County, which with 50 times as many people had one senator and three representatives. Because each county was promised at least one House member, a majority of both houses was elected by less than a fifth of the state population. Their constituents paid just 15 percent of the state's taxes and received 30 percent of state spending. Most starkly, racetrack taxes were divided equally among all counties. A majority of the 1961 senators were elected by 12.3 percent of the voters. Until the 1960s, the last major reapportionment had been in 1924, when the five most populous counties were given three representatives and the next 18, two representatives.<sup>2</sup>

The U.S. Supreme Court and lower federal courts brought that lopsided rural domination of



Florida State Archives

Legislators discuss a Senate reapportionment map, circa 1972.

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Florida politics to an end in the 1960s.<sup>3</sup> New elections in redrawn legislative districts in 1966 and 1967 brought a wave of urban, Democratic, left-of-center legislators to Tallahassee. Among those winning State Senate seats were two future governors and U.S. senators, Bob Graham and Lawton Chiles.

For 25 years after a court-ordered special election in 1967, the renovated Democratic majority rode a powerful economy, driven by one of the fastest rates of population growth in the country. Ninth in population in 1970, Florida rose to seventh in the nation in 1980 and fourth by 1990.

The new legislators of the 1960s rewrote the Florida Constitution for the first time in 83 years, reorganized state government, imposed a corporate income tax, raised the sales tax, passed legislation to protect the environment and to regulate growth, expanded social services, provided more state support for local schools and distributed it more fairly, dramatically expanded higher education, and passed no-fault insurance and no-fault divorce.

The legislators also provided themselves year-round staffs, which helped make the Florida Legislature one of the most respected legislatures in the country, and raised their own salaries from \$1,200 to \$12,000, supposedly to make legislative service more inviting to a broader array of people. Graham, elected governor in 1978, supported tax increases almost every year he was in office and still ended his governorship as one of the most popular Florida politicians of the last 30 years.

In 1986, however, the tide began coming in for Florida Republicans, and once again reapportionment gave it extra force. As early as the 1967 elections, Republicans held 20 Senate seats out of 48 and 39 of the 119 House seats, as suburban Republicans shared the benefits of the reallocation of seats from rural areas. But even in 1984, Republicans' minority status still gave them the worst seats in the House.

Ronald Reagan's eight-year presidency starting in 1981 reinvigorated the Republican Party nationwide and in Florida. A sharp division in the Democratic primary for governor in 1986 handed Florida's governorship to a Republican, former Tampa Mayor Bob Martinez, a one-time Democrat who was now clearly Republican in outlook. In 1990, Republicans pulled even with Democrats in the Florida Senate. In 1994, iconic Democratic governor Lawton Chiles

barely won re-election against Jeb Bush, who would come back to win the governorship in 1998. A decade later, after the 2010 election, Republicans held two-thirds of the seats in both houses as well as the governorship.

In the U.S. Congress, the state's representation shifted from 11 Democrats (73 percent) and 4 Republicans after the 1972 reapportionment to 19 Republicans (76 percent) and 6 Democrats after the 2010 election.

Between the censuses of 2000 and 2010, Florida's population grew from 15,982,378 to 18,801,310, or 17.5 percent.<sup>4</sup> Since the 435 seats in the U.S. House are apportioned by population, Florida's exceptional growth gave it two new seats in Congress, for a total of 27. The number of people in each congressional district is larger—696,345 as of the census rather than 639,295.

It's not just population growth that affects the new boundaries, though; it's also the makeup of that population. Florida's Hispanic population grew 57.4 percent in the last decade—three times the growth rate for the population as a whole. Black population growth also exceeded the average; it was up 28.4 percent.<sup>5</sup>

A new consideration in the 2012 reapportionment cycle was the "Fair Districts" amendments to the Florida Constitution, approved by about 63 percent of Florida voters in 2010.<sup>6</sup> Amendment 5 applied to state legislative reapportionment; Amendment 6 had identical language except that it applied to reapportionment for Florida's seats in the U.S. Congress. The amendments were intended to curtail "gerrymandering," meaning a contortion of legislative district boundaries to serve partisan or selfish purposes.

The term "gerrymandering" was first used for the 1812 districting plan for the Massachusetts state senate that protected the incumbent Democratic-Republican party of Gov. Elbridge Gerry, a signer of the Declaration of Independence and future Vice President. One particularly odd-shaped district was said to look like a salamander. Critics call it a "gerrymander." The gerrymander kept Gerry's party in power in the senate, even though the Federalist defeated both Gerry and his party in the House in the next election.

Both amendments, in section (a), included language similar to Section 2 and Section 5 of the federal Voting Rights Act of 1965, which was designed

to avoid voting discrimination against racial or language minorities or diminish their ability to elect “representatives of their choice.” Section 5 of the federal law applied to only five Florida counties and subjected any change in voting rules to review by the federal government; in 2013 that section of the law was rendered ineffective when its coverage formula was invalidated by the U.S. Supreme Court in *Shelby County, Alabama v. Holder*,<sup>7</sup> but by then the new Florida amendments had applied the same standards to the entire state. The notable difference, of course, is that the state constitutional amendments do not have federal enforcement, but instead are part of the review by Florida state courts. The Florida amendments also added additional standards intended to reduce gerrymandering.

Advocates of Florida’s Fair District amendments said legislators had “hijacked” the reapportionment process for their own benefit. The common saying was that instead of voters choosing their legislators, the legislators were choosing their voters. The amendments—identical except that one applies to congressional districts, the other to state legislative districts—have the following key language:

(a) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

Legislative secrecy in drawing the boundary lines has been an issue in every reapportionment. The 1982 reapportionment happened before the arrival of personal computers. There was basically one closely monitored computer terminal for each reapportionment committee. In 2002, by contrast, the data and software for reapportionment were made available to the public. For 2012, a Legislative website allowed citizens to create their own reapportionment plans and submit them for consideration. The House’s “My District Builder” even had a Facebook page, a Twitter account, and a YouTube channel.

As in previous reapportionment years, the Legislature met earlier than usual, on January 10, 2012, to provide more time for reapportionment before the candidate-qualifying period June 18-22. The legislative committees held public hearings around the state in the latter half of 2011. The congressional plan moved fairly quickly, with final approval on February 9.<sup>8</sup> The process is so politically important that the reapportionment chairmanships are prized assignments. As sometimes happens, the 2012 reapportionment committee in each chamber was chaired by the next presiding officer: Sen. Don Gaetz of Niceville and Rep. Will Weatherford of Wesley Chapel.

Both houses must approve the entire legislative



Photo by Meredith Geddings

*House staff give a presentation on redistricting to the media in Tallahassee, January 2011. A Legislative website allowed citizens to create their own reapportionment plans and submit them to the Legislature for consideration.*

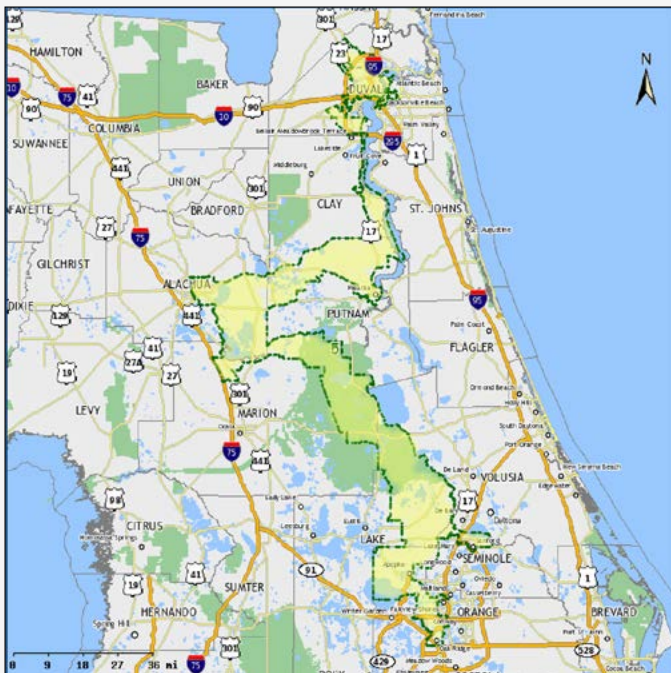
plan, but each chamber has jealously guarded its prerogative to draw the districts for its own members. In fact, both humor and horror came from the Senate in response to a sly House concept briefly floated in 1982 for drawing Senate boundaries simply by combining three House districts into a Senate district, a plan called “nesting.” While there is intense bargaining between the chambers—in a reapportionment session, every single issue can end up tied to reapportionment—the concept of mutually assured destruction generally prevails to leave each chamber to pursue its own prerogatives.

Whether the new constitutional restrictions and the much-ballyhooed public access to the process actually made a difference remained a matter of debate even after the work was finished. The amendments forbid any “intent” to protect an incumbent and any “intent or result” of “diminishing” the ability of racial or language minorities to elect their preferred candidate. The selective application of the word “result” to only one of the first two standards makes it okay if incumbents are in fact protected as long as that result was not provably intentional. The Florida Supreme Court, however, found the Senate plan “rife with objective indicators of improper intent,” including the

numbering of districts in a way that protected term-limited incumbents, and rejected the “expansive” and inconsistent application of concepts of compactness of districts and existing boundaries. The House plan won complete approval. That fall, most incumbents won re-election, and overall Republican dominance was little changed.

By introducing permissible gerrymandering, the amendments implicitly permit or even require that other districts disproportionately cluster voters of opposing political views and might even “unintentionally” end up protecting an incumbent. The original “gerrymander” district of 1812 has a striking resemblance, for example, to Florida’s new Fifth Congressional District, held since the 1992 elections by African-American Democrat Corrine Brown (previously numbered as the Third District). The salamander shape, stretching from ragged boundaries in Jacksonville to Interstate 4 in Orange County, was justified as preserving a so-called majority-minority district capable of electing a black representative. This “equal opportunity” provision, however, means that the minorities can be artificially clustered into one district while nearby districts have more voters from the opposite party. The districts also must be “compact,” And “where feasible,” the boundaries must utilize existing political and geographic boundaries.

Partisan gerrymandering was not a simple process even before the 2010 amendments. The overarching goal is to create the maximum number of “safe” seats for the dominant party, which means a balance must be struck between the size of the party’s majority in a district and the number of party-dominated districts. “It’s a struggle to make individual members understand why they have to give up a friendly area of their district so that another district with 47 percent [for that party] can get up to 52 percent and give the party a fighting chance,” says former House and Senate Republican leader S. Curtis Kiser, who came to the Legislature in 1972 as part of a predominantly Republican multi-member district in northern Pinellas County and served as House Republican Leader during the 1982 reapportionment. It was he and then-Rep. Ronald R. Richmond, a Republican from Pasco County, who first made the grand bargain with NAACP leaders in Florida that created the first majority-minority districts in Florida while simulta-



Map produced by House Redistricting Committee

*This map of Congressional District 5 (highlighting added) is an example of a majority-minority district. The salamander shape, stretching from ragged boundaries in Jacksonville to Interstate 4 in Orange County, was justified as preserving a district capable of electing a black representative.*



neously creating more Republican-leaning districts. The approach became national policy 10 years later when President George H.W. Bush's Justice Department supported aggressive creation of majority-minority districts in the 1992 reapportionment cycle nationwide.

The Governor has no say in the legislative reapportionment plan, which the Attorney General submits directly to the Florida Supreme Court within 15 days after completion. The Governor has 15 days to sign the congressional plan into law or reject it. There is no automatic court review of the congressional plan, but invariably challenges are filed in either state or federal court. Both plans are also submitted to the U.S. Justice Department, which reviews them for compliance with the federal Voting Rights Act forbidding discrimination in the election process. (After approval of the Florida plan in 2012, a portion of the Voting Rights Act was invalidated by the U.S. Supreme Court because its application to selected geographic areas, including five counties in Florida, was "based on 40-year-old facts have no logical relationship to the present day.")<sup>9</sup>

Under Article III, Section 16 of the Florida Constitution, the Florida Supreme Court has 30 days to consider the legislative plan. Its validation is binding on everyone and precludes additional challenges, at least in state courts. If the court rejects the plan, the Governor must reconvene the Legislature within five days in an "extraordinary apportionment session" of no more than 15 days. Fifteen days after that, the new plan is resubmitted to the court. If no plan is passed, or if the court still disapproves, the court writes its own plan within 60 days of the resubmission.

As will be seen, the 1992 reapportionment put this process to the test. The 2012 plan also created a major challenge for the court, since it had to interpret and apply the new Fair District amendments as part of its review.

### **From Shires to Counties**

Representative government in the Anglo-American tradition dates back to the councils of feudal lords and gentry summoned by early English kings. The Parliament of 1265 had representation based on shires (counties) and towns. But only after the concessions to the pre-eminence of Parliament by Wil-

liam and Mary in 1688 were there challenges to this geography-based representation.

As in Florida centuries later, it was a matter of economic and political power. Growing cities were disadvantaged by having no greater representation than country towns. Smaller political offices, or "constituencies," could actually be bought and sold, and representatives might represent a single patron landowner from what became known as "rotten boroughs." This was the earliest corruption of the concept of representation. It was 1832 before representation in the House of Commons based on population.

By then, however, American colonists had already embraced the earlier English tradition of using counties and townships as the basis of legislative representation. But the concept of popular sovereignty that gave rise to the Declaration of Independence also animated a desire for proportional representation of the people in their elected assemblies. At the same time, there was a strong belief in the independent sovereignty of the individual states, reminiscent of the original representation based on geographic divisions.

The ultimate resolution of these two approaches was the "great compromise" of the U.S. Constitution in 1789. That compromise, between the larger and smaller states at the Constitutional Convention in Philadelphia, provided for one house of the U.S. Congress, the House of Representatives, to be apportioned on the basis of population, while the Senate was apportioned with equal representation from each state. To ensure that neither North nor South had the upper hand in the House, the founders agreed that slaves would count only three-fifths as much as others, which reduced the number of representatives from Southern states as opposed the more mercantile and industrial North. The Constitution also provided for a census every 10 years and a new apportionment of the House after each census. Details, however, were left for Congress and the states to fill in.

Many of the original states apportioned their legislatures in a similar manner, at least to some extent.

Florida was still a remote and sparsely populated territory when its first legislature met in Pensacola in 1822. Apportionment was not an issue. There were no legislative districts. The federal law creating the territory called for a single legislative council ap-



*Section of 1857 map showing Northeast Florida and the shape of the state's early counties.*

Johnson & Browning

pointed by the President from among “the most fit and discreet persons of the territory.” In 1826, Congress ordered the state divided into 13 districts, one for each member of the existing legislative council, with “as near as may be an equal number of free white inhabitants.”

In 1838, in response to petitions from the Florida legislators, Congress created a two-house general assembly. Twenty-nine members of the House would be elected from the same 13 districts used by the old council, and the number could be increased as the population grew. The Senate would have 11 members initially—three from the area west of the Apalachicola River, three from the area east of the Suwannee River, four from the area in between, and one from the peninsula.

The elections that autumn also produced delegates to a constitutional convention, whose work led to statehood on March 3, 1845. The new state had a 41-member House of Representatives, with representatives from each of the 20 counties. Leon County, the seat of government, got six representatives. Five counties split 26 representatives while nine counties, including Dade County and a county called Mosquito, got only one representative apiece.

The formula for the Senate was more complex: There would be not less than one-fourth or more than one-half the number of representatives, and Senate districts were to be as nearly equal in population as possible without dividing counties. Sixteen districts

were established. Leon, a district by itself, got two senators. Three districts had more than one county but only one senator. Every other county got one senator apiece.

The state constitution specifically provided for reapportionment. A census was to be taken in 1845 and every ten years after that, and representation was to be apportioned equally among the counties. Each county, however, was guaranteed at least one representative. The House could have no more than 60 members.

The constitutions of 1861 and 1865 did not change the House formula, but the state was growing. There were 39 counties by 1865, and as a result the House grew to 59 members. The Senate grew to 29. The Reconstruction constitution of 1868 brought a somewhat fairer formula for the House. Each county would have one representative, plus an additional one for each 1,000 registered voters. The maximum number for any county was four. Truly proportional representation, however, was still many decades away.

The constitution of 1885, which lasted through the first six decades of the twentieth century, provided for as many as 68 representatives and 32 senators. Senate districts were to be “as nearly equal in population as practicable.” But fair apportionment was still restricted by the formula. Each county would have at least one and not more than three representatives, but some counties that would have qualified for three

representatives by virtue of population were assigned only two. There was a provision for reapportionment every 10 years, but it led to little meaningful change.

The famous Florida economic boom began in the 1920s and led to new concerns about fair apportionment of legislative power. Lured by improving transportation and the development of air conditioning, investors, speculators and migrants were pouring into south Florida. But still there was only minor tinkering in the allocation of seats to the fast-growing peninsula. The new House formula in 1925 awarded three representatives to each of the five most populous counties, two to the next 18 counties, and one each to the remaining counties, with a maximum membership of 95.

In 1935, there was again some concession to the surging population of south Florida, but the changes were inadequate to stem the increasing malapportionment. In 1941 and 1943, proposals to increase the number of senators were defeated as inadequate in referendums.

In 1945, Governor Millard F. Caldwell took the untraditional step of calling a special reapportionment session of the Legislature, during which no other business could be conducted. The session lasted 53 days, and the result once again was undramatic: Two Senate seats and three House seats were shifted from North to South Florida.

Studies after the 1950 census revealed the stark malapportionment. Columbia County had 18,000 people and a senator of its own, while 10 counties, each with larger populations, shared a senator with some other county. A representative from Dade County represented 70 times as many people as the representative from Glades. The six largest counties, with more than half the state's population, elected less than one-fifth of the House and less than one-sixth of the Senate. The fundamental problem was the constitutional formula: Each county could have no more than one senator and three representatives, and every county could have at least one representative.<sup>10</sup>

### **The Reapportionment Fight of 1955**

By the mid-1950s, malapportionment had become a major statewide issue. The urban areas, with their political moderates, wanted their share of repre-

sentation and took on the agrarian conservatives who controlled the Legislature. They fought hard in the reapportionment of 1955, but they lost.

Tallahassee State Senator LeRoy Collins supported the idea of "fairer distribution of representation" in his 1954 campaign for governor against rural Senator Charley Johns. As governor-elect, Collins appointed a citizens committee to propose new apportionment. Its proposals were modest. Dade County would have received a second senator, and there would have been no limit on the number of representatives from a county. But still only 22 percent of the voters would be able to elect a majority of the House. When he took office, Governor Collins asked the Legislature to draft a new constitution, including the committee's modest proposals for reapportionment. "The apportionment of representation in the Legislature is grossly unsound and unfair," he said in his first legislative address, "and brings about a situation whereby hundreds of thousands of our citizens are relegated to an inferior class."



*LeRoy Collins*

Urban newspapers joined the crusade. Editor James Clendinen of the Tampa Tribune came up with a pejorative name for the rural conservatives who were running things in the Legislature: "the Pork Chop Gang." They were "fighting for pork, rather than principle," Clendinen said.<sup>11</sup>

The Legislature, however, did not pass a reapportionment plan in its regular session of 1955. So Governor Collins called the legislators back for a special reapportionment session. "For a long time now," he told them in an address on June 30, "you have been laboring over this matter with great cost to the taxpayers and little constructive results to show for your efforts." He said reapportionment "requires discretion, unselfishness and political courage."

It would turn out to be the longest and least productive legislative session in state history. The Legislature basically ignored the proposals and adopted its own plan to entrench the rural domination, including the guarantee of a representative for each county. Governor Collins vetoed the plan. The same plan was passed again, and again Governor Collins vetoed it. The stalemate was never broken. Since the Constitu-



Reapportionment political cartoon for the Tampa Tribune, 1955.

tion required a reapportionment resolution before the session could be adjourned, the Legislature remained theoretically in session until the members' terms expired on November 6, 1956.

The bitterness only grew over the next two years. Virtually every piece of legislation was affected by the position of the sponsors on reapportionment. The stalemate continued. A minor change proposed as part of a new constitution in 1958 never made it to the ballot because the Florida Supreme Court rejected the referendum procedure for the proposed constitution.

Finally, in 1959, the Pork Choppers proposed a compromise on reapportionment. It was a variation of the federal model and reflected the same agrarian fear of domination by the more populous urban areas. The plan gave each county one senator—thus preserving rural control—but set the number of representatives at 135 so that more populous counties could have greater representation. Governor Collins originally opposed the plan, but he hated the idea of leaving office after the 1960 election with no progress on reapportionment. So with an agreement to send the plan to the voters, Governor Collins acquiesced.

The reapportionment alliance, however, fell apart. Several populous counties were attracted by the prospect of a new senator. But most of the newspapers that had joined Governor Collins in the crusade, including the *Miami Herald* and the *St. Petersburg Times*, parted company with him and objected to the compromise. As a result, the amendment was defeated at the polls by a vote of 146,601 in favor to 177,955 against.

### The Constitution and Equal Representation

The story of this long political road is the story of population changes, the rise and fall of Democratic liberalism, and the intensely personal impact of district boundaries on the politicians who draw them.

There are two faces of reapportionment. One is the high-minded principle that every person should have equal representation in Congress and state legislatures, so district boundaries need to be redrawn after the census every 10 years to equalize the districts within a state. The other is the political reality that redrawing the districts is done by the political party in the majority in the legislature and is often done in a way that improves the chances of retaining or expanding that majority.

There is one exception to this principle of individual equality: the U.S. Senate. As part of the Founders' "Great Compromise" to ensure that smaller states would not be permanently disadvantaged in the new federal government, the Constitution gives every state two U.S. senators, regardless of population. But on the other side of the Capitol, U.S. House seats are allocated to states on the basis of state population.<sup>12</sup> Since 1910, the total number of congressional districts nationwide has been capped at 435, so every 10 years some states gain seats and some lose them because of shifting population.<sup>13</sup> A formula (often tinkered with by Congress) deals with the inevitable fractions of seats.

Florida has gained congressional representation after every census since 1900 except 1920, when a stalemate in Congress produced no reapportionment at all. Florida had two seats after the 1870 census, three after 1900, four after 1910, five after 1930, six after 1940, eight after 1950, an astounding 12 after 1960, 15 after 1970, 19 after 1980, 23 after 1990, 25 after 2000, and 27 after 2010. The dramatic increase

between 1940 and 1960 reflects the new mobility of Americans and the huge appeal of Florida with the revival of the domestic economy during and after World War II. (Florida's tourist appeal prompted animation pioneer Walt Disney to secretly prepare for a Florida Disneyland, and Walt Disney World opened in 1971 after six years of construction.)

In early American history, some states elected all of their congressmen statewide. By the time Florida became a state (1845) and gained more than one representative (1872), Congress (in 1842) had passed a statute requiring contiguous single-member congressional districts. ("Contiguous" in this context means each district has one continuous boundary, rather than being split in several separate sections.)

The apportionment of Florida's own legislature has had a far more complex history. The size of the Legislature is capped at 40 senators and 120 House members.<sup>14</sup> Under court rulings and legislative policy, every district has to be drawn with exactly equal population as established by the last census. Since 1982, the districts have all been single-member.

Over an 80-year period after Reconstruction in the 19th century, various efforts were made to reapportion the representation in Florida's Legislature. All fell considerably short of equal representation.

The problem of malapportionment was by no means confined to Florida. Other states faced the same structural barrier to change that Florida faced: Reapportionment was wholly in the hands of the legislators themselves. Every state by 1960 had a disparity of at least 2-to-1 between the most populous and least populous legislative district. In the Connecticut House, the disparity was 242-1. It was 223-1 in the Nevada Senate. The pattern was similar, though much less dramatic, in congressional districts. In Texas and in Georgia, for example, the most populous congressional district had four times as many people as the least populous.<sup>15</sup>

The courts had refused to get involved. In 1946, the U.S. Supreme Court had ruled that reapportionment was a "political thicket" outside the federal courts' jurisdiction.<sup>16</sup> But in 1960, six years after its famous desegregation ruling in *Brown v. Board of Education*, the Supreme Court said it was unconstitutional for Alabama to redraw the city limits of Tuskegee to exclude the black community.<sup>17</sup> Then in 1962 came the case that would change Florida's fu-

ture: *Baker vs. Carr*. Charles W. Baker, a Republican from Memphis, joined by the mayor of Nashville and others, sued Tennessee Secretary of State Joe Carr because the Tennessee legislature had not reapportioned the state since 1901. On March 26, 1962, the U.S. Supreme Court said federal courts could consider challenges to state apportionment plans. Chief Justice Earl Warren called it the most important case of his tenure on the court, even above *Brown v. Board of Education*, which declared segregation unconstitutional. While race was not mentioned in *Baker v. Carr*, the massive resistance to integration by rural-dominated state legislatures cast a dark shadow on the old standard of non-involvement in the apportionment of those legislatures.

Florida's long struggle with reapportionment apparently had an influence on some of the justices. In an oral history interview many years later, LeRoy Collins described a dinner at the home of a Supreme Court justice when he was asked about his greatest success and failure as governor, and he described reapportionment as his greatest failure. The justice, said Collins, responded that it was not a failure, because the court knew of the effort and realized that legislatures were not going to reapportion themselves and that the courts would have to intervene.<sup>18</sup>

In the spring of 1961, while *Baker v. Carr* was pending at the Supreme Court, new governor Farris Bryant encouraged the Legislature to pass a new reapportionment. But it had little effect. Almost immediately after the *Baker v. Carr* decision, A Miami lawyer, Peter Sobel, filed a lawsuit representing himself, with Secretary of State Tom Adams as the primary defendant, and State Sen. Richard H. Max Swann of Dade County, which had the most to gain from equal apportionment, then filed his own lawsuit. Both were in federal court in Miami. On July 26, 1962, a three-judge panel of the U.S. District Court in Tallahassee entered an interim ruling that Florida's apportionment was "prospectively null, void and inoperative" and ordered reapportionment. Thus began a marathon of reapportionment that would continue in the Legislature and the courts for five years.<sup>19</sup>

A plan passed at a special legislative session in August 1962 was rejected by the voters, largely as a philosophical reaction to federal-court interference. Another special session in November produced failed to generate the votes needed for a new

plan. On January 30, 1963, the Legislature met to try again. That same day, in an advisory opinion to Gov. Bryant, the Florida Supreme Court told Bryant he could continue calling special sessions until the reapportionment was done and confirmed that Legislature was not bound by the constitutional formula for county representation and size limitations on the House and Senate because those had been declared to be discriminatory.<sup>20</sup>

The day before the session opened, Tampa attorney W. Reece Smith, an assistant city attorney for Tampa and a future president of The Florida Bar and the American Bar Association, filed a new federal lawsuit in Tallahassee on behalf of five Florida cities, with West Pam Beach Mayor Pro Tem Sylvan Burdick as the first-named plaintiff. The defendants were House Speaker Mallory Horne and Senate President Wilson Carraway.<sup>21</sup> The federal judge for *Burdick v. Horne* was G. Harrold Carswell, a future unsuccessful nominee to the U.S. Supreme Court.

On February 1, the Legislature passed a reapportionment plan in which the most radical step was giving a second senator to one county, Dade, for the first time in more than a century. The House formula was still based on county boundaries, but it provided for “equal proportions.” The 11 most populous counties would elect half of the House.<sup>22</sup> The federal district judges upheld the 1963 plan, and the cases were consolidated for appeal to the U.S. Supreme Court as *Swann v. Adams*.

The 1963 election using the districts from the February 1 legislation brought to Tallahassee future House Speaker Richard Pettigrew and future Attorney General Earl C. Faircloth of Miami and future House Speaker Terrell Sessums and future Senate President Louis de la Parte of Tampa. Others particularly notable included Rep. Maxine Baker, a housewife whose work on behalf of mental health led to the famous Baker Act of 1971, and future Rules Chairman Murray H. Dubbin. The 1963 election also brought in Republicans from Broward and Pinellas counties. But the plan lasted only for the 1963 (including an impeachment session in August in which Judge Richard Kelly of Pasco County was acquitted by the Senate after impeachment by the House). The next year, the U.S. Supreme Court overturned the plan because of its failure to reflect the principle of “one person, one vote.” The voters also rejected the



Florida State Archives

*House Apportionment Committee members discussing a proposed bill for redistricting, 1965. From left: Tom McPherson, Broward; Philip Ashler, Escambia; Jess Yarborough, Dade; John L. Ayers, Hernando; and Emerson Allsworth, Broward.*

Legislature’s proposed change to a 43-member Senate and a 112-member House.

The 1964 election brought future Attorney General Robert L. Shevin to Tallahassee, but on January 8, 1965, the three-judge court, by a 2-1 vote, ordered yet another reapportionment by July 1, 1965. On June 29, the Legislature approved a “temporary” plan with 109 representatives and 58 senators, plus nine legislators who would be grandfathered for the rest of their terms. Again, in a second *Swann v. Adams* case, the U.S. Supreme Court rejected the plan.

So the Legislature went at it again in a special session in March 1966 and approved a plan with a 117-member House and a 48-member Senate. The three-judge federal court approved. But just before the November 1966 elections, the U.S. Supreme Court announced that it would review the Florida plan yet again. The new plan still had population deviations among districts of as much as 30 percent in the Senate and 40 percent in the House.

The elections in November 1966 brought to Tallahassee yet another batch of urban progressives. Among them were Bob Graham, who later became Governor and U.S. Senator, and three future members of state Cabinet: George Firestone and Gerald Lewis of Miami and Bill Gunter of Orlando. Other reform-minded newcomers included Talbot (Sandy) D’Alemberte, who later chaired the 1978 Constitution Revision Commission, became president of the

American Bar Association 1991-1992, and was president of Florida State University 1994-2003.

But they never met in a regular session. On January 9, 1967, the court struck down a Florida plan for the third time. Unlike the previous two *Swann* rulings, with relatively brief “per curiam” decisions, Justice Byron White wrote and expressed frustration that Florida had offered no justifications for these huge variations. The standard, White noted, was substantial equality of population in all districts.

It was awkward timing. The Legislature was in the middle of a special session on a major revision of the Florida Constitution, but now was declared invalidly elected and without even interim authority. The regular session was supposed to start April 4. The U.S. District Court set a tight schedule: It would adopt a new apportionment plan by February 17, the primary election would be February 28 with runoffs on March 14, and the general election would be March 28. The judges adopted a plan submitted by University of Florida Professor Manning J. Dauer, a leading authority on reapportionment who had been involved in the cases since early on. The court invalidated the Constitution’s requirement that each county have at least one representative and that no county have more than one senator. Four, five, even six counties were grouped together so that representatives from each district would at last represent nearly the same number of people. The largest county, Dade, had 19 representatives of its own and shared three others with Monroe County. Many Senate districts had previously encompassed more than one county, but some of the new districts had more counties than ever before. The Legislature acquiesced. It formally passed the Dauer plan.

After the spring elections, many older legislators did not return. One-year veteran Bob Graham returned to Tallahassee to discover that all the other members of the House appropriations subcommittee on higher education were gone and he was the chairman. The shift of seats to South Florida brought more Republicans to the legislature. Between 1965 and 1967 the number increased from two to 20 in the 48-member Senate and from 10 to 39 in the 119-member House.

The era of “Pork Chop” domination was over. An era of left-center progressivism was beginning and would endure for two dozen years.

The 1966 election brought one other political upheaval: the election of a Republican governor, for the first time in nearly a century. Claude R. Kirk Jr. had won the votes of conservative Democrats disenchanted after a fractious Democratic primary. He too had a populist-reformer streak as well, and joined with the new Democratic reformers on issues like constitution revision and the environment.

People long shut out of government by malapportionment had a “common agenda,” Graham recalled 15 years later as he sat in the Governor’s Mansion. “Not to say everybody agreed what the solutions were, but everybody agreed what the questions ought to be.”<sup>23</sup>

These reformers had three special sessions in 1967 to rewrite the state constitution, which was approved by the voters in 1968. State government was reorganized. The Legislature went from biennial to annual sessions and created a fulltime professional staff. A Sunshine Law opened government meetings, and more public records were available to the public than ever before. Environmental lands got protection. A little-known senator from Pensacola named Reubin Askew took up the reform theme in 1970 with a proposal for a “corporate profits” tax (he avoided the dreaded term “income tax), and it carried him from obscurity to the governorship. Laws on public ethics and environmental regulation were also approved, along with “merit selection” of appellate judges.

### **Reapportionment Under the New Constitution**

The new Constitution of 1968 also changed the process for reapportioning the Legislature. No longer would it depend on the regular constitutional amendment process, requiring a two-thirds vote in the Legislature and approval of voters statewide. And no longer would the state’s Supreme Court sit on the sidelines while federal courts reviewed the plans. In each year ending in 2, after the national census, the Legislature would reapportion the Legislature and the congressional delegation. There were timetables and a process for dealing with deadlock. The congressional plan would go to the governor for signature. The legislative plan would not need the governor’s approval but would go to the Florida Supreme Court, which would have 30 days to accept the plan or send it back for more work.

Professor Dauer and others had argued for an independent commission to handle reapportionment, instead of leaving the Legislature to reapportion itself. But the 1968 Constitution first had to get a two-thirds vote in the Legislature, and even the newly arrived reformers who had experienced the legislative self-protectiveness now became self-protective themselves.

The Legislature did the job on its own, without court intervention, in 1972. Both houses would have their maximum membership under the new Constitution—120 representatives and 40 senators. A computer, programmed with the populations of 14,000 census tracts, was used to draw district boundaries, and variances were as small as 0.3 percent in the House (171 people) and 1.1 percent in the Senate (1,936 people). Multi-member districts were still the rule; 99 of the 120 House members and 35 of the 40 senators were elected in multi-member districts. Proponents of multi-member districts argued that it reduced parochial representation. The southern half of Pinellas County, for example, had three senators sharing a Senate district and five House members sharing a House district. They tended to jointly reflect the interests of all the parts of their constituency, from lower-income minorities in southern St. Petersburg to the mix of wealthy retirees and a fun-loving youth culture on the beaches. A Republican couldn't ignore southern St. Petersburg; a Democrat couldn't ignore the conservative retirees.

But for Republicans and blacks, mere influence on a legislator's positions was not enough. They advocated smaller, single-member districts, so that pockets of Republican or black voters could be packed together to elect one of their own. Republicans in particular were beginning to feel the strength of their numbers, since Republican registration had grown from just 6 percent in 1938 to 35 percent in 1970, and the growing state party was building more local organizations. Black voter registration was increasing as well. But the effort for single-member districts failed. Although the Florida Supreme Court expressed concern about the possible dilution of minority votes through multi-member districts, the justices gave the 1972 plan the necessary approval, four to three.

In 1978 came the potential for a huge change in the reapportionment process. The 1968 Constitution

required that after 10 years, and every 20 years thereafter, a Constitution Revision Commission would meet to consider constitutional changes. The 1978 commission, chaired by former legislator Talbot "Sandy" D'Alemberte, proposed taking reapportionment out of the Legislature's hands and assigning it to a six-person commission. Members would be appointed by the governor from



*Sandy D'Alemberte*

nominees by the House Speaker, Senate president, House and Senate minority leaders, and the chairman of the second-place party in the previous governor's election. The proposal also set standards for drawing districts, including a ban on gerrymandering to protect incumbents, and called for

single-member districts. But the entire constitution revision was defeated in the November referendum, alongside an initiative to legalize casino gambling.

Despite its far-ranging effects, the proposed "Revision 3" was known primarily as the "single-member district" proposal. Opposing the idea had the taint of old politics and resistance to giving minorities a full legislative voice. Professor Dauer was among the few outspoken opponents. He warned that an increase in minority representation would come with a big loss of influence on the entire Legislature. Two decades later, as black legislators found themselves continually at odds with legislative bodies that were two-thirds Republican with little enthusiasm for traditional black causes such as voting rights and social welfare, Dauer's warnings seem prescient. But as the 1970s became the 1980s, single-member districts and minority representation was an unrelenting cause. Even in the sweeping vote against constitutional amendments in 1978, Revision 3 was among the closest votes, with 1.11 million opposed and 983,000 in favor.

A later effort by Representative Kiser, the League of Women Voters, Common Cause, and St. Petersburg NAACP president Morris Milton to put the nonpartisan commission and single-member districts back on the ballot failed to get enough signatures.<sup>24</sup>

But the movement only grew stronger. In fact, it became a national Republican goal in the 1982 redis-



tricting. The math and the politics were irresistible: Gerrymandering districts to embrace large numbers of black voters would also make remaining districts whiter and more Republican. Hispanic voters already were tending to vote Republican. And even as they increased their own advantages, Republicans also could win points with minorities. Former Rep. Richmond of Pasco County, who had one of the few single-member districts at the time, says the policy pronouncement came from no less than President Reagan, based on the advice of a leading political aide, Lyn Nofziger.

To press their case, the Florida Republicans hired D'Alemberte, who was one of the state's most influential lawyers. Richmond says the money to hire him and campaign for the cause came from the national Republican Party, although D'Alemberte coyly says he knows only that he got paid. Together the Republicans and the NAACP organized public hearings around the state and, in Richmond's words, stacked them with supporters. They won over newspaper editorial boards and reporters. They promoted the idea of truly local representation.

### 1982: A Landmark Reapportionment

Early opponents of single-member districts included the most influential state senator, the longest-serving and canniest of them all, Dempsey J. Barron from Panama City, who was the Senate Reapportionment chairman in 1982. House Reapportionment



Florida State Archives

*House Committee on Reapportionment considers division of the state into 19 Congressional Districts, 1982.*

Chairman and Speaker-Designate Lee Moffitt was a skeptic as well. Both men clearly understood the power of the political bargain behind the campaign. Just before the legislative session of 1982 began, however, they finally buckled under pressure. Single-member districts it would be.

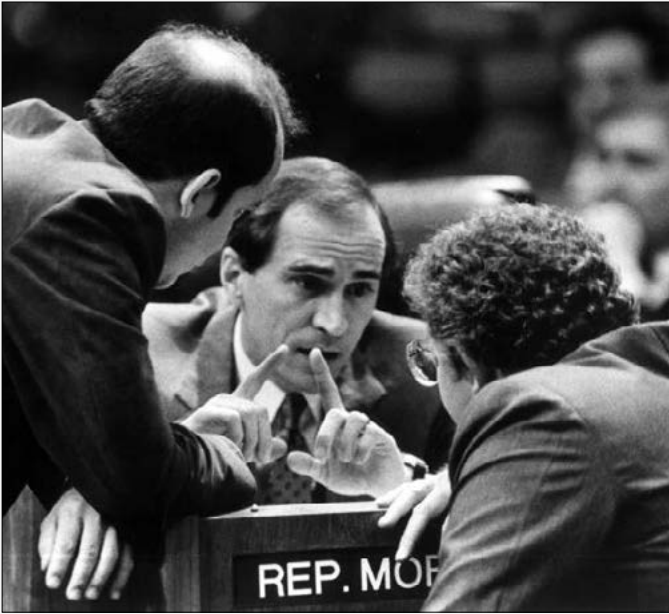
The decision gave the NAACP and the Republican Party the opening they both hoped for. Now they could work together to create districts where minorities had sufficient strength of numbers to elect one of their own to both the House and Senate. Once safe seats for minorities were created—they were dubbed “majority-minority districts”—there weren't so many Democratic voters left for “white” districts. A few called it “bleaching.”

One other decision would also enhance the opportunity for newcomers. The Florida Supreme Court had to resolve a fundamental dispute: What was to happen to senators elected to four-year terms in 1980? Were they grandfathered for full four-year terms, in much the same way some senators had been in the 1960s, or were their terms to be cut short when their districts changed in 1982?

The problem was one the authors of the Constitution apparently never thought about in 1968. The 1967 reapportionment had provided for four-year terms for all senators elected in 1968, so there was no question about holdover terms in the 1972 reapportionment. The 1968 Constitution provided for two-year Senate terms after reapportionment so that half of the Senate would continue to be elected every two years, but there was no provision for two-year terms before reapportionment. The issue hovered over the entire reapportionment process in 1982. The Senate actually numbered its districts to facilitate holdover terms for senators in odd-numbered districts (the seats elected in 1980), but the Florida Supreme Court eventually ruled that all senators' terms would expire in 1982.

For Democrats Barron and Moffitt, the changes added up to a squeeze on Democratic incumbents. Their only hope was to maximize the political benefits of the minority districts, which were likely to be Democratic, while diluting Republican strongholds within the white districts.

As had been the case in every reapportionment, individual legislators worked furiously to preserve their political advantage in their own districts. Extra



Florida State Archives

*Senator Joseph Gersten, D-Miami (left), and Speaker pro tempore Barry Kutun, D-Miami Beach, zero in as House Reappointment Committee Chairman Lee Moffitt, D-Tampa, prepared take the House through the Senate's reapportionment plan, 1982.*

sessions were required before the Legislature agreed on a new plan. For all of the bargaining that went on, it was an extraordinarily open process, especially in the House. Population deviations were minimal; the most and least populous Senate districts, for example, had populations of 244,945 and 242,379, respectively.

Blacks, seeing the opportunity for two new senators and more state representatives, cheered the plan. So did Republicans, who had achieved single-member districts and managed to bargain for a reasonable number of Republican-majority districts. The process required all 60 days of the regular session as well as three special sessions (two on the last day, April 7). When it was over, the Florida Supreme Court gave its approval. Good-government groups, including the National Conference of State Legislatures, declared the Florida plan one of the fairest in the land.

Minorities achieved their goal with the 1982 elections, in many cases winning seats not only gerrymandered to create minority opportunity but open after incumbents had been displaced by the switch to single-member districts. Democratic State Rep. Carrie Meek of Miami and dentist Arnett Girardeau of Jacksonville became the first black state senators since 1887. Ten African-Americans were elected to

the House in 1982, twice the number two years earlier. Among them was Corrine Brown of Duval County. The number of Hispanics (usually Republicans) in the House increased from one in 1980 to three in 1982 and seven in 1984. Ileana Ros, a Republican from Dade County, became the first Hispanic woman elected to the Legislature (and soon married fellow Dade legislator Dexter Lehtinen, a Democrat). In 1986, she became the first Hispanic senator, and another Hispanic succeeded to her House seat. Meek, Brown, and Ros-Lehtinen later won seats in Congress.

The large number of open seats helped white women make gains, too. Nineteen women (including minorities) were elected to the House, up from 12 two years earlier, and eight were elected to the Senate, up from four.

Republicans, who had supported single-member districts, actually lost three seats in the House and five in the Senate after the 1982 elections, but recovered with gains in future elections. Although their gains came more slowly, single-member districts clearly turbo-charged the Republicans' march from the back row of the House to majority status in both chambers. By 1990, Republicans had half the Senate seats and could force election of a Republican, Ander Crenshaw (later a member of Congress), as Senate president in 1992. In 1996, a new Republican majority in the House elected the first Republican Speaker, Daniel Webster (later a state senator and member of Congress).

The perverse effect was that the increasing number of black legislators had less and less impact in a legislature increasingly run by Republicans. And the greater partisan majorities in all districts meant that the Republicans took increasingly conservative positions on high-profile issues, while Democrats became more liberal in those positions.

The 1982 reapportionment in the Senate was also heavily influenced by a Democratic schism that flared during the 1981 session. More conservative, rural Democrats under Sen. Barron's leadership defected from more liberal Democrats, including Senate President W.D. Childers, who were favorable toward a tax increase advocated by Governor Graham. Barron's conservatives joined with the Republicans to forge a different majority, and as reapportionment chairman, Barron was determined to protect his co-

aliation through odd-shaped gerrymandering.

This new representativeness, apparently, wasn't enough to build public confidence in the Legislature. In 1992, Florida voters endorsed a constitutional amendment that carried the slogan "Eight is enough," after a then-popular television show. It limited legislative and executive-branch tenure to eight consecutive years, starting with people elected that year. There is irony in that: term limits became an obstacle to the political careers of the new Republican and minority legislators almost as soon as they won a place in government.

The Florida Supreme Court upheld the new term-limits provision, but declared that the U.S. Constitution did not allow its application to federal offices, meaning Congress. The U.S. Justice Department decided term limits did not infringe the Voting Rights Act protection of minorities.

It is easy to overlook congressional reapportionment, which has traditionally been far less controversial, but it was unusually important in 1982 because of Florida's gain of four seats in Congress. The new seats allowed the protection of all incumbents except one, Representative L. A. "Skip" Bafalis, who was leaving Congress to run for governor. But other incumbents were threatened by the ambitions of legislators, though the rivalry over adjacent party-gerrymandered districts in areas eventually thwarted several legislators' ambitions. Longtime congressman Claude Pepper's district became heavily Hispanic, but he held his seat until his death in 1989, when Senator Ileana Ros-Lehtinen won the seat against a Democratic rival who tried to build a coalition among white liberals, Jews, and blacks.

### **The Reapportionment Mess of 1992**

If the 1982 reapportionment process was a legislative triumph, the one in the 1990s was a mess.

There were actually two reapportionments in the 1990s.

The regular reapportionment in 1992 was highly contentious. The Legislature gave up entirely on congressional reapportionment and left it to a federal court. Its plan for its own districts passed by one vote and drew a rebuke from the U.S. Justice Department, which meant that the Florida Supreme Court had to step in to tidy things up. Then in 1996, court rulings

invalidated the congressional reapportionment and required some limited changes in both the congressional and senate districts.

The combative spirit of the 1992 Florida reapportionment was symbolized on the opening day of the 1992 legislative session when Republican Miguel DeGrandy, a Cuban-American state representative from Dade County, along with a number of other Hispanics and Republicans, sued the Legislature in the U.S. District Court in Tallahassee alleging that the current legislative districts denied minorities adequate representation. The plaintiffs asked the court to take over redistricting.

At the same time, Democrats held a bare majority in the Senate, 21-19, and were desperate not to give it up. Republicans saw control of the Senate at their fingertips and were determined to achieve it. The Senate president, Democrat Gwen Margolis of Dade County, wanted a congressional district tailor-made for herself. This confluence of forces created a volatile legislative session. Legislators fought continually over the allocation of black and Hispanic voters, which in turn affected the other districts. On March 13, the session ended without enactment of a plan.

This in itself was not unusual, since the 1982 reapportionment had also run into special sessions before being resolved. Governor Lawton Chiles called the Legislature back into a special reapportionment session on April 2. A legislative reapportionment was passed, but there was still no congressional plan.

The legislative plan was approved by the Florida Supreme Court in May, but the U.S. Justice Department, which reviewed the plan under terms of the Voting Rights Act of 1965, challenged the Senate apportionment around Hillsborough County. The Act, as amended by Congress in 1982, called for minorities to have an equal opportunity to participate in the political process and select candidates of their choice. Hillsborough was one of the few Florida counties that had to have federal review of changes in the electoral system.

The Justice Department of Republican President George H. W. Bush had adopted an aggressive posture favoring the creation of minority legislative and congressional districts, with the unstated hope of creating more Republican districts as well. The Justice Department objected to the absence of a district

in which the combined Hispanic and black population exceeded 40 percent of the total voting-age population. To accomplish that, it would be necessary to combine parts of Hillsborough and Pinellas counties in a district that crossed Tampa Bay on both the south and the east. The Legislature had declined to create such a district, with its lack of economic and political ties.

Legislative leaders, facing stalemate in their own chambers, refused to take up an amendment to the plan, so the Florida Supreme Court took on the task of revising the Senate apportionment plan. A number of parties submitted proposals. The court chose a plan submitted by Democratic activist Gwen Humphrey, of Tallahassee, and Representative Darryl Reaves, of Miami. It created a minority district that, in the words of the *St. Petersburg Times*, “snakes from Clearwater south, across the Sunshine Skyway bridge to Bradenton, up to Tampa and all the way into western Polk County.” Eventually, black Representative James Hargrett was elected to the new Senate district. But the district sucked Democratic votes from surrounding districts. Of six seats adjacent to Hargrett’s District 21, four went to Republicans in the November election. In the whole Tampa Bay area, Republicans won seven districts and Democrats won two. And when the 1992 voting was over, Republicans had pulled even with Democrats in the Senate at 20 members each.

On the House side, the plan created 13 districts in which blacks made up more than 50 percent of the population and three districts in which more than 30 percent of the population was black. In nine districts Hispanics constituted more than 65 percent of the population, and in four districts Hispanics were more than 30 percent.

The DeGrandy case, which the federal court eventually combined with a suit filed in April by the NAACP and others, ended up producing the congressional reapportionment. The judges initially deferred the case, but after the reapportionment failed to be approved in the regular session, a three-judge panel took up the case. (The panel consisted of U.S. Circuit Judge Joseph W. Hatchett and U.S. District Judges William Stafford and Roger Vinson.)

In south Florida, the plan created two Hispanic supermajority districts and a black majority district in Dade County. The judges said the plan “overall

substantially increases the level of political participation and electoral representation for the members of minority groups in Florida.” The map also produced precisely equal populations of 562,519 (based on the 1990 census) for each of the 23 congressional districts. In the 1992 election, Republicans gained three of the four new seats in Congress. A well known black political figure, impeached federal judge Alcee L. Hastings, won the majority-black district in Dade County and thus became a member of the House that had impeached him.

After settling the congressional reapportionment, the judges turned to the plaintiffs’ similar allegations of discrimination in the legislative reapportionment. The court adopted the plan for the Senate that the Florida Supreme Court had established. But it then threw out the House plan approved by the Legislature and declared that the plan violated the Voting Rights Act with respect to Hispanic voters in Dade County. The court changed 31 districts in what became known as the “Wednesday night massacre” of July 1 and made the districts in five south Florida counties more favorable to Republicans.

The state immediately appealed and won a stay from the U.S. Supreme Court. Eventually the high court reinstated the original legislative apportionment, with the Tampa Bay districts altered by the Florida Supreme Court.<sup>25</sup> The “totality of the circumstances,” the court said, did not support the lower court’s finding of a dilution of minority voters in the legislative plan.

### **1996 Redistricting: A Reversal of Affirmative Action**

The strong rhetoric of affirmative action that guided the 1992 reapportionment got an unexpected comeuppance from the U.S. Supreme Court at the end of its term in 1995. In a case from Georgia, the court said race could not be used as the major factor in redistricting. It struck down a Georgia congressional district that stretched 260 miles from Atlanta to Savannah and split 26 counties. In a 5-4 decision by Justice Anthony M. Kennedy, the court struck down “redistricting legislation that is so bizarre on its face that it is unexplainable on grounds other than race.”<sup>26</sup>

Similar cases had been filed in Florida, where the Tampa Bay Senate district as well as the Third

Congressional District in northeast Florida, held by black U.S. Rep. Corrine Brown, had been challenged. As Justice Ruth Bader Ginsburg noted in her dissent in the Georgia case, “Only after litigation ... will states now be assured that plans conscious of race are safe.”

Florida’s weren’t safe. Within a few months of the Supreme Court decision, the parties fighting over the Tampa Bay Senate district reached a compromise on a redrawn plan that removed the fringe areas of Clearwater and Polk County from the district. The number of black voters in the district dropped from 46 percent to 36 percent. In April 1996 a three-judge federal panel ruled against the Third Congressional District.

So the Legislature was again faced with congressional reapportionment, and this time rose to the occasion. The new boundaries approved in May 1996 lowered the black portion of the population from 50 percent to about 41 percent. But the power of incumbency was established for Representative Brown. As happened in the redrawn Georgia districts, the incumbent minority congressman won reelection in the revised district in November 1996.

## 2002 Redistricting

In 2002, the Legislature avoided the embarrassing failure of 1992, when it could not even pass a congressional redistricting plan and had to leave it to the courts. With a Republican majority clearly in control of both houses, the completion of a plan was never in doubt. The only question was how partisan it could be.

Answer: Plenty partisan, which is why so much litigating followed the legislating. But by the middle of July 2002, the books were closed on another reapportionment process. Well, actually, not really closed, because of one itsy bitsy problem in Collier County. But more on that in a moment.

In a state where Democrats held a slight majority in registered voters and where George W. Bush beat Al Gore by a whisker, this Republican-controlled plan created 17 safely Republican seats in Congress out of a delegation of 25. Florida gained two seats in Congress for the next decade, and the two new congressional districts were drawn to favor the Republican House Speaker, Tom Feeney of Oviedo, near



Tom Feeney

Orlando (District 24), and the committee chairman who presided over congressional reapportionment, Mario Diaz-Balart of Miami (District 25). Both Republicans won. (Mario and Lincoln Diaz-Balart of District 21 are brothers.) Republicans also picked up an 18th seat when Ginny Brown-

Waite defeated incumbent Democrat Karen Thurman in District 5, which had been redrawn to exclude Democrat-dominated Alachua County).

Among legislative districts, it was the incumbents’ dream. That alone favored the Republican Party, which significantly outnumbers Democrats in the Legislature. Nineteen of the 40 state senators (including some Democrats) were so secure in their redrawn districts that they had no opposition (or in one case, only write-in opposition). Fourteen House incumbents drew no opposition, and another 40 of the 120 (27 Republicans, 13 Democrats) were opposed only by Libertarians or write-ins, which have never won in Florida. By contrast, in 1992, seven of the 40 Senate seats and 26 of the 120 House seats were uncontested. It may not be solely a result of reapportionment, though. Term limits, which applied in elections after 1992, are now part of the political landscape and offer potential candidates with patience a shot at an open district, not just a redrawn one.

One phenomenon that continued to gain ground in the 2002 reapportionment was the practice of packing Democratic voters into as few districts as possible to make the remaining seats as safe as possible for Republicans. Democrats have 23 House seats that can be considered safe. In 17 of those, Democrats make up at least 60 percent of the registered voters. Since the state as a whole is about evenly split, that increased the chances for Republicans to retain their 2-to-1 advantage in the House membership. And sure enough, Republicans ended up with 81 seats against 39 for Democrats in the 2002 elections. The new Senate has 26 Republicans and 14 Democrats.

The Florida Supreme Court’s review produced its own share of sound and fury. State Attorney General Bob Butterworth, a Democrat, attacked the absence of objective standards for reapportionment, and a host of other groups filed objections as well.



*Bob Butterworth*

Governor Jeb Bush's reply brief declared that Butterworth was asking the court to "engage in an unprecedented act of judicial imperialism." Whatever it was, the court didn't do that or anything else. It signed off on the plan.

But then the U.S. Justice Department and the federal courts got involved. Things got comically nasty, starting with judge-shopping by everybody with an interest in the outcome. "Everybody's looking for a favorable forum in this case," observed U.S. District Judge Adalberto Jordan. He was part of the three-judge panel that ended up with the case, along with U.S. Circuit Judge Gerald Tjoflat and U.S. District Judge Robert Hinkle.

The U.S. Justice Department was required by the federal Voting Rights Act to review reapportionment plans for adverse effects on minority populations in areas where minorities were traditionally disadvantaged. In Florida, the law applies to five counties: Collier, Hardee, Hendry, Hillsborough, and Monroe.

Attorney General Butterworth, who had been the state campaign chairman for Al Gore during the 2000 presidential election, filed a lawsuit in Washington to stop President George W. Bush's Justice Department from reviewing the Florida reapportionment plan. Since the legislation was signed by President Bush's brother, Governor Jeb Bush, the department would have a conflict of interest, Butterworth claimed. He wanted a three-judge court in Washington to review the plan. At the same time, Butterworth was being fastidious (Republicans called it stalling to upset the fall elections) in gathering information for a case before a different set of federal judges in Florida.

About the same time, three black Democrats in Florida's congressional delegation filed a lawsuit in state court in Broward County to challenge what they said was a dilution of black votes in several districts. Secretary of State Katherine Harris claimed Butterworth "has chosen to aid and abet the partisan grandstanding" of the Democrats. Of course, she was herself running for Congress in a nearby district

and had been George W. Bush's statewide co-chairman in 2002. Harris told reporters Butterworth was a "megalomaniac." The judge told reporters Harris was "crazy." Harris then demanded that the judge, Robert Lance Andrews, disqualify himself for that remark, but he had already ruled in Harris' favor and dismissed the case.

The Democrats argued the racial issue to the Justice Department as well, again unsuccessfully. The Justice Department did, however, object to State House District 102, which extends from Collier into Broward. The new district took heavily Hispanic Dade County out of the district as it previously was configured, which diluted the voting strength of Hispanics from 73 percent of the district to 30 percent, the department said. The announcement was made less than four weeks before the qualifying deadline for House races and had the effect of invalidating the entire reapportionment plan for the House.

The only apparent way to fix the problem was for the governor to call the Legislature back for a special session, which then would require another review by the Florida Supreme Court. The uncertainty could roil the election season. But along came Speaker Feeney with what House lawyer George N. Meros, Jr., called "the Speaker's fix." He and House Reapportionment Chairman Johnnie Byrd simply drew up a new plan for Collier and submitted it to the three federal judges in what had become the main litigation over reapportionment. The "Speaker's fix" adjusted the boundaries of District 102 and two adjacent districts to add about 9,000 Hispanics to the challenged district. If the judges ordered the change, there wouldn't have to be a special legislative session, which likely would simply ratify the Speaker's plan anyway.

The Democrats countered with a plan changing 11 districts and making a Miami district less Republican and more of a partisan toss-up. The federal judges got an earful of political carping during the trial. At one point, a Democratic lawyer forgot to bring copies of all the color-coded maps being proposed, and when copies were made, they were in black and white and were almost useless. When Democrats complained that they had no voice in the drawing of the boundaries, a House lawyer remarked that Republicans weren't allowed so much as to touch the mouse of the map-making computer a

decade ago. A different Democratic lawyer, Terence Anderson, complained that the congressional redistricting was “the most extreme political gerrymander that has come before the courts in a published case.” Then Anderson acknowledged that, while racial or other specific concerns have caused plans to be overturned, the courts have never upheld a challenge based simply on partisan politics.

And that record stands. The three judges upheld the Florida plan two weeks before candidate qualifying ended. But the “Speaker’s fix” for District 102 got their approval only for the 2002 elections.

The 2002 redistricting was not only highly partisan and contentious, but highly expensive, too. The House, according to the *St. Petersburg Times*, spent almost \$5 million on lawyers, consultants, and travel expenses.<sup>27</sup> Miguel DeGrandy, who as a legislator fired the first shot with his lawsuit over the 1992 reapportionment, this time was a paid House lawyer, and his law firm hauled down \$1.8 million in fees and expenses. The House legal team also included the federal judge, by then retired, who presided over the 1992 congressional redistricting; Joseph W. Hatchett’s law firm, politically ubiquitous Akerman Senterfitt, took in \$1.6 million. The Senate spent just under \$2 million, almost all of it for the law firm of former Senate Republican leader Jim Scott. And those costs, of course, do not count the time of legislators and their staffs.

In 2003, the Legislature made the “Speaker’s fix” for Collier permanent, and the Florida Supreme Court approved it. And that put reapportionment to rest until after the 2010 census.

## **2012 Redistricting**

The 2010 census showed continued growth in Florida. The state picked up two more congressional districts, which would now have 696,345 people, up from 639,295 a decade ago. The 40 State Senate seats would ideally have 470,033 people, up from 399,559. The 120 Florida House seats would ideally have 156,678 people, vs. 133,186 a decade ago.

This time around, reapportionment would have to contend with Amendments 5 and 6, the “Fair District” amendments, which would complicate both the legislative process and the Florida Supreme Court’s review.

The court had started preparing early. After all, it would have only 30 days, under a constitutional limitation, to review and rule on a plan that legislators and interest groups had been working on for months. In fact, one argument made at various points in the court proceedings by both the House and the Senate was that some aspect or another of the plan was too complicated for the court to independently assess in the short time allotted, so it should simply defer to the Legislature. (The court rejected that idea.) On January 4, 2012, as the Legislature opened, the court issued an order on the schedule for its proceedings. Three weeks later came a separate order with technical requirements that indicated it was going to make use of the same software the Legislature used to analyze the plans and any alternatives submitted.

The Legislature’s preparations started nine months earlier with the selection of reapportionment committees chaired by Will Weatherford and Don Gaetz. New technology that included “district building” software was rolled out as a website for use by the public in submitting plans. As in previous rounds of reapportionment, there were public hearings around the state. Leaders in both houses insisted that they were complying with the new “Fair District” standards. There were objections that the hearings did not offer any actual plans for people to comment on. In response, some said if there were, there would be complaints the plans had been made in a back room without public comment.

In the end, the plans for both congressional and legislative redistricting were finished in record time and were approved by 80-37 in the House and 31-7 in the Senate. Weatherford called it “the most transparent and open in Florida’s history.” Senate President Mike Haridopolos noted that it was “record time.” But the same day the package passed, a lawsuit was filed. Gaetz said he had expected groups would try to “find some judge somewhere who will agree with their contentions” and pointed out that \$10 million had been spent in legal fees in the 2002 reapportionment. Gaetz said Amendments 5 and 6 meant that “no matter where you drew a line, somebody would have standing to complain about it in a court.”

The final plan appeared to protect some incumbents, but the legislation stated specific justifications for each district that reflected language from the Fair District Amendments. Of Gaetz’s own Senate Dis-

district 1, for example, CS/SJR 1176 stated: “It is the intent of the Legislature to establish Senate District 1, which ties coastal communities of the Florida Panhandle in Escambia, Santa Rosa, Okaloosa, Walton, and Bay Counties; is equal in population to other districts; follows political and geographical boundaries; and follows the boundaries of the state on its west, the eastern boundary of Bay County on its east, the Gulf of Mexico on its south, and the Intracoastal Waterway, the Yellow River, and Interstate 10 on its north.”

The congressional plan (CS/SB 1174), adding two new congressional seats, was signed by Governor Rick Scott and became law immediately. A staff analysis said the plan reduced the number of counties split by congressional boundaries from 30 to 21, reduced the number of cities split from 110 to 27, made the districts more compact and reduced the time and distance to travel the district, and maintained the number of districts likely to elect black or Hispanic representatives.

The legislative plan went immediately to the Supreme Court, which by a 7-0 vote upheld the House reapportionment and by a 5-2 vote rejected the Senate’s. Justice Barbara Pariente’s opinion for the court noted that the amendments set standards higher than federal standards for evaluating reapportionment plans. The amendments “are designed to maximize electoral possibilities by leveling the playing field.” The standard before 2012 was “not more stringent than the requirements under the United States Constitution.” That meant, she said, reviewing the plans under the “one person, one vote” standard of the Equal Protection Clause. Beyond that, the court simply applied the Florida Constitution’s requirements that the districts be “consecutively numbered” and consist of “contiguous, overlapping or identical territory,” a description that allowed for either single-member or the multi-member districts that were common before 1982. The “consecutive numbering” requirement doesn’t require that the numbers flow geographically; it just means that the Legislature can’t skip numbers.

Amendment 5 in 2010, the “Fair District” Amendment relating to legislative reapportionment, added new standards, Pariente noted, that were intended to prohibit “favoritism or discrimination, while respecting geographic considerations” and to

“require legislative districts to follow existing community lines so that districts are logically drawn, and bizarrely shaped districts ... are avoided.” Legislative apportionment has a “crucial role” in their right to elect their representatives. “To secure protection of this right” the voters through Amendment 5 “employed the essential concept of checks and balances, granting to the Legislature the ability to apportion the state in a manner prescribed by the citizens and entrusting this court with the responsibility to review the apportionment plans to ensure they are constitutionally valid.” Citing earlier cases, Pariente said the court’s obligation was to apply the standards “to fulfill the intent of the people, never to defeat it.”

Unlike Attorney General Butterworth in 1992, Attorney General Pam Bondi argued for an “extremely limited review,” as the court put it, and “allow all fact-based challenges to be brought subsequently in trial court.” The court largely did that, although with somewhat deeper review that Bondi seemed to contemplate. Two things were different this time around, Pariente noted.

“Undoubtedly, this Court is limited by time to be able to relinquish for extensive fact-finding as we have undertaken in other original proceedings, or to appoint a commissioner to receive testimony and refer the case back to the appellate court together with findings that are advisory in nature... In contrast to 2002, where the challenges exceeded our limited scope of review because they were based on violations of federal law, the challenges in 2012 are based specifically on allegations that the plans facially violate the requirements of the new provisions of our state constitution. The second development is that technology has continued to advance in the last decade, allowing this Court to objectively evaluate many of Florida’s constitutionally mandated criteria without the necessity of traditional fact-finding, such as making credibility determinations of witnesses.”

The court noted that Amendment 5, which had become Section 21 of Article III in the Florida Constitution, focused on “intent,” not “effect.” So a plan that protected incumbents basically passed muster as long as there were acceptable alternative reasons for the plan and there was no evidence of prohibited intent. The fact that legislators had members’ addresses, or that there are more districts likely to vote Republican even though more registered voters



are Democrats do not show improper intent. “Rather, when the Court analyzes the tier-two standards and determines that specific districts violate those standards without any other permissible justification, impermissible intent may be inferred.”

The court’s most important ruling may have been the rejection of claims of partisan gerrymandering. “One of the primary challenges brought by the Coalition [consisting of the League of Women Voters, Common Cause and the National Council of La Raza] and the FDP [Florida Democratic Party] is that a statistical analysis of the plans reveals a severe partisan imbalance that violates the constitutional prohibition against favoring an incumbent or a political party. The FDP asserts that statistics show an overwhelming partisan bias based on voter registration and election results. Under the circumstances presented to this Court, we are unable to reach the conclusion that improper intent has been shown based on voter registration and election results.”

But the court rejected specific Senate districts that did not appear compact and that had unusual partisan or incumbent protection.

The Senate also argued that Section 21 applied to the district boundaries but not district numbering, and admitted the numbers were arranged to allow some incumbent senators to serve 10 years rather than eight. The court rejected the argument and said the numbering plan intended to favor incumbents violated the amendment.

The court rejected Gaetz’s own District 1 along the Panhandle beaches, as well as District 3, which was a similar east-west “bacon strip” district along the inland half of the Panhandle. Other districts invalidated were District 6 and 9, two north-south “bacon strip” districts that also failed a standard for compactness and without adequate evidence to support a goal of furthering minority representation; District 10 because of a 12-mile-long appendage that incorporates an incumbent’s residences and that also gave the district an oversized population; District 30 in Collier and Lee counties; and Districts 29 and 34 in Palm Beach and Broward counties. Protection of incumbents was a factor in all of those districts.

Justice Charles Canady, a former state legislator and former congressman, dissented and was joined by Chief Justice Ricky Polston. They are the court’s two most consistently conservative members and



Photo by Mark T. Foley

*Speaker Dean Cannon comments on a successful legislative session following sine die, March 10, 2012. Standing directly behind him is Senate President Mike Haridopolos.*

would have approved the entire package.

“It has not been shown that the Legislature’s choices in establishing the district lines in the Senate plan are without a rational basis,” Canady wrote, using language for the lowest possible level of judicial review. “The text of section 21 does not explicitly address the judicial review process. And it is unwarranted to conclude that section 21 implicitly altered the structure or nature of the existing constitutional review process.”

Three justices wrote concurring opinions largely to respond to the dissent. Justice Fred Lewis said he had expressed concern 10 years ago about the lack of time to do an in-depth review of the reapportionment plan, but noted that the 1968 Constitution really was focused on meeting the one-man, one-vote standard of equal district populations. Now though, the new Amendment 5 was requiring much more detailed analysis. Justices Fred Lewis and Jorge Labarga separately said the dissenters were ignoring clear mandates of the Florida Constitution in promoting a superficial review of the plans.

The harshest words came from Justice E.C. Perry, one of two black justices and a veteran of the 1960s civil rights movement. He noted that all members of the Black Caucus voted against the reapportionment plan, noted concern that more minorities

than necessary were “packed” into minority districts to protect Republican incumbents in surrounding districts, then added: “The people of Florida voted to add these new redistricting mandates. They could not have spoken louder or with more clarity. As recognized by the majority, the citizens of Florida have entrusted us to interpret and apply these constitutional standards. We cannot simply be a rubber stamp for the Legislature’s interpretation of the constitution.”

After the ruling on March 9, 2012, the Senate reconvened, redrew lines, and renumbered districts. After House approval, the plan went back to the court and won final approval. Again the vote was 5-2. Justices Pariente, Lewis, and Labarga from the original majority were joined, at least in the result, by former dissenters Polston and Canady. Justices Peggy Quince and E.C. Perry, the two black justices, objected that the new lines for Districts 6 and 9 changed District 8 and split a historically black area around Bethune-Cookman College in Daytona Beach to the advantage of Republicans.

The challenge to the 2012 reapportionment did not end there. The new challenges in the trial courts, predicted by Senator Gaetz and viewed as appropriate by Attorney General Bondi and by Pariente’s opinion, moved forward. The Supreme Court on July 11, 2013, said the challenge to the state Senate map could proceed in the Circuit Court in Leon County. After Circuit Judge Terry Lewis ruled that depositions of legislators and staff could proceed, the Legislature won an appeal to the First District Court of Appeal, which said a “legislative privilege” prevented compelled testimony or production of emails and other documents relating to the preparation of the reapportionment plan.<sup>28</sup> On December 13, however, the Florida Supreme Court reversed the lower appellate court. The Supreme Court unanimously agreed that a legislative privilege exists in Florida as an inherent part of “separation of powers” among the branches of government, but said that privilege is trumped by the “explicit prohibition in the Florida Constitution,” as part of the Fair District Amendments, against

an “intent” to protect a party or incumbent.<sup>29</sup>

The opinion, written by Justice Pariente, is the first Supreme Court opinion recognizing a legislative privilege, which is not referred to in the Florida Constitution. Even the Evidence Code, passed by the Florida Legislature and recognizing such privileges as a lawyer-client privilege, a doctor-patient privilege, and a privilege in communications between spouses, does not list a privilege for legislators to refuse to testify or provide documents related to legislation. Pariente said the privilege is “inherent” in the Constitution but “is not absolute.” She noted, “In contrast to the vast majority of states, the Florida Constitution does not include a Speech or Debate Clause and has not included one since the clause was omitted during the 1868 constitutional revision.” Indeed, Florida’s Constitution has a “broad constitutional right of access to public records” and a citizen’s “right to transparency in the legislative process.”

Her opinion, for five of the seven justices, added, “We therefore reject the Legislature’s argument that requiring the testimony of individual legislators and legislative staff members will have a ‘chilling effect’ among legislators in discussion and participation in the reapportionment process, as this type of ‘chilling effect’ was the precise purpose of the constitutional amendment outlawing partisan political gerrymandering and improper discriminatory intent.”

Challengers of the reapportionment plan had already obtained emails and other information indicating regular consultation between the Republican Par-



Photo by Mark T. Foley

*Redistricting Committee Chair Will Weatherford explains revisions to the plan during a special session of the Legislature, March 27, 2012.*

ty and legislative staff members about the suitability of one district boundary or another—evidence, the challengers said, of the prohibited intention to protect incumbents and Republican control. The question is how much that matters to the ultimate validity of the plan. The court in its 2012 opinion focused on legitimate purpose served by the plan with respect to particular district boundaries, and treated as incidental the effects criticized by challengers such as the disproportionate Republican representation.

Justice Jorge Labarga, obviously sensitive to recurring debate about court decisions overturning legislative policies, wrote a separate opinion saying, “It is the Florida Constitution, not the judiciary, that creates the necessity for the Legislature to disclose any evidence of improper intent.”

In dissent, Justice Charles Canady opened with a sharp rebuke of the majority: “[F]or the first time in the recorded history of our Republic, a court has

ruled that state legislators are required to submit to interrogation in a civil case concerning their legislative activities.” He said the decision creates “a radical change in the relationship between the judicial branch and the legislative branch by thrusting judicial officers into the internal workings of the legislative process.” He distinguished the “intent” of an individual legislator from the intentions of the Legislature as a whole. He added, “Nothing in the text of the proposed amendment—much less the ballot summary—informed the voters that this alteration would be a consequence of the adoption of the amendment by the people.”

The decision is not yet the last word. The court left open issues about questioning legislators on their “subjective thoughts and impressions.” That could lead to another appeal. The clash between legislative prerogative and judicial imposition of constraints drawn from constitutional language goes on.

<sup>1</sup>The term “reapportionment” refers to the reallocation of seats within the state. “Redistricting” refers to the redrawing of district lines. “Reapportionment,” the term chosen for naming the legislative committees, in this article embraces “redistricting.”

<sup>2</sup>An excellent history was prepared by the Florida House of Representatives Committee on Reapportionment before the 1992 round, “Reapportionment in Florida: Out of the 19<sup>th</sup> Century, Into the 21<sup>st</sup>,” which is republished in perhaps the most authoritative academic compilation of articles on Florida reapportionment, Susan A. McManus, ed., *Reapportionment and Representation in Florida: A Historical Collection* (Intrabay Innovation Institute, Tampa, Florida, 1991).

<sup>3</sup>For a long history of reapportionment back to English shires, see generally *Congressional Quarterly’s Guide to Congress* (3rd. edition, 1982 (hereafter cited as *Congressional Quarterly*). See also Susan A. McManus, ed., *Reapportionment and Representation in Florida: A Historical Collection* (University of South Florida, Tampa, Florida, 1991) (hereafter cited as McManus).

<sup>4</sup>Summary Files compiled by Florida Senate Committee on Reapportionment, March 17, 2011, based on 2010 Census P.L. 94-171.

<sup>5</sup>U.S. Census 2010. See <http://2010.census.gov/2010census/data/>.

<sup>6</sup>Fla. Const. Art. III, §20 and §21.

<sup>7</sup>570 U.S. \_\_\_, 133 S. Ct. 2612 (No. 12-96, June 25, 2013). [No page number yet available.]

<sup>8</sup>The bill was Committee Substitute for Senate Joint Resolution 1176, or CS/SJR 1176.

<sup>9</sup>*Shelby County v. Holder*, 570 U.S. \_\_\_, 133 S. Ct. 2612 (No. 12-96, June 25, 2013). [No page number yet available.]

<sup>10</sup>William C. Havard and Loren P. Beth, *Representative Government: A Case Study of Florida* (1960), reprinted in McManus, page 21, 31.

<sup>11</sup>The term appeared on July 13, 1955 and was reminiscent of the term “pork barrel” often used in national politics. Of course, “pork” is usually defined as a legislative program that benefits some locale other than one’s own. The cities certainly benefited from some “pork chop” programs. Rural areas received mental institutions and prisons that urban areas did not want. And the scattering of new colleges and universities around the state served not only the rural areas but also the urban ones. But parimutuel taxes were distributed equally to each county, and road funds were distributed on a formula favoring rural areas. For a detailed recounting of the “Pork Chop” era, see the 1973-74 *Florida Handbook*.

<sup>12</sup>U.S. Constitution Art. I, §2.

<sup>13</sup>The various mathematical formulas for allocating seats are described in *Congressional Quarterly*, *ibid*, en. 3.

<sup>14</sup>Fla. Const. Art. III, §16(a).

<sup>15</sup>*Congressional Quarterly*, p. 704-705. The Georgia situation gave rise to the 1964 U.S. Supreme Court decision, *Wesberry v. Sanders*, 376 U.S. 1 (1964), which declared that “as nearly as is practicable, one man’s vote in a congressional election is to be worth as much as another’s.” See also *Reynolds v. Sims*, 377 U.S. 533 (1964) applying similar standards to legislative districts and overturning Alabama’s guarantee of a legislative seat for each county.

<sup>16</sup>*Colegrove v. Green*, 328 U.S. 549 (1946). The petitioner, a political science professor at Northwestern University, noted that congressional districts in Illinois ranged in population from 112,116 to 914,053 in violation of the 14th Amendment’s Equal-Protection Clause. The argument was rejected, 4-3.

<sup>17</sup>*Gomillion v. Lightfoot*, 364 U.S. 339 (1960). The decision was based not on the Equal Protection Clause but on the 15th Amendment, forbidding denial of rights to citizens on the basis of “race, color or previous condition of servitude.”

<sup>18</sup>The conversation was first reported by Robert Pittman in the *St. Petersburg Times* and is recounted in Martin Dyckman’s biography, *Floridian of His Century: The Courage of Governor LeRoy Collins*. Collins said the justice was Hugo Black, but Dyckman’s research showed it more likely was William O. Douglas.

<sup>19</sup>There were three major U.S. Supreme Court decisions on Florida apportionment during this period, styled as *Swann v. Adams*: 378 U.S. 210 (1965); 383 U.S. 210 (1966); 385 U.S. 440 (1967). See also 385 U.S. 997 (1967).

<sup>20</sup>In *Re Advisory Opinion to the Governor*, 150 So.2d 721 (January 30, 1963).

<sup>21</sup>For an account of the *Swann v. Adams* cases from the perspective of a key litigant, see Michael I. Swygert, *A Consummate Lawyer: William Reece Smith, Jr.*, Chapter 8 (Carolina Academic Press, Durham, North Carolina 2010).

<sup>22</sup>The new provisions grandfathered in legislators whose terms had not expired, so in the 1963 session there were actually 45 senators and 125 representatives.

<sup>23</sup>Interview by Neil Skene for *Florida Trend* magazine.

<sup>24</sup>The 1978 Revision Commission’s proposal on an independent commission for reapportionment was revived by various advocates after the 1992 reapportionment. Florida Supreme Court Justice Ben Overton, who had been a member of the commission, advocated the plan in his concurring opinion approving the 1992 reapportionment plan.

<sup>25</sup>*Johnson v. DeGrandy*, 512 U.S. 997 (1994).

<sup>26</sup>*Miller v. Johnson*, 515 U.S. 900 (1995).

<sup>27</sup>Steve Bousquet, “Battle Over Redistricting Increasingly a Costly One,” *St. Petersburg Times*, Dec. 2, 2002, p. 1-B.

<sup>28</sup>*Florida House of Representatives v. Romo*, Florida First District Court of Appeal Case No. 1D12-5280 (May 22, 2013).

<sup>29</sup>*League of Women Voters of Florida v. Florida House of Representatives*, Supreme Court of Florida Case Nos. 13-949 and 13-951 (December 13, 2013).



## *Some Notable Legislation*

NOTE: The included legislation was selected based on historical significance.

**1855** The General Assembly passed the first Internal Improvement Act, which offered public land to investors at discounted prices to stimulate development and the construction of railroad and canal transportation systems.

**1856** The Assembly established a grant to aid construction of certain railroads.

**1901** Public ditches, drains, or canals were allowed for sanitation, agriculture, public health, convenience, or welfare if approved by a majority of the owners of the land involved. An election law was enacted to regulate primaries conducted and paid for by political parties. Primaries were not mandatory.

**1905** The Buckman Act consolidated state institutions of higher learning into three: the University of Florida at Gainesville, Florida State College for Women at Tallahassee, and the Florida Agricultural and Mechanical College for Negroes at Tallahassee. The Legislature also created the Everglades Drainage District to drain 7,500 square miles of swampland for agriculture and cattle raising. An automobile registration law was enacted and 296 vehicles were registered in the first two years.

**1913** Governor Park Trammell sponsored the first Corrupt Practices Law to reduce the legal cost of seeking public office. The law allowed the expenditure of \$4,000 by candidates for the U.S. Senate and Governor and \$3,500 by candidates for Cabinet positions. The Legislature also enacted a law for state-conducted primary elections and created water control districts.



Florida State Archives

*Interstate 95 North/South Expressway, Miami, 1960. The first legal steps toward a system of state highways were taken in 1915.*

**1915** The first legal steps were taken toward establishment of a state-constructed and maintained system of highways, a governmental function left previously to local agencies but requiring emergency measures because of the rapid development of automobiles and tourist traffic.

**1917** Senator Oscar Eaton of Polk County championed a bill that appropriated \$300,000 for citrus canker eradication. Lands were set aside and given to Native Americans, and motor vehicle licenses were standardized.

**1919** Legislation authorized the analysis of gasoline and oil and provided fees for inspection and fines for misrepresentation.

**1925** The State Library was established and located in Tallahassee. Legislation regulated money lenders other than banks.

**1931** The Legislature, applying part of the proceeds of a gasoline tax, secured bonds issued by

counties for roads and bridges during the expansion period of the 1920s. Pari-mutuel wagering at horse and dog tracks was legalized and airplane pilots were required to be licensed.

**1935** The first workers' compensation legislation was enacted. Legislation regulated distribution and sale of alcoholic beverages (after repeal of the U.S. Constitutional Amendment forbidding consumption of alcohol).

**1939** Compulsory school attendance of children ages 6 to 16 was first required by law. The Highway Patrol was established and licenses were required to operate an automobile.

**1940** The ad valorem tax on real or tangible property for state purposes was abolished.

**1941** The adulteration of naval stores (turpentine and rosin) was made a crime.

**1943** A cigarette tax was levied to replace the loss of horse and dog racing revenues due to World War II.

**1945** The cigarette tax was increased from three to four cents and taxes on beer and other alcoholic beverages were raised to finance a multimillion dollar improvement program at state institutions and to provide more money for schools.

**1947** The Legislature enacted a Minimum Foundation Program to ensure educational opportunity for children in public schools of all counties and to encourage teachers to improve their qualifications by offering better pay for better training.

**1949** The Legislature banned livestock from highways and enacted an omnibus citrus law that created the Department of Citrus, established patents, and raised marketing standards for fresh and canned fruit. Election laws were overhauled and the State Parks system was created. In a special revenue-raising session, the Legislature enacted a 3 percent limited retail sales tax, shared the proceeds of an increased cigarette tax with cities, and earmarked money from the seventh cent of the gasoline tax (previously used for schools and general government) for roads. An oath of loyalty to the State and United States was required of all public employees.

**1951** Legislation relating to the prevention of abuse, abandonment, and neglect of children was passed. Cross burning in a public place was outlawed.

**1955** The Legislature authorized a state-long turnpike and the state highway system. The removal of doors from discarded appliances was required to prevent the suffocation of children.

**1957** The Legislature authorized statewide educational television. Funds were appropriated to found the University of South Florida and for expansion of the network of community colleges. Responsibility for state prisons was removed from the Department of Agriculture and taken over by the new Division of Corrections.

**1963** The election of Governor and Cabinet was shifted to off-year from Presidential selection. Legislation provided a public defender for any person determined to be indigent.

**1965** The Board of Regents, consisting of nine members with nine-year terms, took over policymaking for the state's institutions of higher learning from the Board of Control.

**1967** All state, county, and municipal records were opened to all and common law marriages were ended.

**1970** The first Legislature to meet in annual session under the new Constitution enacted a significant package of conservation laws that included protection of alligators and crocodiles, stiffer penalties for air and water pollution, and reduced use of persistent pesticides.

**1971** A no-fault divorce law passed. Legislation removed commercial signs within 660 feet of interstate highways and forbade the mutilation, defacing, trampling, or burning of United States or Florida flags.

**1972** The Legislature created a state land planning agency to plan for and guide growth and development and protect the natural resources and environment of the state.

**1974** The Legislature enacted legislation for collective bargaining by public employees, and created an ethics commission to oversee public officers and employees.

**1976** "The Dempsey J. Barron, W.D. Childers, and Joe Kershaw Cane Pole Tax Repeal Act" allowed any resident fishing in his own county, with natural bait, using poles without a line retrieval system, and fishing for non-commercial purposes, to fish without a license.

**1978** Legislation passed to provide treatment and rehabilitation of both victims and perpetrators of domestic violence. The legislature made it a felony to kill a Florida or wild panther and established a reclamation plan to return mined lands to a beneficial use in a timely manner.

**1981** Motor vehicle inspections, required annually since 1968, were discontinued. The Artificial Fishing Reef program was created.

**1982** The Legislature raised the sales tax to 5 percent and established single-member districts for the House and Senate, thus placing the Legislature for the first time on a “one-man, one-vote” basis. On June 21, the Florida Senate refused to ratify the Equal Rights Amendment by a 22-16 vote.

**1984** The Public Meetings Law passed, building on the 1976 “Sunshine Amendment,” by opening to the public all meetings of public agencies at which official acts are to be discussed.

**1986** The Legislature passed and later repealed a sales tax on services.

**1991** The Legislature created a Department of Elderly Affairs, passed bills mandating a

three-day waiting period between retail purchase and delivery of any handgun, established Florida Gulf Coast University, the 10th in the State University System, changed the selection of jurors from voter registration rolls to drivers license lists, and passed the “Everglades Forever Act” to improve and manage the Everglades.

**1994** Voter registration by the Department of Highway Safety and Motor Vehicles was allowed.

**1995** Florida law reintroduced prison chain gangs.

**1996** Legislation passed included laws: requiring bicycle riders under 16 to wear a helmet; drivers under 21 with a blood alcohol level of 0.02 or more to lose their licenses; lobbyists to file financial reports twice a year and after any special session; and legislators to report food and meals along with other gifts on disclosure statements.

**1997** A bill allocating \$2.7 billion was passed to relieve school crowding.

**1998** The Legislature voted \$344 million to subsidize health insurance for children, \$50 tax rebates for home owners (later vetoed by Governor Chiles), the Marriage Preparation and Preservation Act, and, after 22 years of trying, compensation to Freddie Lee Pitts and Wilbert Lee for the 12 years they spent on Death Row for murders they did not commit.

**1999** The Legislature passed a \$1.5 billion tax cut, school vouchers, parental notification before performing an abortion on a minor (later overturned in court), and the “three strikes” bill, which required judges to give the maximum sentence to people who commit their third violent crime.

**2000** In a January three-day special session, the Legislature changed the primary method of execution from the electric chair to lethal injection as part of the Death Penalty Reform Act. The “One Florida” initiative, ending affirmative action in state universities and purchasing, was approved by the Legislature, along with a law school for Florida A&M University and a medical school for Florida State University. Late-term abortions were outlawed and insured motorcyclists allowed to ride without a helmet.

**2001** The Board of Regents, a body which had overseen universities for more than 20 years, was dissolved and replaced with local boards of trustees.



Florida State Archives

*Electric chair at the Florida State Prison, Starke, 1976. In 2000 the Legislature changed the primary method of execution from the electric chair to lethal injection as part of the Death Penalty Reform Act.*

Election reform measures passed by the Legislature banned punch card systems and matching funds for out-of-state contributions.

**2002** Counties were required to install equipment to accommodate disabled people at polling places.

**2003** Medical malpractice reforms imposed a \$500,000 cap per doctor on liability claims for non-economic damages. Special session legislation gave Governor Bush the power to order feeding tubes be reinserted into Terri Schiavo, a brain-damaged woman at the center of a decade-long battle between her husband and parents. “Terri’s Law” was overturned by the courts. The Legislature also gave Governor Bush the authority to give Scripps Research Institute a \$310 million incentive to locate a biomedical research center in Palm Beach County.

**2004** The Legislature set rules for elections supervisors in conducting early voting and ended a requirement that voters’ signatures on absentee ballots be witnessed. Health and safety protections for migrant farm workers were strengthened. The Legislature also required counties to begin paying the costs of detention of juveniles awaiting trial.

**2005** The Legislature approved a complete ban on lobbyists’ gifts to legislators, and it permanently eliminated the state’s second primary elections. The Jessica Lunsford Act sentenced those convicted of molesting children younger than 12 to a minimum 25 years in prison.

**2006** Legislators repealed “joint and several” liability, which required some defendants to pay more than their share of damages in a lawsuit; eliminated the annual state intangibles tax on property not secured by Florida realty; created a sunset advisory committee to review state departments on an eight-year cycle; passed the A-Plus-Plus plan for a more relevant curriculum in schools; and eliminated the deadline for prisoners to use DNA testing to prove their innocence.

**2007** Legislators chose to move the presidential primary to January 29, in defiance of the rules of the Democratic and Republican parties. The Legislature also passed laws to protect teens involved in consensual relationships from new federal requirements to register as sex offenders, and required owners of non-native reptiles to pay up to \$100 for a license.

**2008** The Legislature required new education standards that incrementally increase students’ core content knowledge and skills; banned dumping sewage off Florida’s east coast after 2025; and allowed employees with concealed weapons permits to leave guns in locked cars at work.

**2009** Legislation permitted police to ticket motorists for failing to buckle up as a primary offense.

**2010** The Legislature codified the Settlement Agreement between the Legislature and the Board of Governors of the State University System. It also banned the sale and trade of pythons and other non-native reptiles of concern, including Burmese, reticulated, amethystine and African rock pythons, as well as Nile monitor lizards and anacondas.

**2011** Legislators reduced government spending by \$1 billion while avoiding raising taxes; increased Florida’s corporate income tax exemption from \$5,000 to \$25,000; increased penalties relating to prescription drug abuse; and made it a third degree felony to knowingly and willfully give false information to a law enforcement officer conducting a missing child investigation, popularly known as “Caylee’s Law.”

**2012** The Legislature increased Florida’s corporate income tax exemption from \$25,000 to \$50,000 and created numerous tax incentives to further support job creation; passed a constitutional amendment, ratified by Florida voters, that granted homestead property tax exemptions to spouses of first responders killed in the line of duty; and passed more than 50 repealer bills to reduce the size of government.

**2013** The Legislature created the preeminent state research universities program; added \$1.5 billion in K-12 education funding while keeping \$2.8 billion in reserves; provided for secondary enforcement of a ban on texting while driving; limited the use of drone aircraft by Florida law enforcement; and expanded early voting by requiring supervisors to offer a minimum of 8 days and up to 14 days of early voting.



# ***Legislative Publications***

Most of these publications are available at no charge from the office listed in parentheses after the title. The Clerk of the House of Representatives may be addressed at 513 The Capitol, 402 South Monroe Street, Tallahassee 32399-1300 or (850) 717-5400. The Secretary of the Senate may be addressed at 405 The Capitol, 404 South Monroe Street, Tallahassee 32399-1100 or (850) 487-5270.

*Clerk's Manual.* Biennial. (Clerk of the House)

Biographies and photos of current Representatives, Senators, and legislative officers. Most complete legislative biographical source available from the Legislature. Also includes district and seniority lists, Capitol Press Corps, and committees. Published since 1966. Pocket size. Not indexed.

*The Florida Senate Directory.* Weekly online updates. (Secretary of the Senate)

Lists committees with contact information, names of members, staff directors, and committee administrative assistants. Alphabetical listing of Senators with district and Tallahassee contact information, committee assignments, names of spouses, and legislative assistants. Includes phone numbers for Senate and legislative offices. Single copies are free.

*The Florida Senate.* Biennial handbook. (Secretary of the Senate)

General public-oriented guidebook to the Senate. Includes biographical data and photos of Senators, seating chart, diagram of how a bill becomes a law, map of Senate districts, and a brief description of the legislative process. Not indexed.

*Welcome to the Florida House of Representatives.* Biennial. (Clerk of the House)

General public-oriented guidebook to the House of Representatives. Includes brief biographical data and photos of House members, description of the legislative process, diagram showing how a bill becomes a law, seating chart, statistics on House members, and historical information on the legislature. Not indexed. A children's version of this publication, the *My Florida House Facts and Fun* book, is also available.

*Directory of the Florida House of Representatives.* Weekly online updates. (Clerk of the House)

Lists House officers, House committees with names of members, staff director and committee secretary. Alphabetical listing of representatives with district and Tallahassee addresses and telephone numbers, legislative assistants and district secretaries. Includes legislative support services and other legislative officers.

*Journals of the Senate and House.* Daily and Bound. (Secretary, Clerk)

Published each day Senate or House meet in formal session. Cumulated and edited into a final bound volume at end of session. The bound volume is considered to be the only official record. The *Journal* is not



a verbatim transcript of proceedings, but only records the official actions (i.e., bill titles, amendments, committee referrals, votes, and selected speeches) that have taken place. Indexed by bill number, sponsor, and subject. No charge for single copies of daily *Journal*.

*Guide To Florida Government, Executive, Legislative, Judicial, Congressional (includes Capitol Press)*. Annual. (Clerk of the House of Representatives. Limited Distribution) Organizational chart, names and addresses of executive branch agencies and officials. Also lists legislative, judicial, and congressional members with contact information, members of Capitol Press Corps, and toll-free telephone numbers for various State services. Indexed by person and agency name.

*Senate and House Bills*. (Secretary of the Senate, Document Center, 304 The Capitol, 404 South Monroe Street, Tallahassee, FL 32399-1100. (850) 487-5915. Clerk of the House of Representatives, House Documents, 326 The Capitol, 402 South Monroe Street, Tallahassee, FL 32399-1300. (850) 717-5412) Complete sets of session bills are available for walk-in/pickup and mailing. Call for pricing. Single copies of bills are free.

*Final Legislative Bill Information*. Annual. (Legislative Information Division, Joint Legislative Management Committee, 704 Pepper Building, Tallahassee, FL 32399-1400. (850) 488-4371. In Florida, toll free: (800) 342-1827) Published since 1965. Also known as the “History of Legislation” or the “Citator.” This is the most comprehensive legislative research tool available. Contains chronological actions of all bills and resolutions filed in regular and special sessions, sponsor reports and statistics. Indexed by subject, sponsor, and Constitution/statute citation. This is the final product of the automated bill history system, which includes an online service during the session, a daily bill history publication and other specialized reports.

*The People of Lawmaking in Florida, 1822–* . Biennial (cumulative). (Clerk of the House) Alphabetical listing of Florida legislators from territorial period to present. Each listing tells in which house the member served, session(s) served, district or county, and party affiliation.

*The Language of Lawmaking in Florida*. (By Allen Morris, former Clerk of the House. Limited distribution.) Defines terms and jargon unique to the Florida Legislature. Historical origin, where known, is also given.

*Practical Protocol for Floridians*. (Compiled by Allen Morris, former Clerk of the House. Limited distribution.)

*Reconsiderations*. (Compiled by Allen Morris and John Phelps, former Clerks of the House. Limited distribution.) The attempt to preserve the institutional memory of the Legislature through bits of history and anecdotes. Published in several editions in the 1980s. Fifth edition, 2006.

*Principles, Practices, & Priorities; A Handbook on Parliamentary Practice in the Florida House of Representatives*. (Written by the Florida House of Representatives under the direction of Parliamentarian Leonard M. Collins, 2008.)

## Online Information

The Florida Senate website, [www.flsenate.gov](http://www.flsenate.gov), is an online portal to extensive Senate information. The website includes bill information, analyses, calendars, journals, Senator, committee, and office contact information, news, video, and more. Senate Tracker can be used to track bills and other items throughout the website and receive automatic notifications when those items are updated. Most Senate publications are available for download and home printing free of charge at <http://flsenate.gov/>.

The House of Representatives offers very similar services at <http://myfloridahouse.gov/>, and also offers a free application for smartphones and tablets through which the public can view calendars, member information, publications, and live video of committee meetings and House sessions. The FL House app is available through the Apple App Store and Google Play.

A variety of legislative information including statutes and lobbyist information, as well as links to many other legislative and state websites, is available at the state's Online Sunshine website, [www.leg.state.fl.us](http://www.leg.state.fl.us).

*The House offers a free application for smartphones and tablets available through the Apple App Store and Google Play.*

