

# THE LEGISLATIVE PROCESS

## General Information

- Governor Charlie Crist – [www.flgov.com](http://www.flgov.com)
  - Kathy Mears, Director of Legislative Affairs – 850/488-5000
  
- Florida Cabinet
  - Jeff Kottkamp, Lt. Governor – [www.flgov.com](http://www.flgov.com)
  - Bill McCollum, Attorney General – [www.myfloridalegal.com](http://www.myfloridalegal.com)
  - Alex Sink, Chief Financial Officer – [www.myfloridacfo.com](http://www.myfloridacfo.com)
  - Charles Bronson, Commissioner of Agriculture – [www.doacs.state.fl.us](http://www.doacs.state.fl.us)
  - Cabinet was reconfigured in 1998; prior to this reconfiguration, the cabinet consisted of the attorney general, secretary of state, insurance commissioner, commissioner of agriculture, comptroller, and commissioner of education, all of whom were elected statewide; this same cabinet also served as the State Board of Education
  
- State Agencies
  - 25 State Agencies, including the Department of Education
  - The leader of each Agency is appointed by the Governor EXCEPT the head of the Department of Education who is appointed by the State Board of Education
    - The State Board of Education ([www.fldoe.org/board](http://www.fldoe.org/board)) is appointed by the Governor and is comprised of T. Willard Fair (Chairman), Peter Boulware, Dr. Akshay Desai, Roberto Martinez, John Padgett, Kathleen Shanahan, and Linda Taylor
    - Dr. Eric Smith ([Commissioner@fldoe.org](mailto:Commissioner@fldoe.org)) is the Commissioner of the Department of Education
      - \* Dr. Frances Haithcock ([Chancellor.Haithcock@fldoe.org](mailto:Chancellor.Haithcock@fldoe.org)) is the Chancellor of K - 12 Public Schools
      - \* Tanya Cooper ([Tanya.Cooper@fldoe.org](mailto:Tanya.Cooper@fldoe.org)) is the Director of Government Relations
  
- Florida Senate – [www.flsenate.gov](http://www.flsenate.gov)
  - President – Jeff Atwater
    - President Pro Tem – Mike Fasano
    - Majority Leader – Alex Diaz de la Portilla
    - Minority Leader – Al Lawson
  - 40 members
    - Serve 4 year staggered terms – 20 seats automatically up for election in even numbered years
    - Current composition is 26 Republicans and 14 Democrats
  - 25 Committees organized under 5 Policy & Steering Committees, plus the Committee on Rules; in addition, there are 5 Joint Committees, 2 Select Committees, and the Florida Legislative Committee on Intergovernmental Relations
  
- Florida House of Representatives – [www.myfloridahouse.gov](http://www.myfloridahouse.gov)
  - Speaker of the House – Larry Cretul
    - Speaker Pro Tem – Ron Reagan
    - Majority Leader – Adam Hasner
    - Minority Leader – Franklin Sands
  - 120 members
    - Serve 2 year terms – ALL seats automatically up for election every two years
    - Current composition is 76 Republicans and 44 Democrats
  - 21 Committees organized under 7 Councils, plus 4 Councils as a whole (no committees organized under them); in addition there are 5 Joint Committees, 3 Select Committees, and the Florida Legislative Committee on Intergovernmental Relations

## HOW AN IDEA BECOMES A LAW

### General Information

- Generally, each regular Legislative Session convenes on the 1<sup>st</sup> Tuesday after the 1<sup>st</sup> Monday in March (for 2010, the Legislature will convene on March 2) and runs for 60 calendar days (for 2010, the Legislature is scheduled to adjourn April 30)
- About 2500 bills were filed for consideration in the 2009 Session
  - 271 passed
  - 254 were approved by the Governor – many governors prefer to sign bills but a signature is not required; unless vetoed, a bill automatically becomes law 15 days after the Governor receives it
  - 8 were vetoed by the Governor – 2/3 vote of members present is needed to override a veto
  - 9 were filed with Secretary of State – Some bills are not subject to approval by the Governor, such as bills that propose constitutional amendments
- There are typically about 350 bills filed each year that relate to PreK-12 education
  - This includes some bill that may not appear obvious, such as bills relating to worker's compensation, growth management, elections, taxation, etc
  - About 30 education related bills passed in 2009 Session – it is typical for about 10% of the education related bills filed to be passed in a regular Session
  - About 160 education related bills that have already been filed for 2010 Session
- The Appropriations bill (budget) is the only bill that the legislature is constitutionally required pass during session
  - If a budget is not passed, the session will be extended, or special session will be called
  - The budget must balance – unlike the budget for the federal government
  - The budget is built on PROJECTIONS of available funds. If available funds do not meet projections, the legislature must reconvene to amend the budget so it balances

### Writing a Bill

- All bills must be written or reviewed by Bill Drafting and then filed for introduction with the Clerk of the House or Secretary of the Senate by noon on the first day of the Legislative Session
  - House members are limited to 6 bills each; the first 2 bills must be filed by 6<sup>th</sup> Tuesday before regular session (mid January)
  - A legislator will sometimes file a “shell bill” to meet the filing deadline(s). A shell bill typically states “the Legislature intends to revise laws relating to . . .”; a shell bill will be amended later to provide the full text of the proposed bill
- In general, Senate Bills are designated “SB” and are even numbered; House bills are designated “HB” and are odd numbered
- All bills must contain a title (“A bill to be entitled an act relating to . . .”) that provides a brief description of the bill and an enacting clause (“Be it enacted by the Legislature of the State of Florida:”), and an effective date (“This act shall take effect upon becoming a law”)
- Most bills filed in one chamber will have a “companion bill” filed in the other chamber. These companion bills are either identical, similar, or comparable to each other

### Acting on a Bill

- All bills are “read” three times in the chamber before being voted on by the full chamber. Generally, the reading includes the bill number, sponsor(s), and title.
  - A bill is rarely read in its entirety; to have the bill read in full requires a 1/3 vote
  - A 2/3 vote is necessary to waive 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> Reading of a bill

- 1<sup>st</sup> Reading
  - 1<sup>st</sup> Reading is usually accomplished by publication of the bill number, sponsor, and title in the chamber's Journal. The Speaker or President then refers the bill to one or more committees and/or councils having oversight of the subject of the bill. This is the stage where the bill faces many possible hurdles; about half of all bills referred to committees never make it beyond this stage
    - The committee/council chair determines if and when a bill will be placed on the agenda for consideration and there are many reasons why the bill may not be placed on the committee agenda in a timely manner
    - Bills may only be heard in one committee at a time and must be heard in the committees in order of reference. Since committees typically only meet once a week, there may not be sufficient time during the session for the bill to be heard and passed through all the committees of reference. Bills that languish in this manner are said to have "died in Committee"
  - Committee or Council staff prepare a staff analysis of each bill to be heard by the Committee or Council; the staff analysis often includes a great deal of background information and an analysis of the fiscal impact of the bill
  - Public testimony is often offered during committee hearings. Those wishing to testify must complete a simple form to disclose certain information, including name, address, the bill number and/or subject of the testimony, whom the testifier represents, and whether the testifier is a registered lobbyist
  - Bills may be amended with a majority vote. Amendments may travel with the bill to the next committee of reference or, more often, the amendments will be incorporated into the bill to create a committee substitute, or CS, for the bill (for example, CS for HB 101). If a subsequent committee of reference also incorporates amendments to the bill, the bill becomes a CS for CS for the bill (for example, CS for CS for HB 101)
  - Each bill that passes a committee of reference will be reported favorably, favorably with amendments, or favorably with a committee substitute. Each bill that does not pass a committee of reference will be reported unfavorably. A bill reported unfavorably usually does not move any further in the process
  - Once the bill has passed favorably in all of the committees of reference, the bill is placed on the Calendar and is available for 2<sup>nd</sup> Reading
- 2<sup>nd</sup> Reading
  - Even after a bill has been placed on the Calendar, it still may not ever be considered on the floor of the chamber and the bill is said to have "died on the Calendar"
  - In order to be considered on the floor, the bill must first be placed on the Special Order Calendar by the council or committee responsible for developing the Special Order Calendar (House Rules and Calendar Council or Senate Policy & Steering Committees)
  - 2<sup>nd</sup> Reading occurs when a bill on the Special Order Calendar is introduced, read (by title), explained, questions are answered, and amendments are considered
    - Amendments on 2<sup>nd</sup> Reading are passed by a majority vote
    - If amendments are adopted, the bill is ordered to be "engrossed" which means that the amendments are incorporated into the bill
  - Once this process is complete, the bill is available for 3<sup>rd</sup> Reading
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  - After a bill has passed 2<sup>nd</sup> Reading, the bill may be taken up on 3<sup>rd</sup> Reading. This usually occurs on a subsequent day, but, near the end of the session, the chambers often waive their rules and allow bills to be taken up on 3<sup>rd</sup> Reading on the same day as 2<sup>nd</sup> Reading
  - The bill is again introduced, read, explained, questions are answered, amendments are considered (approval of an amendment requires a 2/3 vote), and the bill is debated. The sponsor may then make a closing statement prior to voting on passage of the bill
  - Passage of a bill requires a majority vote

- Consideration in the Other Chamber
  - Once a bill has passed in one chamber, it is sent to the other chamber (the bill is said to be “in Messages” to the other chamber)
  - Upon receipt of a House bill, the Senate will subject the bill to 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Reading before considering the bill on the Senate floor. However, upon receipt of a Senate bill, the House will immediately consider the bill on the House Floor
  - Once the bill reaches the floor of either chamber, the chamber may:
    - Approve the bill without amendment – in this case, the bill has passed the Legislature, is ordered enrolled, and is sent to the Governor for action or to the Secretary of State
    - Approve the bill with amendments – in this case, the bill must be sent back to the original chamber to consider the bill as amended; the original chamber may:
      - \* Concur with the bill as amended – in this case, the bill has passed the Legislature, is ordered enrolled
      - \* Further amend the bill – in this case, the bill must be sent back to the other chamber to consider the bill as further amended
      - \* Refuse to Concur with the bill as amended – in this case, the bill is either “dead” or a Conference Committee comprised of members of both chambers may be appointed to work out the differences between the bills
  - A Conference Committee is almost always needed to resolve the differences between each chamber’s version of major bills, especially the Appropriations bill
    - Once the Conference Committee has resolved the differences between each chamber’s bill, it issues a Conference Committee Report which contains the agreed upon text of the bill
    - The Conference Committee Report is presented to each chamber which must then adopt the Report in its entirety and without amendment in order to pass the bill

**End of Session Notes**

- It is typical for both chambers to waive many of their rules during the last days of the Session in order to complete their business on time
- Generally, there are no Committee meetings, except Conference Committee meetings, during the last weeks of the Session
- Unless otherwise specified, all bills that pass during the Session will become effective on the 60<sup>th</sup> day after adjournment or upon the Governor’s signature
- There are almost always unexpected events in the final days of the Session – a seemingly “dead” bill suddenly revitalized, a sweeping new bill appearing out of nowhere, an apparent “done deal” falling apart, etc