

DRAFTING, SUBMISSION, AND CONSIDERATION OF MEASURES

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6.001 – Definitions.

As used in rules 6.001-6.017, the term:

(1) “Constitutional proposal” means a proposed amendment to the Florida Constitution drafted in legislative format, relating to taxation or the state budgetary process.

(2) “Formal measure” means a proposed constitutional amendment or proposed statutory recommendation.

(3) “Informal constitutional recommendation” means a recommendation to the Legislature, not drafted in legislative format, that the Legislature consider a particular amendment to the Florida Constitution.

(4) “Informal statutory recommendation” means a recommendation, not drafted in legislative drafting format, that the Legislature consider a particular statutory change.

(5) “Informal measure” means an informal constitutional recommendation or informal statutory recommendation.

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(6) “Legislative format” means the Bill Drafting format required of bills and resolutions for consideration by the Florida Legislature.

(7) “Measure” means a constitutional proposal, informal constitutional recommendation, informal statutory recommendation, or statutory recommendation.

(8) “Statutory recommendation” means a recommendation drafted in legislative format that the Legislature consider a statutory change.

(9) “Substantive committee” means the Governmental Services Committee, the Planning and Budgetary Processes Committee, the Governmental Procedures and Structure Committee, or the Finance and Taxation Committee.

6.002 – Form, Submission, and Drafting of Measures.

(1) A measure must be submitted in writing to the Office of the Executive Director of the Commission by a member or a committee before it may be considered by a committee.

(2) A constitutional proposal or statutory recommendation may not be considered by a committee until it is drafted in legislative format by Commission staff and submitted to the Office of the Executive Director of the Commission; however, upon submission, a constitutional proposal may, but is not required to, have a title and a ballot summary.

(3) Upon the request of a member or a committee, Commission staff shall draft constitutional proposals and statutory recommendations in legislative format. Commission staff is authorized to request the assistance of the legislative bill drafting services to draft constitutional proposals, statutory recommendations, and amendments authorized by these rules.

(4) Commission staff shall transmit by email a copy of each measure upon submission for consideration by the Commission. Commission staff may also post measures on the Commission’s website.

6.003 – Submission and Sponsorship of Measures.

(1) Requests by a member or committee to submit a measure with the Commission shall be made in writing.

(2) The principal sponsor of a measure shall be the first named sponsor to appear on the measure. Upon approval of the principal sponsor, any member may join as a cosponsor.

6.004 – Identification and Analysis of Measures.

- (1) All measures requiring Commission action shall be numbered sequentially by Commission staff when submitted.
- (2) Commission staff shall prepare an analysis of each measure placed on an agenda. However, Commission staff is authorized to request the assistance of legislative or executive staff to prepare analyses.

6.005 – Referencing of Measures to Substantive Committees.

The Chairman of the Commission shall refer each timely submitted measure to a substantive committee. In the case of multiple references, a measure shall be considered by each committee in the order referred. At discretion of the Chairman of the Commission, a measure, including a measure which has been reported as a committee substitute or favorably with amendments, may be re-referenced.

6.006 – Setting Agenda for Consideration of Measures by Substantive Committees.

Each committee chair shall determine the agenda for each committee meeting.

6.007 – Amendments to Formal Measures.

- (1) No amendment or proposed committee substitute to any formal measure on a committee or Commission agenda shall be considered unless the amendment or proposed committee substitute was drafted in proper form and submitted to the Commission at least forty-eight (48) hours prior to the noticed meeting time. Copies of such amendment(s) or proposed committee substitute(s) shall be sent to members via email by Commission staff.
- (2) Subsequent to the submission of all timely amendments and proposed committee substitutes, amendments to amendments, or substitute amendments to any proposed committee substitute may be submitted to the Commission. Such amendments must be submitted at least twenty-four (24) hours before the noticed meeting time to be timely.
- (3) The consideration of any amendment or proposed committee substitute not timely submitted in accordance with this rule, including any submitted during a committee meeting in which it is to be offered, requires a two-thirds (2/3) vote of those committee members present. These time requirements do not apply to a committee's recommendation during a meeting to make a committee substitute which is merely a combination of the noticed measure(s) and amendment(s).
- (4) Amendments to formal measures must be filed in the format of a legislative amendment, but shall be considered only after sponsors gain recognition from the chair to move their adoption. An amendment shall be deemed pending only after its sponsor has

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been recognized by the chair and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending.

(5) An amendment to a formal measure must be germane. An amendment is germane if it:

- (a) Is related to the same subject as the original measure;
- (b) Is a natural and logical expansion of the subject matter of the original measure; and
- (c) Does not present a new, independent issue.

(6) For purposes of amendments to a constitutional proposal at its initial Commission hearing, a germane amendment may include the substance of any constitutional proposal that has been reported favorably by a committee. The substance of a constitutional proposal that has been reported unfavorably by a committee is not germane.

6.008 – Amendments to Informal Measures.

Amendments to informal measures need not be submitted to the Commission in advance of a committee or Commission meeting. Such amendments may be adopted by a majority vote.

6.0085 – Amendment Sponsors

Persons authorized to file amendments to a measure are limited to the sponsor of the measure and members of the committee hearing the measure. Amendments to measures before the Commission may be filed by any member.

6.009 – Reporting of Substantive Committee Action.

(1) Substantive committees shall report all matters referred to them **as**:

- (a) Favorably,
- (b) Favorably with amendment(s),
- (c) Favorably with committee substitute,
- (d) Unfavorably
- (e) Unfavorably with amendment(s).

(2) The vote of each member of a substantive committee on the final passage of a measure shall be recorded. After a committee action has been reported out of a committee, it may not be recommitted to the committee except by a two-thirds (2/3) vote of the Commission.

6.010 – Calendar of Measures before the Commission ~~Initial Agenda of Measures on Commission Calendar.~~

(1) A ~~measure~~ constitutional proposal that has been reported favorably out of all committees of reference must be placed on an agenda for consideration by the full Commission.

~~(2) Any measure other than a constitutional proposal that has been reported favorably out of all committees of reference shall be placed on the calendar of measures available for consideration by the full Commission.~~

~~(2)(3)~~ A measure that has not been reported favorably by all committees of reference is available to be heard by the Commission. The Coordinating Committee shall recommend to the Chair of the Commission whether and/or when to place an available or required measure on the Commission agenda.

6.0105 – Final Hearing of Measures other than Constitutional Proposals.

This section applies to measures other than constitutional proposals. Such measures may be amended and must be approved by a majority vote of the members present and voting. After final approval by the Commission and a review by the Style and Drafting Committee, such measures shall be communicated to the Legislature at a time set by the Chair of the Commission.

6.0107 – First Hearing of Constitutional Proposals by the Commission.

A constitutional proposal at its first hearing before the Commission may be amended by a majority vote of the members present and voting. Constitutional proposals must be approved by an affirmative vote of two-thirds of the full Commission.

6.011 – Style and Drafting Committee.

(1) After a constitutional proposal has had its first initial hearing before by the Commission and received the requisite affirmative vote by the Commission, it shall may be referred by the Chair of the Commission to the Style and Drafting Committee.

(2) The Style and Drafting Committee shall be responsible for preparing drafting titles and ballot summaries, conducting a full technical review of all constitutional proposals, combining constitutional proposals, and determining the order that constitutional proposals will appear on the ballot. The ballot title and summary may not be amended by the Style and Drafting Committee without the approval of the sponsor of the constitutional proposal. The Style and Drafting Committee shall not make substantive changes.

(3) The Style and Drafting Committee shall report its recommendations on all constitutional proposals to the Commission.

(4) The Style and Drafting Committee shall conduct a full technical review of measures other than constitutional proposals. The Style and Drafting Committee shall not make substantive changes.

(3) — ~~The Style and Drafting Committee shall prepare a title and ballot summary for each constitutional proposal to comply with section 101.161(1), Florida Statutes, and relevant case law. Section 101.161(1), Florida Statutes, provides:~~

~~Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word “yes” and also by the word “no,” and shall be styled in such a manner that a “yes” vote will indicate approval of the proposal and a “no” vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(5). The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.~~

(4) — ~~Relevant case law provides that ballot titles and summaries must be written in clear and unambiguous language, fairly inform voters of the chief purpose of the constitutional proposal, and not mislead the public.~~

6.012 – Final Second Hearing of Constitutional Proposals before the ~~on~~ Commission Calendar.

(1) All constitutional proposals that received the vote required by rule 6.0107 shall be given a final hearing before the Commission.

(2) The Commission may amend the recommendations of the Style and Drafting Committee by a majority vote of the members present and voting.

(3) The Commission may make substantive amendments to a constitutional proposal upon a two-thirds vote of the full Commission.

(4) Constitutional proposals shall be approved for filing with the Secretary of State upon an affirmative vote of two-thirds of the full Commission in accordance with Article XI, section 6 of the Florida Constitution.

~~Once a proposed constitutional amendment has been reported out of the Style and Drafting Committee, it shall be placed on the Commission's agenda for final approval. A proposed constitutional amendment shall be approved upon an affirmative vote of 17 members of the Commission.~~

~~(2) — At this time, the only amendments that are in order are those that address the title or ballot summary.~~

~~6.013 — Vote to File a Constitutional Proposal with the Secretary of State.~~

~~Subsequent to final approval of a constitutional proposal, an affirmative vote of 17 members of the Commission is required to transmit the constitutional proposal to the Secretary of State for filing.~~

~~6.0135 — Ordering of Constitutional Proposals~~

~~The Coordinating Committee, in accordance with *Florida Administrative Code* rule 1S-2.0011, shall determine the order that constitutional proposals appear on the general election ballot. Under the *Florida Administrative Code* rule, the constitutional proposals filed with the Secretary of State will appear on the 2008 General Election Ballot either in the order:~~

- ~~(1) received by the Secretary of State; or~~
- ~~(2) specified in writing by the Commission if all of the Commission's proposals are filed simultaneously as part of one packet.~~

6.014 – Deadline to File Constitutional Proposals with the Secretary of State.

Constitutional proposals that the Commission intends to transmit to the Secretary of State must be transmitted on or before May 4, 2008.

6.015 – Conversion Amendments Prohibited.

An informal measure may not be amended to become a formal measure- ; however, a member may submit to the Commission a formal measure that addresses the same matter as an informal measure.

6.016 – Conflict of Rules.

To the extent that any provision of rules 6.001 through 6.017 conflicts with any other Commission rule relating to the approval of measures, rules 6.001 through 6.017 shall prevail.