

By Senator Lee

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1 A bill to be entitled
2 An act relating to executive appointments; amending s.
3 114.05, F.S.; specifying that the Governor may rescind
4 an appointment before the Senate confirms such
5 appointment; specifying the term of office of an
6 appointee whose appointment is rescinded by the
7 Governor; providing retroactive application; providing
8 an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (1) of section 114.05, Florida
13 Statutes, is amended to read:

14 114.05 Issuance of letter of appointment; confirmation by
15 the Senate; refusal or failure to confirm.—

16 (1) When a vacancy in office is filled by appointment which
17 requires confirmation by the Senate:

18 (a) The Governor shall issue and transmit to the Secretary
19 of State for filing a letter of appointment. The letter shall
20 contain the legal authority under which the appointment is made;
21 the proper designation of the office; the full name and address
22 of the appointee; the term of office to which the appointment is
23 made; and the effective date of the appointment, which date
24 shall be on or after the date of recording of the letter of
25 appointment. The Secretary of State shall promptly file the
26 letter and transmit to the appointee an oath of office,
27 questionnaire for executive appointment, and bond form when
28 required. Upon receipt of the questionnaire, oath of office, and
29 bond if required, the Secretary of State shall transmit to the

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30 appointee a certificate of appointment, under seal, certifying
31 that the appointment was made of the appointee to the office,
32 for the term indicated in the letter of appointment. The
33 certificate shall also provide that the appointment is subject
34 to confirmation by the Senate at the next regular session of the
35 Legislature following the effective date of the appointment.

36 (b) The Department of State shall distribute and cause to
37 be prepared and submitted by each appointee a biographical
38 questionnaire, verified under oath or affirmation, in the form
39 prescribed by the President of the Senate. The department shall
40 transmit the completed questionnaire and a copy of the
41 certificate of appointment to the President of the Senate or his
42 or her designee within 30 days from the receipt by the
43 department of the letter of appointment. Upon receipt of the
44 certificate, the President of the Senate shall lay the
45 appointment before the Senate for confirmation in accordance
46 with this section and the applicable Senate rules.

47 (c) If the Senate confirms the appointment, the fact of
48 such confirmation shall be spread upon the pages of the Journal
49 of the Senate; and thereafter a certificate of Senate
50 confirmation shall be issued by the President of the Senate and
51 attested to by the Secretary of the Senate. A true copy of this
52 certificate shall be filed with the Secretary of State, and the
53 original thereof shall be delivered to the appointee. Upon
54 receipt by him or her of the certificate of Senate confirmation,
55 the Secretary of State shall cause a commission to be prepared
56 and transmitted to the Governor for signature. After the
57 commission has been duly signed, countersigned, and sealed, it
58 shall be delivered to the appointee. The commission shall

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59 specify, among the other things prescribed in paragraph (a), the
60 date on which the appointment was confirmed and the expiration
61 date of the term of office.

62 (d) If the Senate refuses to confirm the appointment, the
63 fact of such refusal or rejection shall be spread upon the pages
64 of the Journal of the Senate; and thereafter a certificate of
65 refusal to confirm shall be issued, attested, filed, and
66 delivered in accordance with paragraph (c). Unless an earlier
67 date is specified in the motion to refuse to confirm, the ad
68 interim term of the appointee whose appointment has been
69 rejected by the Senate shall end at the adjournment of the
70 session of the Senate at which the vote on his or her
71 confirmation was taken. An appointee whose appointment to office
72 has been rejected by the Senate shall hold over until his or her
73 successor is appointed and qualified, but the period of such
74 holdover shall not exceed 30 days from the adjournment of the
75 session of the Senate. No person whose appointment to office has
76 been rejected by the Senate shall be eligible for appointment to
77 the same office for 1 year after the date of filing of the
78 certificate of refusal to confirm.

79 (e) If the Senate votes to take no action or if for any
80 other reason it fails to consider an appointment during the
81 regular session immediately following the effective date of the
82 appointment, the failure to act shall be noted in the pages of
83 the Journal of the Senate; and thereafter a certificate, stating
84 that the Senate voted to take no action or failed to consider
85 the appointment, shall be issued, attested, filed, and delivered
86 in accordance with paragraph (c). With respect to appointments
87 on which the Senate fails to act during the regular session of

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88 the Legislature immediately following the effective date of the
89 appointment, a vacancy in office shall exist upon the
90 adjournment sine die of the Legislature. The appointee shall
91 hold over until his or her successor is appointed and qualified;
92 however, such period of holding over shall not exceed 45 days.
93 The appointee may be reappointed.

94 (f) If the Senate voted to take no action or for any other
95 reason failed to consider an appointment during the regular
96 session immediately following the effective date of the
97 appointment and the appointee was thereupon reappointed to the
98 same office, and if the Senate votes to take no action or for
99 any other reason fails to consider the reappointment of the same
100 person to the same office during the regular session immediately
101 following the effective date of the reappointment, the
102 reappointment of such person to such office shall be deemed to
103 have been rejected; the office shall become vacant upon the
104 adjournment sine die of the regular session immediately
105 following the effective date of the reappointment; and the
106 appointee shall not hold over in that office or be eligible for
107 reappointment in that office for 1 year thereafter.

108 (g) The Governor may rescind an appointment at any time
109 before the appointment is confirmed by the Senate. If an
110 appointment is rescinded after the appointee qualifies for the
111 appointed office, the appointee's term of office ends on the
112 date that his or her successor qualifies or at the end of the
113 calendar year in which the appointment is rescinded, whichever
114 occurs first. If the Governor rescinds an appointment and
115 thereafter reappoints the same appointee to the same office,
116 such appointment must be made before the end of the calendar

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117 year in which the appointment is rescinded and the appointee is
118 subject to confirmation by the Senate at the next regular
119 session of the Legislature following the effective date of the
120 appointment.

121 Section 2. This act shall apply retroactively to any
122 appointments rescinded on or after January 8, 2019.

123 Section 3. This act shall take effect upon becoming a law.