

All Senators
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To: All Senators
From: Senator Don Gaetz, Chair
Senator Mack Bernard, Vice Chair
Committee on Ethics and Elections
Subject: Confirmation Process
Date: February 5, 2025

Under the Florida Constitution, the Senate has the duty to review and confirm appointments to certain executive agencies, boards, and regulatory commissions. The confirmation process serves as a vital constitutional check and balance between the executive and legislative branches of government and we, as Senators, must give this process due attention.

The President of the Senate traditionally refers all appointees to the Committee on Ethics and Elections. Historically, only certain appointees were referred to an additional committee. After conferring with President Albritton, the decision has been made to broaden the opportunities for Senators to engage in the confirmation process. Going forward, all appointees will be dually referred for a thorough review. The first committee of reference will be the substantive or appropriations committee with jurisdiction over the board, commission, or agency to which the individual has been appointed. The second committee of reference will be the Committee on Ethics and Elections.

A favorable vote of the Ethics and Elections Committee will be required in order for a nominee to be recommended for confirmation by the full Senate. However, the President always has the prerogative to move any nomination to the full Senate.

The references for appointments that have been received to date will be released to appropriate committees soon. Additional appointments will be referred as the Senate receives them.

Senate committee chairs may agenda confirmations as their workload permits. Most appointees do not personally appear before the committee and are considered and recommended *en bloc* by the committee. However, committee chairs may, at their discretion, invite individual appointees to appear. If an appointee appears before the committee to give testimony, his or her testimony must be given under oath.

The Ethics and Elections committee staff will collect questionnaires and prepare background information about each appointee to assist the Senate in making informed decisions regarding confirmations. These materials will be made available to Senators prior to each committee meeting.

Senators are encouraged to direct any questions regarding an individual appointment to the appointee prior to their scheduled hearing. Staff of the Ethics and Elections Committee can provide an appointee's contact information upon request. If those questions cannot be satisfied or if the member believes the committee will be best served by a personal appearance, Senators should coordinate promptly with the committee's chair to request the appointee's presence at a meeting of the committee.

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Each Senator should take the opportunity to actively engage in this constitutional responsibility. A rigorous confirmation process should not be punishing nor protracted nor political. Confirmation hearings should be respectful, substantive, and fair. Public testimony will be welcomed at any confirmation hearing.

The effectiveness of any agency, commission, or board depends on the quality and qualifications of its appointed leadership.

In the coming days, the Ethics and Elections staff will be reaching out to the Staff Directors of each referred committee to provide assistance and answer any questions.