

# Rules and Procedure of the Senate

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## RULE I

### DUTIES OF THE PRESIDENT

1. The President shall take the chair on every Legislative day at the hour to which the Senate shall have adjourned at the last sitting, immediately call the Senate to order and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read.

2. He shall preserve order and decorum and in case of disturbance or disorderly conduct in the lobby or galleries, may cause the same to be cleared.

3. He shall have the general control, except as provided by rule or law, of the Senate Chamber and of the corridors and passages and of the unappropriated rooms in that part of the Capitol assigned to the use of the Senate, until otherwise ordered.

4. He shall sign all addresses, writs, warrants and subpoenas of or issued by order of the Senate; and decide the questions of order subject to an appeal by any Senator, on which appeal no Senator shall speak more than once, unless by permission of the Senate. He may speak to points of order in preference to other Senators.

5. He shall put questions in this form, to-wit: "As many as are in favor (as the question may be) say Aye;" and after the affirmative voice is expressed, "As many as are opposed say, No;" if he doubts, or if a division is called for, the Senate shall divide, those in the affirmative of the question shall rise first from their seats, and then those in the negative, and the Secretary shall count the votes; if he still doubts, or a count is required by at least five Senators, he shall name one from each side of the question to tell the Senators in the affirmative and negative; which being reported he shall rise and state the decision.

6. He shall have the right to name any Senator to perform the duties of the chair but said substitution shall not extend beyond an adjournment; provided, however, that in case of his illness, absence or other inability to discharge his duties, the President pro tem, shall discharge the duties in all respects as the President himself might do, and the Journal shall show who is presiding at all times.

## RULE II

### OF THE SENATORS

1. Every Senator shall be present within the Chamber of the Senate during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct, personal or pecuniary interest, in the event of such question, or is excused from voting by the Senate. Pairs shall be announced by the Secretary after the completion of the roll call, from a written statement sent to the desk by one Senator of the pair announcing how he and the Senator with whom he is paired would vote were they both voting.

## RULE III

### QUESTIONS OF PRIVILEGE

1. Questions of Privilege shall be: First, Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation and conduct of Senators individually, in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

## RULE IV

### COMMITTEES

1. Unless otherwise specially ordered by the Senate, the President shall appoint, at the commencement of the session, the following standing committees, viz:

On Agriculture and Live Stock, to consist of seven members.

On Appropriations, to consist of thirteen members.

On Attaches, to consist of five members.

On Control of Legislative Expenditures, to consist of seven members.

On Banking and Building and Loans, to consist of seven members.

On Cities and Towns, to consist of seven members.

On Citrus Fruit, to consist of nine members.

On Constitutional Amendments, to consist of seven members.

On Corporations, to consist of five members.

On County Organizations, to consist of seven members.

On Drainage, to consist of five members.

On Education, to consist of nine members.

On Engrossed Bills, to consist of five members.

On Enrolled Bills, to consist of five members.

On Executive Communications, to consist of five members.

On Finance and Taxation, to consist of thirteen members.

On Forestry, to consist of seven members.

On Game and Fisheries, to consist of seven members.

On Insurance, to consist of seven members.

On Internal Affairs, to consist of seven members.

On Military Affairs, to consist of five members.

On Judiciary A, to consist of seven members.

On Judiciary B, to consist of seven members.

On Judiciary C, to consist of seven members.

On Miscellaneous Legislation, to consist of nine members.

On Motor Vehicles, to consist of five members.

On Labor and Industry, to consist of seven members.

On Pensions and Claims, to consist of seven members.

On Prisons and Convicts, to consist of five members.

On Privileges and Elections, to consist of five members.

On Public Health, to consist of five members.

On Public Roads and Highways, to consist of thirteen members.

On Public Utilities, to consist of nine members.

On Rules and Calendar, to consist of five members.

On State Institutions, to consist of five members.

On Temperance, to consist of eleven members.

On Transportation and Traffic, to consist of seven members.

2. He shall also appoint all Select and Conference Committees, which shall be ordered by the Senate from time to time.

3. The first named member of the committee shall be the chairman; and in his absence, or being excused by the Senate, the next named member, and so on, as often as the case may happen.

4. No committee, except the Committee on Rules and Calendar, shall sit during the meeting of the Senate, without special leave.

5. The Chairman of the Committee on Engrossed Bills and the Chairman of the Committee on Enrolled Bills and the Senator drawing the Journal Room at the Hold-Over Caucus are authorized to employ from time to time such clerical and other assistance as may be required to properly perform the duties of engrossing and verifying bills and enrolling and verifying bills and keeping a record of and mailing out the Senate Journals.

6. Each Senatorial District shall be entitled to five attaches, but the appointment and selection of said attaches shall be determined by the Committee on Attaches on the approval of the Senator of the District involved. It being understood however that the number of attaches by this rule allowed to Senatorial Districts shall not include the appointment and selection of Hold-Over Senators by the action and drawing of the Hold-Over Caucus.

7. Should there be the necessity for additional attaches they shall be appointed by the Attache Committee and only then with the approval of the President of the Senate who shall not approve the same unless the necessity for such work is shown.

8. The President of the Senate shall have the authority to appoint a Secretary to the President and a Bill Clerk.

9. All expenses incurred by any special committee shall be certified, with the items thereof, under oath, to the Chairman of the Committee on Control of Legislative Expenditures, who shall keep on file all certificates made to him under this rule.

10. All employees and attaches, except regular committee clerks and stenographers, shall remain in attendance at all times while the body is in session and, when not in session, shall observe the same hours of employ-

ment as regular Capitol employees. Committee clerks and stenographers shall keep themselves available to suit the convenience of the several committees and individual members of the Senate.

## RULE V

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

1. Every bill, memorial and resolution shall be sent, endorsed with the name of the Senator introducing it, to the Secretary to be by the President referred to the appropriate committee and the title and reference thereof shall be entered on the Journal. Every bill and joint resolution to be presented shall be typewritten without any erasure or interlineation or the President may refuse it, and the title shall also be placed on the outside cover under the number of the bill or joint resolution. All bills, local or general shall be introduced in triplicate (the original and two copies) and the bill secretary shall keep a file for original bills and a separate file for duplicate bills. The triplicate copy of every bill shall be delivered to the Sergeant-at-Arms, who shall keep the same in a file in his office for the use and benefit of the Press and the Public. No original bill nor duplicate bill shall be allowed to be taken from the Secretary's file by anyone other than by a Senator or the proper committee to whom the bill has been referred, and in either event the bill secretary shall take the receipt of the Senator or of the committee to whom any original bill is given. Each original bill introduced shall be accompanied by two copies of the title.

2. When a bill, resolution, or memorial is introduced "by request" these words shall be entered upon the Journal.

3. All local bills which require publication shall, when introduced, have proof of publication, securely attached to both original and duplicate copies of the bill as the first or front pages thereof or the same may be rejected by the Secretary.

## RULE VI

### CALENDARS AND REPORTS OF COMMITTEES

1. There shall be four divisions of the calendar as to bills and joint resolutions as follows:

(a) A list of Senate bills of a general nature and of joint and concurrent resolutions which shall be taken up and considered only in their regular order, unless otherwise provided by a special rule reported by the Committee on Rules and Calendar and approved by the Senate.

(b) A list of Senate bills of a local nature which shall be taken up and considered only in regular order at such time as may from time to time be designated by the Committee on Rules and Calendar.

(c) A list of House Bills of general nature and of House Joint Resolutions, which shall be taken up and considered only in their regular order unless otherwise provided by a special rule reported by the Committee on Rules and Calendar and approved by the Senate.

(d) A list of House Bills of a local nature which shall be taken up and considered only in their regular order at such time as may be designated by the Committee on Rules and Calendar.

(e) In making up the calendar the Secretary shall list all bills and resolutions under appropriate headings with reference to their origin whether in the Senate or House, whether general or local, and whether on second or third reading.

2. All favorable reports of committees on bills and joint resolutions shall be delivered to the Secretary for reference to the Calendar under the direction of the President in accordance with the foregoing provisions of this rule and the titles thereof shall be entered on the Journal together with the statement that the same was reported favorably.

3. All bills and joint resolutions reported unfavorably shall be laid on the table, unless a Senator shall request that they be placed on the calendar in which event it shall be the duty of the Secretary to place the same on the calendar. When such bills are reached on second reading it shall be the duty of the chairman of the committee making unfavorable report thereon to move for indefinite postponement and in such case the entry on the Journal shall be "Mr. .... Chairman of the Committee on ....., as required by the rule moved that ..... Bill No. .... be indefinitely postponed."

4. Every bill or resolution referred to a committee shall be reported back within seven days from the date

of its reference, unless otherwise ordered by the Senate.

5. Reports of committees on bills and joint resolutions shall be filed in duplicate.

6. Presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called or the Senate is dividing on any point; and there shall accompany every such report a detailed statement sufficiently explicit to inform the Senate of the effect any amendments or modifications will have upon the measure to which such report relates.

## RULE VII

### DECORUM AND DEBATE

1. When any Senator desires to speak or deliver any matter to the Senate, he shall rise at his desk and respectfully address himself to "Mr. President," and on being recognized, may address the Senate from any place on the floor, and shall confine himself to the question under debate, avoiding personalities.

2. When two or more members rise at once, the President shall name the Senator who is first to speak.

3. If any Senator, in speaking or otherwise shall transgress the rules of the Senate, the President shall, or any Senator may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Senator, to explain, and the Senate shall, if appealed to, decide on the case without debate; if the decision is in favor of the Senator called to order, he shall be at liberty to proceed, but not otherwise; and if the case require it, he shall be liable to censure or such punishment as the Senate may deem proper.

4. No Senator shall speak more than once on one question, to the prevention of any other who has not spoken and is desirous to speak, nor more than twice without obtaining leave of the Senate; nor for any longer period of time than thirty minutes, without yielding the floor, except by consent of two-thirds of the Senators present.

5. While the President is putting a question no member shall walk out or across the hall, nor when a Senator is speaking, pass between him and the Chair, and during the session of the Senate no Senator shall wear his hat, or remain by the Secretary's desk during the calling of

the roll or the counting of the ballots, and the Sergeant-at-Arms is charged with the strict enforcement of this clause.

6. No Senator speaking shall be interrupted by another but by rising to call order, or a question of privilege, without the consent of the Senator speaking.

7. After a question is put to vote no Senator shall speak to it.

## RULE VIII

### ON THE CALLS OF THE ROLL OF THE SENATE

1. Upon every roll call the names of the Senators shall be called alphabetically by surname, except where two or more have the same surname in which case the number of the Senatorial District shall be added. The President's name shall be called at the end of the roll call.

2. In all calls of the Senate the doors shall be closed, the name of the Senator shall be called by the Secretary, and the absentees noted, and those for whom no sufficient excuse is made, may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the President for that purpose, and their attendance secured and retained; and the Senate shall determine upon what condition they shall be discharged.

3. On the demand of any Senator, or at the suggestion of the President, the names of Senators sufficient to make a quorum in the hall of the Senate but do not vote shall be noted by the Secretary and recorded in the Journal, and reported to the President with the names of the Senators voting, and be counted and announced in determining the presence of a quorum to do business.

## RULE IX

### ON MOTIONS, THEIR PRECEDENCE, ETC.

1. Every motion made to the Senate and entertained by the President shall be reduced to writing on the demand of any member, and shall be entered on the Journal with the name of the Senator making it unless it is withdrawn the same day.

2. When a motion has been made, the President shall state it, or (if it be in writing), cause it to be read aloud

by the Secretary before being debated, and it shall then be in possession of the Senate, and may be withdrawn at any time before a decision or amendment.

3. When any motion or proposition is made, the question "Will the Senate Now Consider It?" shall not be put unless demanded by a member.

4. When a question is pending no motion shall be received but:

- (a) To adjourn.
- (b) To suspend the rules.
- (c) To adjourn to a time certain.
- (d) To take a recess.
- (e) To proceed to the consideration of the Executive business.
- (f) To lay on the table.
- (g) To postpone to a day certain.
- (h) To commit.
- (i) To amend or to substitute.
- (j) To postpone indefinitely.

Which several motions shall have precedence as they stand arranged; and the motions relative to adjournment, to take a recess, to proceed to the consideration of Executive business, to lay on the table, shall be decided without debate; provided, however, that when a motion to lay on the table has been made, the introducer of the subjectmatter under discussion shall be allowed five minutes to discuss the same, if he desires to do so; or he may divide his time or waive his right in favor of any Senator.

5. When a substitute is offered and taken up for consideration it shall be subject to amendment in the same manner as the original proposition; and the effect or rejection of the substitute as amended, shall be to reinstate the original for consideration. If a secondary matter be laid on the table, it shall not operate to carry the original matter with it.

6. The hour at which the Senate adjourns shall be entered on the Journal.

7. On the demand of any Senator before a question is put, the question shall be divided if it includes propositions so distinct in substance that one being taken away, a substantive proposition shall remain.

8. Pending a motion to suspend the rules, the President may entertain one motion that the Senate adjourn,

but after the result thereon is announced he shall not entertain any other dilatory motion until the vote is taken on suspension. A motion to suspend the rules shall be decided without debate; provided, however, that the mover shall be allowed to speak for one minute on explaining the reason for said motion.

## RULE X

### RECONSIDERATIONS

1. When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on the next day of the session thereafter, move a reconsideration thereon, and such motion (except during the last seven calendar days of the session), shall be placed first in the order of the day for the day succeeding that on which the motion was made, and if the Senate shall refuse to consider, or upon reconsideration shall confirm its first decision, no further motion to reconsider shall be in order, unless by unanimous consent.

## RULE XI

### OF AMENDMENTS

1. When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute to which one amendment may be offered but which shall not be voted on until the original matter is perfected, but either may be withdrawn before the amendment or decision is had thereon.

2. No bill or joint resolution shall be amended except on second reading, or by unanimous consent.

3. A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert, and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

## RULE XII

## ORDER OF BUSINESS AND PROCEDURE

1. The daily order of business shall be as follows:

First: Roll Call.

Second: Prayer by Chaplain.

Third: Reading of Journal.

Fourth: Correction and approval of the Journal.

Fifth: Reports of Committees.

Sixth: Introduction of resolutions and consideration of Senate Resolutions.

Seventh: Introduction of bills and joint resolutions.

Eighth: Consideration of other resolutions.

Ninth: Messages from the Governor.

Tenth: Messages from the House of Representatives.

Eleventh: Order of the day.

Twelfth: Consideration of bills and joint resolutions on third reading.

Thirteenth: Consideration of bills and joint resolutions on second reading.

Fourteenth: Miscellaneous business.

Fifteenth: Petitions and memorials.

2. Business on the President's table shall be disposed of as follows:

Messages from the Governor shall be referred to the appropriate committee without debate. Reports and communications from the heads of departments, and other communications addressed to the Senate, and bills, resolutions and messages from the House may be referred to the appropriate committee in the same manner and with the same right of correction as bills presented by Senators; but Senate Bills with House Amendments may be at once disposed of as the Senate may determine; and House Bill and House Joint Resolutions substantially the same as Senate Bills and Senate Joint Resolution favorably reported by a committee of the Senate may be substituted for such Senate Bill or Joint Resolution on motion of any Senator.

3. The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the orders of the day after motions to reconsider have been disposed of.

4. No bill or joint resolution shall be introduced by a member without special leave, except under the regular order of business, and all bills and joint resolutions when

so introduced shall be committed before they are passed to second reading.

5. Any bill or resolution shall be read in full at the request of any Senator, unless objection be made, when the question shall be determined by the Senate without debate.

6. No bill or joint resolution shall pass to be engrossed without two several readings on two separate days.

7. All bills and joint resolutions after a second reading shall be committed to the Standing Committee on Engrossed Bills, whose duty it shall be to strictly examine the same, and if found by them to be correctly engrossed, they shall so endorse on the same; Provided, that any bill or joint resolution which has passed second reading without amendment shall be placed on the Calendar of Bills on third reading without reference to said committee, unless the Senate shall order otherwise; and such bill or joint resolution shall be considered as engrossed.

8. No engrossed bills or joint resolutions shall be amended without the unanimous consent of the members present, and when so amended shall be re-engrossed unless it is otherwise ordered by the Senate, and shall not lose its place on the calendar.

9. All resolutions requiring the concurrence of the House of Representatives shall be read to the Senate and lie over one day before final action thereon, unless otherwise ordered by the Senate.

10. All orders or resolutions requiring information from the Governor, Cabinet Officers, or action of a Committee shall be read to the Senate and acted upon as in case of motions, and shall be spread upon the Journal of the Senate.

11. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

12. Whenever the Senator who introduced any bill or resolution is absent from the chamber when such bill or resolution is reached in its regular order on any of its readings, such bill or resolution shall be passed and placed at the foot of the calendar, and this rule shall not be waived or suspended except by unanimous consent.

## RULE XIII

## CHANGE OR SUSPENSION OF RULES

1. No rule of the Senate shall be changed or suspended or waived, except by a vote of two-thirds of the members voting, quorum being present, provided, that unanimous consent shall be necessary to a change, modification, waiver or suspension of any rule specifically requiring unanimous consent for such change, modification, waiver or suspension, or any rule providing for its own suspension or waiver by Special Rule reported by Committee on Rules and Calendar and approved by the Senate.

## RULE XIV

## OF ADMISSION TO THE FLOOR

1. No person not a member of the Senate shall be admitted inside of the bar, or on the main floor, of the Senate while the Senate is in session except the Senators, members of the families of the Senators, the Governor, his Cabinet Officers, ex-Governors, U. S. Senators, Members of the House of Representatives of the United States and of this State, and Judges of the Supreme Court, Circuit Court and Federal Courts and former State Senators of Florida.

2. That the President shall admit to the floor, under such regulations as he may prescribe, stenographers and reporters wishing to take down the debates and proceedings unless otherwise ordered by the Senate.

3. The provisions of this rule shall not be subject to waiver except by unanimous consent.

## RULE XV

## PAY TO WITNESSES

The rules of paying witnesses subpoenaed to appear before the Senate or either of its committees shall be as follows: for each day a witness shall attend, the sum of Two Dollars; for each mile he shall travel in coming to and going from the place of examination the sum of five cents each way, but nothing shall be paid for travel when the witness has been summoned at the place of trial.

## RULE XVI

## MESSAGES

Message received from the House of Representatives and the Governor giving notice of bills passed or approved, shall be entered in the Journal of the day's proceedings.

## RULE XVII

No bill, order, resolution, or other matter for the use of the Senate, shall be printed without special order of the Senate.

## RULE XVIII

The Senate shall meet daily except Sundays. The hour for convening for the morning session shall be 11:00 A. M., and the hour for adjournment for said morning shall be 1:00 P. M. When the Senate shall determine to hold morning and afternoon sessions, the hour for convening for the afternoon session shall be 2:30 P. M., and the hour for adjournment shall be 5:00 P. M.

## RULE XIX

The Secretary of the Senate and the Sergeant-at-Arms shall be under the supervision of the President of the Senate.

The Assistant Sergeant-at-Arms, doorkeeper, janitor, stenographers, typists, verifiers, pages and other attaches except where otherwise specifically provided in these rules shall be under the supervision of the Sergeant-at-Arms.

The Enrolling Secretary and all clerical assistants employed in the enrolling and verifying of enrolled bills shall be under the supervision of the chairman of the Committee on Enrolled Bills.

The Engrossing Secretary and all clerical assistants employed in the engrossing and verifying of engrossed bills shall be under the supervision of the chairman of the Committee on Engrossed Bills.

## RULE XX

## JEFFERSON'S MANUAL

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Senate, or the Joint Rules of the Senate and House of Representatives.

## RULE XXI

## OF THE JOURNAL

It shall be the duty of the Recording Secretary of the Senate to bind together one copy of the Journals of each day, after they shall have been approved by the Senate, and prepare an index upon forms to be furnished by the Attorney General's office, and said Journal shall be the official one of the Senate; that such index shall be plainly written or typed, and the Recording Secretary shall have twelve days after the Senate adjourns for completing the index.

## RULE XXII

There shall be a Sergeant-at-Arms and one Assistant Sergeant-at-Arms of the Senate and it shall be the duty of said officers to attend the Senate during its sittings, to maintain order under the direction of the President or other presiding officer in the Chair; to execute the commands of the President of the Senate and of the Senate, and all processes issued by authority thereof, directed to him, to have charge of all property of the Senate, to disburse the expendible materials of the Senate to members of the Senate for their official use; to cause to be printed daily sufficient number of Journals and Calendars of the Senate to supply the demands of the Senate and its members and to comply with any orders or resolution of the Senate; to have general charge of the gallery of the Senate provided for the public and maintain order therein; to provide drinking water for the comfort of the members of the Senate and ice for the same when necessary; to make requisition for all materials in the form of blanks and printed stationery which may be required by the Senate and distribute the same on request of the

members; to purchase for the use of the Senate, unless otherwise ordered, all articles which shall be ordered by the Senate to be provided for the use of the Senate which are to be purchased, and rent or otherwise secure any articles which are to be rented or provided and so ordered by the Senate and to perform any special duty which may be required by order or resolution of the Senate, or the President of the Senate in the exercise of his lawful authority.

#### RULES GOVERNING EXECUTIVE SESSION

Rule 1. Where nominations shall be made by the Governor to the Senate, they shall, unless otherwise ordered by the Senate, lie over for action until the day succeeding the day upon which they are made; and the final question on every nomination shall be "Will the Senate advise and consent to this nomination?" which question shall not be put on the day on which the nomination is received.

Rule 2. Nominations neither approved nor rejected during the session at which they are made, shall not be acted upon at any succeeding session without again being made by the Governor; and if the Senate shall adjourn sine die, all nominations pending and not finally acted upon at the time of taking such adjournment, shall be returned to the Governor and shall not be acted upon afterwards, unless again submitted to the Senate by the Governor, and all motions pending to reconsider a vote upon nomination shall fail on such adjournment.

Rule 3. All information or remarks concerning the character or qualifications, or the vote upon the confirmation of any person nominated by the Governor to office, shall be kept a secret; but the fact that a nomination has been made shall not be regarded as a secret after time has expired when a motion to reconsider may be made, and it shall be considered a breach of privilege for any Senator to break this rule.

Rule 4. When acting on executive business the Chamber shall be cleared of all persons except the Secretary of the Senate, who shall be sworn to keep the secrets of the Senate.

Rule 5. The legislative proceedings and executive proceedings of the Senate shall be kept in separate books.

Rule 6. Nominations approved or definitely acted upon by the Senate shall not be returned by the Secretary of the Senate to the Governor until the expiration of the time limit for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

Rule 7. No transcript of the executive records shall be furnished unless by special order of the Senate.

Rule 8. ALL CONFIDENTIAL COMMUNICATIONS MADE BY THE GOVERNOR SHALL BE BY THE MEMBERS AND OFFICERS OF THE SENATE KEPT SECRET.

Rule 9. Communications from the Governor as to the suspension or removal of officers shall be considered in executive session and, unless otherwise ordered, shall lie over for action to the executive session next succeeding that at which they are laid before the Senate.

Rule 10. VIOLATION OF THE ABOVE RULES AS TO THE SECRECY OF THE PROCEEDINGS OF EXECUTIVE SESSIONS SHALL BE CONSIDERED BY THE SENATE AS SUFFICIENT GROUNDS FOR THE UNSEATING OF THE OFFENDING SENATOR.

The final question on every suspension or removal of officers shall be, "Will the Senate consent to the suspension and removal of said officer," or, "Will the Senate, upon the recommendation of the Governor, remove said officer," as the case may require.