

Committee on Judiciary

CS/SJR 1188 — Prospective Appointment of Judicial Vacancies

by Rules Committee; and Senator Lee

This joint resolution proposes an amendment to the State Constitution to require the Governor to prospectively fill vacancies on the Florida Supreme Court or a district court of appeal that will occur under certain circumstances. The Governor must prospectively fill a vacancy that will occur due to a justice or judge reaching the mandatory retirement age or failing to qualify for a retention election. Additionally, the amendment allows the Governor to prospectively fill a vacancy that will occur because a justice or judge fails to be retained in office at a retention election.

Currently, the Governor's authority to appoint a Supreme Court Justice or district court of appeal judge does not manifest itself until the expiration of the sitting justice's or judge's term. Additionally, under the existing timeframes for filling a judicial vacancy, the potential exists for a judicial office to be vacant for 120 days after a vacancy occurs. Under the amendment, the existing timeframes for a judicial nominating commission to nominate individuals to fill a prospective vacancy begin at the conclusion of the qualifying period for retention or immediately following the general election in which the voters do not retain a judge or justice.

If approved by a vote of at least 60 percent of the voters voting on the measure at the 2014 General Election, these provisions will take effect on January 6, 2015.

Vote: Senate 26-14; House 74-45