

By the Committee on Judiciary and Representative Brummer

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House Joint Resolution

A joint resolution proposing an amendment to Section 11 of Article V of the State Constitution relating to applicant rankings, deliberations, and records of judicial nominating commissions.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 11 of Article V of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2000:

SECTION 11. Vacancies.--

(a) Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the vacancy by appointing, for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one person from the list of all applicants submitted ~~of not fewer than three persons nor more than six persons nominated~~ by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one person from the list of all applicants submitted ~~of not fewer than three persons nor more than six persons nominated~~ by the

1 appropriate judicial nominating commission. An election shall  
2 be held to fill that judicial office for the term of the  
3 office beginning at the end of the appointed term.

4 (c) The list of applicants ~~nominations~~ shall be  
5 submitted ~~made~~ within thirty days from the occurrence of a  
6 vacancy unless the period is extended by the governor for a  
7 time not to exceed thirty days. The governor shall make the  
8 appointment within sixty days after the list of applicants has  
9 been submitted ~~nominations have been certified~~ to the  
10 governor.

11 (d) There shall be a separate judicial nominating  
12 commission as provided by general law for the supreme court,  
13 each district court of appeal, and each judicial circuit for  
14 all trial courts within the circuit. The appropriate judicial  
15 nominating commission shall review the qualifications of every  
16 applicant for a judicial office and shall prepare a list of  
17 all such applicants in rank order based upon their  
18 qualifications, along with any comments and recommendations,  
19 and shall submit such list to the governor pursuant to this  
20 section.Uniform rules of procedure shall be established by  
21 the judicial nominating commissions at each level of the court  
22 system. Such rules, or any part thereof, may be repealed by  
23 general law enacted by a majority vote of the membership of  
24 each house of the legislature, or by the supreme court, five  
25 justices concurring. ~~Except for deliberations of the judicial~~  
26 ~~nominating commissions,~~The proceedings of the judicial  
27 nominating commissions and their records shall be open to the  
28 public.

29 BE IT FURTHER RESOLVED that in accordance with the  
30 requirements of section 101.161, Florida Statutes, the title  
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1 and substance of the amendment proposed herein shall appear on  
2 the ballot as follows:

3 APPLICANT RANKINGS, DELIBERATIONS, AND RECORDS

4 OF JUDICIAL NOMINATING COMMISSIONS

5 Provides that judicial nominating commissions shall  
6 review the qualifications of all applicants for a judicial  
7 vacancy and submit a rank-ordered list of those applicants,  
8 along with any comments or recommendations, to the Governor.  
9 Also provides that the deliberations of judicial nominating  
10 commissions and records relating thereto shall be open to the  
11 public, as are all other proceedings and records of such  
12 commissions.

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