

By Senator Cowin

11-402A-01

1                   Senate Joint Resolution No. \_\_\_\_  
 2           A joint resolution proposing an amendment to  
 3           Section 11 of Article V of the State  
 4           Constitution, relating to judicial vacancies,  
 5           to provide a method for filling such vacancies  
 6           and to require judicial nominating commission  
 7           proceedings to be public.  
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 9   Be It Resolved by the Legislature of the State of Florida:  
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 11           That the amendment to Section 11 of Article V of the  
 12           State Constitution set forth below is agreed to and shall be  
 13           submitted to the electors of Florida for approval or rejection  
 14           at the next general election or at an earlier special election  
 15           specifically authorized by law for that purpose:  
 16   ARTICLE V  
 17   JUDICIARY  
 18           SECTION 11. Vacancies.--  
 19           (a) Whenever a vacancy occurs in a judicial office to  
 20           which election for retention applies, the governor shall fill  
 21           the vacancy by nominating and appointing, by and with the  
 22           advice and consent of the senate,for a term ending on the  
 23           first Tuesday after the first Monday in January of the year  
 24           following the next general election occurring at least one  
 25           year after the date of appointment, a person approved as  
 26           eligible ~~one of not fewer than three persons nor more than six~~  
 27           ~~persons nominated~~ by the appropriate judicial nominating  
 28           commission.  
 29           (b) The governor shall fill each vacancy on a circuit  
 30           court or on a county court, ~~wherein the judges are elected by~~  
 31           ~~a majority vote of the electors,~~by appointing for a term

**CODING:**Words ~~stricken~~ are deletions; words underlined are additions.

1 ending on the first Tuesday after the first Monday in January  
2 of the year following the next primary and general election  
3 occurring at least one year after the date of appointment a  
4 person approved as eligible, ~~one of not fewer than three~~  
5 ~~persons nor more than six persons~~ nominated by the appropriate  
6 judicial nominating commission. An election shall be held to  
7 fill that judicial office for the term of the office beginning  
8 at the end of the appointed term.

9 (c) The eligibility approvals ~~nominations~~ shall be  
10 certified to the governor by the judicial nominating  
11 commission ~~made~~ within thirty days from the occurrence of a  
12 vacancy unless the period is extended by the governor for a  
13 time not to exceed thirty days. The governor shall make the  
14 nomination ~~appointment~~ within sixty days after the eligibility  
15 approvals ~~nominations~~ have been certified to the governor. The  
16 nomination shall be transmitted to the senate with the  
17 governor's signature. If the senate is not in session at the  
18 time the governor transmits the nomination, the senate may  
19 call itself into session, by proclamation of the senate  
20 president or as otherwise provided by its rules, to consider  
21 the nomination. If the senate is not in session during the 30  
22 days following the governor's transmission of a judicial  
23 nomination and does not convene within that 30-day period, the  
24 nomination shall be deemed confirmed. If the senate is in  
25 session at any time during such 30 days and does not confirm  
26 the nomination by majority vote of senators voting on the  
27 question within such 30 days, the nomination is rejected,  
28 unless the rules of the senate in effect immediately prior to  
29 the nomination provide for confirmation in such circumstances.  
30 A person nominated to judicial office and rejected by the

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1 senate is not eligible for nomination to any judicial office  
2 until the next following general election.

3 (d) There shall be a separate judicial nominating  
4 commission as provided by general law for the supreme court,  
5 each district court of appeal, and each judicial circuit for  
6 all trial courts within the circuit. Uniform rules of  
7 procedure shall be established by the executive office of the  
8 governor ~~the judicial nominating commissions at each level of~~  
9 ~~the court system.~~ Such rules, or any part thereof, may be  
10 repealed by joint resolution adopted ~~general law enacted~~ by a  
11 majority vote of the membership of each house of the  
12 legislature, ~~or by the supreme court, five justices~~  
13 ~~concurring.~~ ~~Except for deliberations of the judicial~~  
14 ~~nominating commissions,~~The proceedings of the commissions and  
15 their records shall be open to the public. Each commission  
16 shall approve and certify to the governor a list of all  
17 eligible applicants for a judicial vacancy and a report  
18 containing any information required by the rules of procedure  
19 or general law, in addition to any other information that the  
20 commission deems useful to the governor in filling the  
21 vacancy.

22 CONSTITUTIONAL AMENDMENT

23 ARTICLE V, SECTION 11

24 FILLING VACANCIES IN JUDICIAL OFFICE; JUDICIAL  
25 NOMINATING COMMISSION PROCEEDINGS PUBLIC.--Proposing an  
26 amendment to the State Constitution under which vacancies in  
27 judicial office are filled by gubernatorial nominees from the  
28 list of all eligible applicants submitted by the respective  
29 nominating commission, confirmed by the Senate. Nominations  
30 made when the Senate is not in session would be deemed  
31 confirmed; those made when it is in session but not confirmed

1 within a given time would be rejected. Additionally, all  
2 commission proceedings, including deliberations, would be  
3 public.  
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