



HJR 1135

2003

House Joint Resolution

1
2 A joint resolution proposing an amendment to Section 11 of
3 Article V of the State Constitution to require that the
4 deliberations and records related thereto of judicial
5 nominating commissions be open to the public.
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7 Be It Resolved by the Legislature of the State of Florida:
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9 That the amendment to Section 11 of Article V of the State
10 Constitution set forth below is agreed to and shall be submitted
11 to the electors of Florida for approval or rejection at the
12 general election to be held in November 2004:

ARTICLE V

JUDICIARY

SECTION 11. Vacancies.--

16 (a) Whenever a vacancy occurs in a judicial office to
17 which election for retention applies, the governor shall fill
18 the vacancy by appointing for a term ending on the first Tuesday
19 after the first Monday in January of the year following the next
20 general election occurring at least one year after the date of
21 appointment, one of not fewer than three persons nor more than
22 six persons nominated by the appropriate judicial nominating
23 commission.

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



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31 the appropriate judicial nominating commission. An election
 32 shall be held to fill that judicial office for the term of the
 33 office beginning at the end of the appointed term.

34 (c) The nominations shall be made within thirty days from
 35 the occurrence of a vacancy unless the period is extended by the
 36 governor for a time not to exceed thirty days. The governor
 37 shall make the appointment within sixty days after the
 38 nominations have been certified to the governor.

39 (d) There shall be a separate judicial nominating
 40 commission as provided by general law for the supreme court,
 41 each district court of appeal, and each judicial circuit for all
 42 trial courts within the circuit. Uniform rules of procedure
 43 shall be established by the judicial nominating commissions at
 44 each level of the court system. Such rules, or any part thereof,
 45 may be repealed by general law enacted by a majority vote of the
 46 membership of each house of the legislature, or by the supreme
 47 court, five justices concurring. ~~Except for deliberations of the~~
 48 ~~judicial nominating commissions,~~ The proceedings of the
 49 commissions and their records shall be open to the public.

50 BE IT FURTHER RESOLVED that the title and substance of the
 51 amendment proposed herein shall appear on the ballot as follows:

52 OPEN MEETINGS AND RECORDS OF JUDICIAL NOMINATING COMMISSIONS

53 Proposes an amendment to Section 11 of Article V of the
 54 State Constitution to require that the deliberations and records
 55 related thereto of the judicial nominating commissions be open
 56 to the public.