

By Senator Smith

14-1097-03

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.

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

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8 That the following amendment to Section 11 of Article V
9 of the State Constitution is agreed to and shall be submitted
10 to the electors of this state for approval or rejection at the
11 next general election or at an earlier special election
12 specifically authorized by law for that purpose:

13 ARTICLE V

14 JUDICIARY

15 SECTION 11. Vacancies.--

16 (a) Whenever a vacancy occurs in a judicial office to
17 which election for retention applies, the governor shall
18 forward to the senate, for purposes of confirmation, a single
19 nominee. Upon successful confirmation by a majority of the
20 senate, the nominee will be appointed to the specific judicial
21 office. Such an appointment would be fill the vacancy by
22 ~~appointing~~ for a term ending on the first Tuesday after the
23 first Monday in January of the year following the next general
24 election occurring at least one year after the date of
25 appointment, ~~one of not fewer than three persons nor more~~
26 ~~than six persons nominated by the appropriate judicial~~
27 ~~nominating commission.~~

28 (b) The governor shall fill each vacancy on a circuit
29 court or on a county court, wherein the judges are elected by
30 a majority vote of the electors, by appointing for a term
31 ending on the first Tuesday after the first Monday in January

1 of the year following the next primary and general election
2 occurring at least one year after the date of appointment, one
3 of not fewer than three persons nor more than six persons
4 nominated by the appropriate judicial nominating commission.
5 An election shall be held to fill that judicial office for the
6 term of the office beginning at the end of the appointed term.

7 (c) The nominations for a vacancy on a circuit court
8 or county court shall be made within thirty days from the
9 occurrence of a vacancy unless the period is extended by the
10 governor for a time not to exceed thirty days. The governor
11 shall make the appointment within sixty days after the
12 nominations have been certified to the governor.

13 (d) There shall be a separate judicial nominating
14 commission as provided by general law for ~~the supreme court,~~
15 ~~each district court of appeal, and~~ each judicial circuit for
16 all trial courts within the circuit. Uniform rules of
17 procedure shall be established by the judicial nominating
18 commissions at each level of the court system. Such rules, or
19 any part thereof, may be repealed by general law enacted by a
20 majority vote of the membership of each house of the
21 legislature, or by the supreme court, five justices
22 concurring. Except for deliberations of the judicial
23 nominating commissions, the proceedings of the commissions and
24 their records shall be open to the public.

25 BE IT FURTHER RESOLVED that the following statement be
26 placed on the ballot:

27 CONSTITUTIONAL AMENDMENT

28 ARTICLE V, SECTION 11

29 JUDICIARY VACANCIES.--Proposing an amendment to the
30 State Constitution for Senate confirmation of the Governor's
31 single nominee to a judicial vacancy that is subject to an

1 election for retention, including a vacancy on the Supreme
2 Court and any district court of appeal, and for eliminating
3 the judicial nominating commissions for the Supreme Court and
4 each district court of appeal.
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