

By the Committee on Judiciary; and Senator Smith

308-2012-03

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Senate Joint Resolution No. \_\_\_\_

A joint resolution proposing an amendment to  
Section 11 of Article V of the State  
Constitution, relating to judicial vacancies.

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

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

ARTICLE V

JUDICIARY

SECTION 11. Vacancies.--

(a) Whenever a vacancy occurs in a judicial office to  
which election for retention applies, the governor shall  
forward to the senate, for purposes of confirmation, a single  
nominee. Upon successful confirmation by a majority of the  
senate, the nominee will be appointed to the specific judicial  
office. Such an appointment would be 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. Upon conducting a senate hearing on the nominee,  
if the senate fails to take final action by the last day of  
the next scheduled regular session, the result will be the  
appointment of the nominee., one of not fewer than three  
~~persons nor more than six persons nominated by the appropriate~~  
~~judicial nominating commission.~~

1           (b) The governor shall fill each vacancy on a circuit  
2 court or on a county court, wherein the judges are elected by  
3 a majority vote of the electors, by appointing for a term  
4 ending on the first Tuesday after the first Monday in January  
5 of the year following the next primary and general election  
6 occurring at least one year after the date of appointment, one  
7 of not fewer than three persons nor more than six persons  
8 nominated by the appropriate judicial nominating commission.  
9 An election shall be held to fill that judicial office for the  
10 term of the office beginning at the end of the appointed term.

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

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

29           BE IT FURTHER RESOLVED that the following statement be  
30 placed on the ballot:

31    CONSTITUTIONAL AMENDMENT

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ARTICLE V, SECTION 11

JUDICIARY VACANCIES.--Proposing an amendment to the State Constitution for Senate confirmation of the Governor's single nominee to a judicial vacancy that is subject to an election for retention, including a vacancy on the Supreme Court and any district court of appeal, providing for confirmation if the Senate fails to act, and providing for eliminating the judicial nominating commissions for the Supreme Court and each district court of appeal.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1494

Requires the Governor to forward a single nominee for each vacant judicial office on the Supreme Court or a District Court of Appeal to the Senate for confirmation. Provides that the nominee will be appointed if upon a senate hearing, the senate does not act upon the nomination by the end of the next schedule regular session. Eliminates the Judicial Nominating Commissions for the Supreme Court and the appellate districts.