



HJR 0681

2003

House Joint Resolution

A joint resolution proposing an amendment to Section 11 of Article V of the State Constitution to provide that vacancies on the Florida Supreme Court and on district courts of appeal shall be filled by gubernatorial appointment, subject to confirmation by the Senate, to provide for the elimination of judicial nominating commissions for the Supreme Court and for district courts of appeal, and to provide for implementation by the Legislature.

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 2004:

ARTICLE V

JUDICIARY

SECTION 11. Vacancies.--

(a) Whenever a vacancy occurs on the supreme court or on a district court of appeal ~~in a judicial office to which election for retention applies,~~ the governor shall nominate and forward to the senate for confirmation a single nominee. Upon successful confirmation by a majority of the membership of the senate, the nominee shall assume office ~~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 confirmation ~~appointment, one of not fewer than three persons nor more than~~



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31 ~~six persons nominated by the appropriate judicial nominating~~
32 ~~commission.~~ The Legislature shall provide by general law for the
33 implementation of this subsection.

34 (b) The governor shall fill each vacancy on a circuit
35 court or on a county court, ~~wherein the judges are elected by a~~
36 ~~majority vote of the electors,~~ by appointing for a term ending
37 on the first Tuesday after the first Monday in January of the
38 year following the next primary and general election occurring
39 at least one year after the date of appointment, one of not
40 fewer than three persons nor more than six persons nominated by
41 the appropriate judicial nominating commission. Except as
42 provided in section 10 of this article, an election shall be
43 held to fill that judicial office for the term of the office
44 beginning at the end of the appointed term.

45 (c) The nominations shall be made within thirty days from
46 the occurrence of a vacancy unless the period is extended by the
47 governor for a time not to exceed thirty days. The governor
48 shall make the appointment within sixty days after the
49 nominations have been certified to the governor.

50 (d) There shall be a separate judicial nominating
51 commission as provided by general law for ~~the supreme court,~~
52 ~~each district court of appeal,~~ and each judicial circuit for all
53 trial courts within the circuit. Uniform rules of procedure
54 shall be established by the judicial nominating commissions ~~at~~
55 ~~each level of the court system.~~ Such rules, or any part thereof,
56 may be repealed by general law enacted by a majority vote of the
57 membership of each house of the legislature, or by the supreme
58 court, five justices concurring. Except for deliberations of the
59 judicial nominating commissions, the proceedings of the
60 commissions and their records shall be open to the public.



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

63 FILLING VACANCIES ON THE FLORIDA SUPREME COURT
 64 AND ON DISTRICT COURTS OF APPEAL

65 Proposes an amendment to Section 11 of Article V of the
 66 State Constitution to provide that vacancies on the Florida
 67 Supreme Court and on the District Courts of Appeal of this state
 68 shall be filled by a nominee of the Governor, subject to
 69 confirmation by a majority vote of the membership of the Senate;
 70 provides for implementation of the nomination and confirmation
 71 process by general law enacted by the Legislature; eliminates
 72 the judicial nominating commissions for the Supreme Court and
 73 the District Courts of Appeal and their role in the appointment
 74 process for appellate court justices and judges.