

1 House Joint Resolution

2 A joint resolution proposing an amendment to Section 11 of  
 3 Article V of the State Constitution to provide for Senate  
 4 confirmation of justices and judges subject to a merit-  
 5 retention vote.

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

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

14 ARTICLE V

15 JUDICIARY

16 SECTION 11. Vacancies.—

17 (a) Whenever a vacancy occurs in a judicial office to  
 18 which election for retention applies, the governor shall fill  
 19 the vacancy by appointment subject to senate confirmation. If  
 20 the senate does not confirm an appointment within 180 days after  
 21 receipt of the governor's communication, the nominee shall be  
 22 deemed unconfirmed. The senate may sit for the purposes of  
 23 confirmation regardless of whether the house of representatives  
 24 is in session. An appointment shall be ~~appointing~~ for a term  
 25 ending on the first Tuesday after the first Monday in January of  
 26 the year following the next general election occurring at least  
 27 one year after the date of confirmation ~~appointment, one of not~~  
 28 ~~fewer than three persons nor more than six persons nominated by~~

29 ~~the appropriate judicial nominating commission.~~

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

40 (c) The nominations shall be made within thirty days from  
 41 the occurrence of a vacancy unless the period is extended by the  
 42 governor for a time not to exceed thirty days. The governor  
 43 shall make the appointment within sixty days after the  
 44 nominations have been certified to the governor.

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

56 BE IT FURTHER RESOLVED that the following statement be  
 57 placed on the ballot:

58 CONSTITUTIONAL AMENDMENT

59 ARTICLE V, SECTION 11

60 SENATE CONFIRMATION OF JUSTICES AND JUDGES.—Proposing an  
 61 amendment to the State Constitution to modify the judicial  
 62 nominating and appointment process for judicial offices  
 63 requiring merit-retention votes by requiring Senate approval of  
 64 judicial nominations to the Supreme Court and district courts of  
 65 appeal. Currently, when a vacancy in the office of justice of  
 66 the Supreme Court or in the office of judge of a district court  
 67 of appeal arises, the State Constitution requires that a  
 68 judicial nominating commission convenes to interview applicants  
 69 and then present to the Governor a list of three to six  
 70 qualified nominees for the vacancy. The Governor must appoint  
 71 one of those nominees to the position. Upon appointment by the  
 72 Governor, the nominee is in office as a justice or judge. The  
 73 proposed amendment would eliminate the constitutional  
 74 requirement that a judicial nominating commission provide the  
 75 Governor with a list of candidates for appointment. If this  
 76 amendment passes, the Governor could appoint any qualified  
 77 person as justice or judge, subject to confirmation by the  
 78 Florida Senate. The Senate would have 180 days in which to vote  
 79 on a nominee. If the Senate fails to vote for the nominee in  
 80 that time period, the nomination would fail and the Governor  
 81 would have to make another nomination. The requirement for  
 82 Senate confirmation would also apply to nominations for circuit

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83 | judge or county judge in any jurisdiction that has elected to  
84 | use merit selection and retention in the jurisdiction.