

By Senator Bogdanoff

25-01504A-11

20111664

Senate Joint Resolution

A joint resolution proposing an amendment to Section 11 of Article V of the State Constitution to require Senate confirmation of appointments to the office of justice of the Supreme Court.

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 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, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.

(b) The governor shall fill each vacancy on a circuit court or on a county court, wherein the judges are elected by a majority vote of the electors, by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring

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30 at least one year after the date of appointment, one of not  
31 fewer than three persons nor more than six persons nominated by  
32 the appropriate judicial nominating commission. An election  
33 shall be held to fill that judicial office for the term of the  
34 office beginning at the end of the appointed term.

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

40 (d) Each appointment of a justice of the supreme court is  
41 subject to confirmation by the senate. If the senate votes to  
42 not confirm the appointment, the appropriate judicial nominating  
43 commission shall reconvene as though a new vacancy had occurred.  
44 The commission may not renominate any person whose prior  
45 appointment to fill the same vacancy was not confirmed by the  
46 senate. The appointment of a justice is effective on the date of  
47 confirmation by the senate.

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54 may be repealed by general law enacted by a majority vote of the  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

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59 BE IT FURTHER RESOLVED that the following statement be  
60 placed on the ballot:

61 CONSTITUTIONAL AMENDMENT

62 ARTICLE V, SECTION 11

63 SENATE CONFIRMATION OF SUPREME COURT JUSTICES.—This  
64 proposed amendment provides that the appointment of justices to  
65 the Florida Supreme Court is subject to confirmation by the  
66 Florida Senate. Under current law, the Governor appoints  
67 justices from a list of nominees provided by a judicial  
68 nominating commission, and appointments by the Governor are not  
69 subject to confirmation. This amendment requires Senate  
70 confirmation before the appointee can take office. If the Senate  
71 votes not to confirm the appointment, the judicial nominating  
72 commission must reconvene and may not renominate any person  
73 whose prior appointment to fill the same vacancy was not  
74 confirmed by the Senate.

75  
76 BE IT FURTHER RESOLVED that the following statement be  
77 placed on the ballot if a court declares the preceding statement  
78 defective and the decision of the court is not reversed:

79 CONSTITUTIONAL AMENDMENT

80 ARTICLE V, SECTION 11

81 REQUIRING SENATE CONFIRMATION OF APPOINTMENTS TO THE  
82 SUPREME COURT.—The State Constitution currently provides that,  
83 when a vacancy occurs in the office of justice of the Florida  
84 Supreme Court, the Governor must fill the vacancy by appointing  
85 a justice from nominees submitted by a judicial nominating  
86 commission. This proposed amendment specifies that a person  
87 appointed by the Governor to the office of justice of the

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88 Florida Supreme Court is subject to confirmation by the Florida  
89 Senate. Under the proposed amendment, if the Senate votes not to  
90 confirm the appointment, the judicial nominating commission must  
91 reconvene to nominate persons to the Governor. The commission  
92 may not renominate for the same vacancy a person whose prior  
93 appointment to that vacancy was not confirmed by the Senate.  
94 Under the proposed amendment, the appointment of a justice of  
95 the Supreme Court is not effective until the date of  
96 confirmation by the Senate.

97  
98 BE IT FURTHER RESOLVED that the following statement be  
99 placed on the ballot if a court declares the preceding statement  
100 defective and the decision of the court is not reversed:

101 CONSTITUTIONAL AMENDMENT

102 ARTICLE V, SECTION 11

103 CONFIRMATION BY THE SENATE OF APPOINTMENTS BY THE GOVERNOR  
104 TO THE SUPREME COURT.—Proposing an amendment to the State  
105 Constitution to provide that the appointment of a person to fill  
106 a vacancy on the Florida Supreme Court must be confirmed by the  
107 Florida Senate. Currently under the State Constitution, when a  
108 vacancy in the office of justice of the Supreme Court arises, a  
109 judicial nominating commission convenes to interview  
110 applications and present to the Governor a list of qualified  
111 nominees for the vacancy. The Governor must appoint one of those  
112 nominees to the position. Upon appointment by the Governor, the  
113 person becomes a justice of the Supreme Court. This proposed  
114 amendment requires that the appointment of a justice by the  
115 Governor be confirmed by the Florida Senate. If the Senate  
116 affirmatively rejects the appointment, the judicial nominating

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117 commission shall reconvene and the Governor must make another  
118 appointment. The judicial nominating commission may not  
119 renominate a person whose prior appointment to fill the same  
120 vacancy was not confirmed by the Senate. The appointment of a  
121 justice is effective on the date of confirmation by the Senate.  
122

123 BE IT FURTHER RESOLVED that the following statement be  
124 placed on the ballot if a court declares the preceding statement  
125 defective and the decision of the court is not reversed:

126 CONSTITUTIONAL AMENDMENT

127 ARTICLE V, SECTION 11

128 PROVIDING THAT APPOINTMENTS TO THE SUPREME COURT ARE  
129 SUBJECT TO SENATE CONFIRMATION.—The State Constitution currently  
130 requires vacancies to any judicial office that is subject to  
131 election for retention to be filled through appointment by the  
132 Governor of one person from a list of three to six persons  
133 nominated by the appropriate judicial nominating commission.  
134 This proposed amendment maintains the current process by which  
135 the Governor appoints a person to judicial office, but it  
136 further provides that each appointment of a justice of the  
137 Supreme Court of Florida is subject to confirmation by the  
138 Senate. If the Senate votes not to confirm the appointment, the  
139 appropriate judicial nominating commission will reconvene as  
140 though a new vacancy had occurred. The commission will not be  
141 able to renominate any person whose prior appointment to fill  
142 the same vacancy was not confirmed by the Senate. The  
143 appointment of a justice is effective on the date of Senate  
144 confirmation.