

By Senator Hukill

14-00442-18

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Senate Joint Resolution

A joint resolution proposing amendments to Section 17 of Article III and Sections 1 and 11 of Article V of the State Constitution to require the Legislature to establish a Court of Claims by general law, to provide for a judicial nominating commission for the court, and to provide that Court of Claims judges are subject to impeachment and trial by the Legislature for misdemeanors committed in office.

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

That the following amendments to Section 17 of Article III and Sections 1 and 11 of Article V of the State Constitution are 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 III

LEGISLATURE

SECTION 17. Impeachment.—

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court, judges of district courts of appeal, judges of the court of claims, judges of circuit courts, and judges of county courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to

14-00442-18

2018812__

30 investigate charges against any officer subject to impeachment.

31 (b) An officer impeached by the house of representatives
32 shall be disqualified from performing any official duties until
33 acquitted by the senate, and, unless impeached, the governor may
34 by appointment fill the office until completion of the trial.

35 (c) All impeachments by the house of representatives shall
36 be tried by the senate. The chief justice of the supreme court,
37 or another justice designated by the chief justice, shall
38 preside at the trial, except in a trial of the chief justice, in
39 which case the governor shall preside. The senate shall
40 determine the time for the trial of any impeachment and may sit
41 for the trial whether the house of representatives be in session
42 or not. The time fixed for trial shall not be more than six
43 months after the impeachment. During an impeachment trial
44 senators shall be upon their oath or affirmation. No officer
45 shall be convicted without the concurrence of two-thirds of the
46 members of the senate present. Judgment of conviction in cases
47 of impeachment shall remove the offender from office and, in the
48 discretion of the senate, may include disqualification to hold
49 any office of honor, trust or profit. Conviction or acquittal
50 shall not affect the civil or criminal responsibility of the
51 officer.

52 ARTICLE V

53 JUDICIARY

54 SECTION 1. Courts.—The judicial power shall be vested in a
55 supreme court, district courts of appeal, circuit courts and
56 county courts. Unless otherwise expressly provided in this
57 section, no other courts may be established by the state, any
58 political subdivision, or any municipality. The legislature

14-00442-18

2018812__

59 shall, by general law, divide the state into appellate court
60 districts and judicial circuits following county lines.
61 Commissions established by law, or administrative officers or
62 bodies may be granted quasi-judicial power in matters connected
63 with the functions of their offices. The legislature may
64 establish by general law a civil traffic hearing officer system
65 for the purpose of hearing civil traffic infractions. The
66 legislature may, by general law, authorize a military court-
67 martial to be conducted by military judges of the Florida
68 National Guard, with direct appeal of a decision to the District
69 Court of Appeal, First District. The legislature shall, by
70 general law, establish a court of claims to hear suits against
71 the state and its agencies or political subdivisions for tort
72 claims for which sovereign immunity is waived in accordance with
73 Article X, Section 13 when a claimant is seeking to satisfy a
74 judgment in excess of the recovery limits established under
75 state law. In implementing legislation establishing a court of
76 claims, the legislature shall include, but is not limited to,
77 rules of procedure to govern the court.

78 SECTION 11. Vacancies.—

79 (a) Whenever a vacancy occurs in a judicial office to which
80 election for retention applies, the governor shall fill the
81 vacancy by appointing for a term ending on the first Tuesday
82 after the first Monday in January of the year following the next
83 general election occurring at least one year after the date of
84 appointment, one of not fewer than three persons nor more than
85 six persons nominated by the appropriate judicial nominating
86 commission.

87 (b) The governor shall fill each vacancy on a circuit court

14-00442-18

2018812__

88 or on a county court, wherein the judges are elected by a
89 majority vote of the electors, by appointing for a term ending
90 on the first Tuesday after the first Monday in January of the
91 year following the next primary and general election occurring
92 at least one year after the date of appointment, one of not
93 fewer than three persons nor more than six persons nominated by
94 the appropriate judicial nominating commission. An election
95 shall be held to fill that judicial office for the term of the
96 office beginning at the end of the appointed term.

97 (c) The nominations shall be made within thirty days from
98 the occurrence of a vacancy unless the period is extended by the
99 governor for a time not to exceed thirty days. The governor
100 shall make the appointment within sixty days after the
101 nominations have been certified to the governor.

102 (d) There shall be a separate judicial nominating
103 commission as provided by general law for the supreme court,
104 each district court of appeal, the court of claims, and each
105 judicial circuit for all trial courts within the circuit.
106 Uniform rules of procedure shall be established by the judicial
107 nominating commissions at each level of the court system. Such
108 rules, or any part thereof, may be repealed by general law
109 enacted by a majority vote of the membership of each house of
110 the legislature, or by the supreme court, five justices
111 concurring. Except for deliberations of the judicial nominating
112 commissions, the proceedings of the commissions and their
113 records shall be open to the public.

114 BE IT FURTHER RESOLVED that the following statement be
115 placed on the ballot:

116 CONSTITUTIONAL AMENDMENT

14-00442-18

2018812__

117 ARTICLE III, SECTION 17
118 ARTICLE V, SECTIONS 1 AND 11
119 ESTABLISHMENT OF COURT OF CLAIMS.—Requires the Legislature
120 to establish a Court of Claims to hear suits for tort claims
121 against the state and its agencies and political subdivisions
122 when a claimant is seeking to satisfy a judgment in excess of
123 the recovery limits established under state law. The amendment
124 requires a judicial nominating commission for the court and
125 provides that a Court of Claims judge is subject to impeachment
126 and trial by the Legislature for misdemeanors in office.