

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [HB 155](#)

**TITLE:** Pub. Rec./Judicial Qualifications Commission  
Employees

**SPONSOR(S):** Maney

**COMPANION BILL:** [SB 302](#) (Rouson)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Civil Justice & Claims](#)

16 Y, 0 N

[Government Operations](#)

[Judiciary](#)

## SUMMARY

### Effect of the Bill:

HB 155 provides a public records exemption for:

- Specified personal identifying information and photographs of current and former Judicial Qualifications Commission (“JQC”) employees;
- Specified personal identifying information of the spouses and children of current and former JQC employees; and
- Specified information about the schools and day care facilities attended by the children of current and former JQC employees.

### Fiscal or Economic Impact:

None

### Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill amends [s. 119.071, F.S.](#), to create a [public records exemption](#) for:

- The home addresses, telephone numbers, dates of birth, and photographs of current and former [Judicial Qualifications Commission](#) (“JQC”) employees;
- The names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current and former JQC employees; and
- The names and locations of schools and day care facilities attended by the children of current and former JQC employees. (Section [1](#))

In support of this exemption, the bill provides a [public necessity statement](#) as required by the Florida Constitution. Therein, the bill cites to acts of intimidation, including threats, harassment, and stalking, directed towards JQC employees by persons who file judicial misconduct complaints with the JQC to punish a justice or judge for litigation results adverse to the complainants’ respective interests and who are subsequently dissatisfied by the JQC’s course of action on their particular complaints. The bill notes that, among other intimidation tactics experienced by JQC employees, some such employees report receiving threats or harassment by email or telephone, and others report inappropriate contact at their personal residences. (Section [2](#))

Further, the bill:

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- Provides that, pursuant to the [Open Government Sunset Review Act](#), this exemption will be automatically repealed on October 2, 2030, unless reviewed and saved from repeal through legislative reenactment. (Section [1](#))
- Provides an effective date of July 1, 2025. (Section [3](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Public Records

[Article 1, section 24 of the Florida Constitution](#) sets forth the state’s public policy regarding access to government records, generally guaranteeing every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. Similarly, [ch. 119, F.S.](#), generally guarantees every person a right to inspect and copy any state, county, or municipal record.

#### *Public Records Exemption*

The Florida Constitution authorizes the Legislature to provide by general law an exemption from public records requirements; in other words, the Legislature may provide that a specific record, or a portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), or [article I, section 24, of the Florida Constitution](#).<sup>1</sup> However, the bill creating the exemption must pass by a two-thirds vote of each chamber and state with specificity the [public necessity](#) justifying the exemption.<sup>2</sup> Further, the exemption itself may be no broader than necessary to accomplish the law’s stated public purpose.<sup>3</sup>

#### *Open Government Sunset Review Act*

The Open Government Sunset Review Act<sup>4</sup> (“Act”) provides that a public records exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the “Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.”<sup>5</sup> An identifiable public purpose is served if the exemption:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual’s safety; however, only the identity of an individual may be exempted under this provision; or
- Protects trade or business secrets.<sup>6</sup>

Further, pursuant to the Act, a new public record exemption or substantial amendment of an existing public record exemption is automatically repealed on October 2<sup>nd</sup> of the fifth year following enactment, unless the Legislature reenacts the exemption.<sup>7</sup>

#### Judicial Qualifications Commission

[Article V of the Florida Constitution](#) gives the Florida Supreme Court the authority to discipline state court justices and judges.<sup>8</sup> To assist the Florida Supreme Court with this duty, [article V, section 12 of the Florida Constitution](#) establishes a Judicial Qualifications Commission (“JQC”) vested with jurisdiction to investigate misconduct allegations against state justices and judges and recommend to the Florida Supreme Court:

<sup>1</sup> [Art. I, s. 24\(c\), Fla. Const.](#); [s. 119.011\(8\), F.S.](#)

<sup>2</sup> [Art. I, s. 24\(c\), Fla. Const.](#); [art. X, s. 12\(e\), Fla. Const.](#)

<sup>3</sup> [Art. I, s. 24\(c\), Fla. Const.](#)

<sup>4</sup> [S. 119.15, F.S.](#)

<sup>5</sup> [S. 119.15\(6\)\(b\), F.S.](#)

<sup>6</sup> *Id.*

<sup>7</sup> [S. 119.15\(3\), F.S.](#)

<sup>8</sup> State court justices and judges, as public officers, are also subject to impeachment (that is, the bringing of a misconduct charge) by a two-thirds vote of the Florida House of Representatives and a subsequent trial by the Florida Senate, after which they may be removed from office if found guilty of judicial misconduct by two-thirds of the Senators present. [Art. III, s. 17, Fla. Const.](#)

- The removal from office of any state justice or judge whose conduct demonstrates a present unfitness to hold office; and
- The discipline of a state justice or judge whose conduct warrants such discipline, which discipline may include any or all of the following:
  - A reprimand,
  - A fine;
  - A suspension, with or without pay; or
  - Lawyer discipline (that is, discipline initiated against a lawyer’s license to practice law in Florida).<sup>9</sup>

The conduct in question generally must have occurred while the justice or judge held judicial office, but may have occurred beforehand if the complaint alleging misconduct is made no later than one year after the justice or judge assumes the office.<sup>10</sup> Further, the JQC’s jurisdiction extends to allegations of a sitting justice’s or judge’s incapacity (that is, his or her physical or mental inability to perform the duties of his or her judicial office).<sup>11</sup>

### Membership

The JQC’s membership consists of:

- Two district court of appeal judges, selected by other district court of appeal judges;<sup>12</sup>
- Two circuit court judges, selected by other circuit court judges;<sup>13</sup>
- Two county court judges, selected by other county court judges;<sup>14</sup>
- Four Florida Bar members, chosen by the Florida Bar’s Board of Governors;<sup>15</sup> and
- Five Florida residents who have never been judges or Florida Bar members, appointed by the Governor.<sup>16</sup>

Members serve six-year staggered terms, and no member except a sitting judge is eligible for state judicial office while acting as a member and for two years thereafter.<sup>17</sup> Further, no member may hold public office or an office in a political party or participate in any judicial office campaign, except that a sitting judge may campaign for reelection and hold judicial office if re-elected.<sup>18</sup>

Members not subject to impeachment<sup>19</sup> (that is, those members who are not judges) may be suspended from the JQC by an executive order of the governor stating the grounds for suspension; such grounds may include malfeasance,<sup>20</sup> misfeasance,<sup>21</sup> neglect of duty, drunkenness, incompetence, permanent inability to perform official

<sup>9</sup> The final determination on whether to impose discipline against a subject justice or judge rests with the Florida Supreme Court. [Art. V, ss. 12\(a\)\(1\) and 12\(c\), Fla. Const.](#)

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> There are six District Courts of Appeal in Florida, located respectively in Tallahassee (First DCA), Tampa (Second DCA), Miami (Third DCA), West Palm Beach (Fourth DCA), Daytona Beach (Fifth DCA), and Lakeland (Sixth DCA). The Second DCA is only temporarily operating in Tampa; the court will relocate to St. Petersburg upon completion of its new headquarters building. [Art. V, s. 4, Fla. Const.; s. 35.05, F.S.](#); Office of the State Courts Administrator, *Florida Courts*, <https://www.flcourts.gov/Florida-Courts> (last visited Mar. 13, 2025); Florida Second District Court of Appeal, *History of the Second District Court of Appeal*, <https://2dca.flcourts.gov/About-the-Court/History-of-the-Court#:~:text=The%20Second%20DCA%20will%20consist,Petersburg%20is%20completed%20in%202025> (last visited Mar. 13, 2025).

<sup>13</sup> There are 20 judicial circuits in Florida, with one circuit court serving each of the judicial circuits. Such courts generally have trial jurisdiction over matters not assigned by statute to the county courts (like dissolutions of marriage, felony criminal matters, and monetary disputes over \$50,000), and may hear appeals from certain county court cases. [Art. V, s. 5, Fla. Const.; s. 26.012, F.S.](#); Office of the State Courts Administrator, *Florida Courts*, <https://www.flcourts.gov/Florida-Courts> (last visited Mar. 13, 2025).

<sup>14</sup> There is one county court in each of Florida’s 67 counties. Such courts generally handle civil disputes (like civil traffic offenses), misdemeanor criminal matters, and monetary disputes under \$50,000. [Art. V, s. 6, Fla. Const.; s. 34.01, F.S.](#); Office of the State Courts Administrator, *Florida Courts*, <https://www.flcourts.gov/Florida-Courts> (last visited Mar. 13, 2025).

<sup>15</sup> The Florida Bar regulates the practice of law in Florida. The Florida Bar, *About the Bar*, <https://www.floridabar.org/about/> (last visited Mar. 13, 2025).

<sup>16</sup> [Art. V, s. 12\(a\)\(2\), Fla. Const.; s. 43.20\(2\), F.S.](#)

<sup>17</sup> *Id.*

<sup>18</sup> [Art. V, s. 12\(a\)\(2\), Fla. Const.](#)

<sup>19</sup> *Supra*, note 8.

<sup>20</sup> “Malfeasance” is the intentional performance of an illegal act. Legal Information Institute, *Malfeasance*, <https://www.law.cornell.edu/wex/malfeasance> (last visited Mar. 13, 2025).

<sup>21</sup> “Misfeasance” is the performance of a lawful act in an improper manner. Legal Information Institute, *Misfeasance*, <https://www.law.cornell.edu/wex/misfeasance> (last visited Mar. 13, 2025).

duties, or felony commission.<sup>22</sup> The Senate may then remove from office or reinstate the suspended member, and the governor may reinstate the suspended member at any time before removal from office.<sup>23</sup>

### *Panels*

The JQC is divided into an Investigative Panel, composed of nine members, and a Hearing Panel, composed of six members.<sup>24</sup> The Investigative Panel investigates complaints alleging judicial misconduct to determine whether probable cause exists to believe the alleged misconduct occurred.<sup>25</sup> If no probable cause is found, the Investigative Panel may dismiss the complaint or refer it for further investigation, but if probable cause is found, the Investigative Panel files formal charges against the subject justice or judge with the Clerk of the Florida Supreme Court.<sup>26</sup>

Once formal charges are filed, the subject justice or judge may choose to admit wrongdoing and reach a stipulation with the Investigative Panel as to the appropriate discipline, which stipulation is presented to the Florida Supreme Court for approval.<sup>27</sup> If no stipulation is reached, the Investigative Panel submits the matter to the Hearing Panel, which Panel then conducts an evidentiary hearing and makes a recommendation to the Florida Supreme Court as to the appropriate discipline.<sup>28</sup> The Hearing Panel also has the authority to enter into stipulations as to appropriate discipline with the subject justice or judge and include any such stipulation in its recommendation.<sup>29</sup> Members may rotate panels in accordance with JQC rules, but no member may serve on both the Investigative and Hearing Panels for the same proceeding.<sup>30</sup>

### *Confidentiality*

Proceedings before the Investigative Panel are confidential, and the subject justice or judge does not receive a copy of the complaint; however, the subject justice or judge is notified of the investigation, given a summary of the general nature of the allegations against him or her, and afforded a reasonable opportunity to make a statement before and answer questions from the Investigative Panel.<sup>31</sup> After the filing of formal charges, however, the charges, and all further proceedings, are public.<sup>32</sup>

### *Employees*

The JQC employs an Executive Director, a General Counsel, and an Assistant General Counsel, along with support staff who fill various roles, including separate staff for each of the two Panels.<sup>33</sup> The JQC maintains an office in Tallahassee, Florida, the physical address of which is not publicly disclosed, and holds hearings at various locations throughout the state.<sup>34</sup>

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<sup>22</sup> [Art. V, s. 12\(a\)\(3\), Fla. Const.](#); [Art IV, s. 7, Fla. Const.](#)

<sup>23</sup> A felony is a criminal offense punishable under Florida law, or that would be punishable if committed in Florida, by death or imprisonment in a state penitentiary. [S. 775.08, F.S.](#)

<sup>24</sup> [Art. V, s. 12\(b\), Fla. Const.](#); [Art. V, s. 12\(f\)\(2\), Fla. Const.](#)

<sup>25</sup> “Probable cause” is a legal standard generally understood to mean a “reasonable basis.” It is more than a mere suspicion, but less than the certainty needed for a conviction. [Art. V, s. 12\(b\), Fla. Const.](#); Legal Information Institute, *Probable Cause*, [https://www.law.cornell.edu/wex/probable\\_cause](https://www.law.cornell.edu/wex/probable_cause) (last visited Mar. 13, 2025).

<sup>26</sup> [Fla. JQC R. 6.](#)

<sup>27</sup> The Florida Supreme Court may accept, reject, or modify in whole or in part the JQC’s findings, conclusions, and recommendations. [Art. V, s. 12\(c\)\(1\), Fla. Const.](#); [Fla. JQC R. 12.](#)

<sup>28</sup> The Hearing Panel must determine that the subject justice or judge is guilty of one or more of the charges specified by a two-thirds vote before it may proceed to the issue of discipline. A recommendation to remove a justice or judge from office, or for the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties, requires a two-thirds vote of the Hearing Panel, while other discipline requires only a simple majority vote of the Panel. [Art. V, s. 12\(b\), Fla. Const.](#); [Fla. JQC R. 7.](#)

<sup>29</sup> [Fla. JQC R. 12.](#)

<sup>30</sup> [Art. V, s. 12\(f\)\(2\), Fla. Const.](#)

<sup>31</sup> [Art V, s. 12\(a\), Fla. Const.](#); [Fla. R. Jud. Admin. 2.420](#); [Fla. JQC R. 23.](#)

<sup>32</sup> *Id.*

<sup>33</sup> Florida Judicial Qualifications Commission, *Commission Staff*, <https://floridajqc.com/commission-staff/> (last visited Mar. 13, 2025); [Art V, s. 12\(a\), Fla. Const.](#); [Fla. R. Jud. Admin. 2.420](#); [Fla. JQC R. 4 and 23.](#)

<sup>34</sup> Florida Judicial Qualifications Commission, *Contact*, <https://floridajqc.com/contact/> (last visited Mar. 13, 2025); [Fla. JQC R. 11.](#)

**OTHER RESOURCES:**

[Judicial Qualifications Commission Webpage – Homepage](#)

[Florida Supreme Court Webpage – Pending Judicial Qualifications Commission Cases](#)

[Florida Supreme Court Webpage – Judicial Qualifications Commission Case Archive](#)

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**BILL HISTORY**

<b>COMMITTEE REFERENCE</b>	<b>ACTION</b>	<b>DATE</b>	<b>STAFF DIRECTOR/ POLICY CHIEF</b>	<b>ANALYSIS PREPARED BY</b>
<a href="#">Civil Justice &amp; Claims Subcommittee</a>	16 Y, 0 N	3/13/2025	Jones	Mawn
<a href="#">Government Operations Subcommittee</a>				
<a href="#">Judiciary Committee</a>				