

By Commissioner Schifino

schifinow-00067-17

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1                   A proposal to amend  
2           Section 11 of Article V and create a new section in  
3           Article XII of the State Constitution to specify the  
4           composition of judicial nominating commissions, to  
5           establish terms of membership on a commission, and to  
6           require appointing authorities to the commissions to  
7           consider diversity in making appointments.

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9   Be It Proposed by the Constitution Revision Commission of  
10 Florida:

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12           Section 11 of Article V of the State Constitution is  
13 amended to read:

14                                   ARTICLE V

15                                   JUDICIARY

16           SECTION 11. Vacancies.-

17           (a) Whenever a vacancy occurs in a judicial office to which  
18 election for retention applies, the governor shall fill the  
19 vacancy by appointing for a term ending on the first Tuesday  
20 after the first Monday in January of the year following the next  
21 general election occurring at least one year after the date of  
22 appointment, one of not fewer than three persons nor more than  
23 six persons nominated by the appropriate judicial nominating  
24 commission.

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

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46 may be repealed by general law enacted by a majority vote of the  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

51 (1) Each judicial nominating commission shall be composed  
52 of the following:

53 a. Three members appointed by the board of governors of the  
54 bar of Florida from among bar members who are actively engaged  
55 in the practice of law with offices within the territorial  
56 jurisdiction of the affected court, or in the district or  
57 circuit;

58 b. Three electors who reside in the territorial  
59 jurisdiction of the court or in the circuit appointed by the  
60 governor; and

61 c. Three electors who reside in the territorial

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62 jurisdiction of the court or in the circuit and who are not  
63 members of the bar of Florida, selected and appointed by a  
64 majority vote of the other six members of the commission.

65 (2) A justice or judge may not be a member of a judicial  
66 nominating commission. A member of a judicial nominating  
67 commission may hold public office other than judicial office. A  
68 member of a judicial nominating commission is not eligible for  
69 appointment to state judicial office for which that commission  
70 has the authority to make nominations, either during such term  
71 of membership or for a period of 2 years thereafter. All acts of  
72 a judicial nominating commission shall be made with a  
73 concurrence of a majority of its members.

74 (3) A member of a judicial nominating commission shall  
75 serve a term of 4 years and is not eligible for consecutive  
76 reappointment. A member of a judicial nominating commission may  
77 be suspended by the governor and removed by the senate for cause  
78 pursuant to uniform rules of procedure established by the  
79 judicial nominating commissions consistent with Section 7,  
80 Article IV of this Constitution.

81 (4) In making an appointment, the governor, the board of  
82 governors of the bar of Florida, and members of the judicial  
83 nominating commissions shall seek to provide appointments to the  
84 commissions that reflect diversity as to ethnicity, race, and  
85 gender, and provide geographic distribution of the population  
86 within the territorial jurisdiction of the court for which  
87 nominations will be considered. The governor, the board of  
88 governors of the bar of Florida, and members of the judicial  
89 nominating commissions shall also consider the adequacy of  
90 representation of each county within the judicial circuit.

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92 A new section is added to Article XII of the State  
93 Constitution to read:

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## ARTICLE XII

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## SCHEDULE

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Composition of judicial nominating commissions.—The amendment to Section 11 of Article V, which relates to the composition of judicial nominating commissions, shall take effect July 1, 2019.