

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HJR 7111 — Judiciary

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Eisnagle and others (SJR 2084 by Judiciary Committee)

The joint resolution revises Art. V of the State Constitution, relating to the Judiciary, as follows:

- Currently, justices of the Florida Supreme Court are selected by the Governor from a list of qualified candidates nominated by a judicial nominating commission. This joint resolution adds a requirement that a Supreme Court justice appointed by the Governor must be confirmed by the Senate to take office. Under the proposed constitutional amendment, the Senate is authorized to meet for purposes of the confirmation regardless of whether the House of Representatives is in session. If the Senate fails to vote on the appointment within 90 days, the justice is deemed confirmed. If the Senate votes to not confirm the appointment, the judicial nominating commission shall reconvene but may not renominate the same person to fill that same vacancy.
- Currently, the Constitution authorizes the Supreme Court to adopt rules for the practice and procedure in all courts. Court rules may be repealed by a two-thirds vote of the membership of each house of the Legislature. This proposed amendment authorizes repeal of a court rule by general law (a simple majority), provided that the general law expresses the policy rationale for the repeal. The Court may not readopt a rule without conforming the rule to the expressed policy reasons for the repeal. If the Legislature repeals a readopted rule, the Court may not readopt the rule again without prior legislative approval.
- Currently, the Constitution authorizes the House of Representatives to investigate charges against a judge and allows the House to request information in the possession of the Judicial Qualifications Commission (JQC) “for use in consideration of impeachment.” Accordingly, the House of Representatives cannot review the JQC files in general. This joint resolution would allow the House of Representatives, at the Speaker’s request, to review all files of the JQC without regard to whether the request is specifically related to impeachment considerations. The information would remain confidential during any investigation and until the information is used in the pursuit of impeachment.

The joint resolution includes three different ballot summaries. The joint resolution directs that the first summary will be placed on the ballot, and that each subsequent summary will be placed on the ballot in the event that a court declares the preceding ballot summary defective and the decision of the court is not reversed.

If approved by at least 60 percent of the electors voting on the measure at the November 2012 general election, the constitutional revision will take effect January 8, 2013.

Vote: Senate 24-11; House 80-38