

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SJR 396

SPONSOR: Senator Cowin

SUBJECT: Constitutional Amendment: Meetings of Judicial Nominating Commissions

DATE: March 6, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Johnson</u>	<u>JU</u>	<u>Favorable</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This Senate Joint Resolution (SJR) proposes an amendment to Section 11, Article V of the State Constitution to be submitted to Florida voters. The SJR provides that the State Constitution be amended to require that all meetings of the judicial nominating commissions be open to the public except as provided by the Florida Legislature.

II. Present Situation:

Article V of the Florida Constitution provides for the filling of vacancies in judicial offices. The Governor is directed to fill each vacancy in a judicial office by appointment of a qualified person nominated by the appropriate judicial nominating commission. s. 11(a), Art.V Fla. Const. There is to be a separate judicial nominating commission for the Supreme Court, each district court of appeal, and each judicial circuit. s. 11(d), Art.V. Fla. Const. General law is to provide for each judicial nominating commission. *Id.* The commissions at each level of the court are to adopt uniform rules of procedure which may be overturned by the Legislature on a majority vote or may be overturned by five justices of the Supreme Court. *Id.*

The proceedings and records of the judicial nominating commissions are open to the public except for deliberations regarding nominees. *Id.*

The composition of the membership of the judicial nominating commissions is set out in s. 43.29, F.S. Three members are to be appointed by the Board of Governors of the Florida Bar. These members are to be members of The Florida Bar actively engaged in the practice of law with offices in the territorial jurisdiction of the affected court, district or circuit. Three members are to be appointed by the Governor. They must be residents of the territorial jurisdiction of the court or the circuit. Three members are to be selected by the majority vote of the other six members of the commission. These three members are to be electors who reside in the territorial jurisdiction of the court or the circuit.

III. Effect of Proposed Changes:

This senate joint resolution amends s.11(d), Art.V of the Florida Constitution to provide that all meetings and records shall be open to the public, except as provided by the Florida Legislature.

The Legislature shall submit this amendment to the electors of the State of Florida to be voted on in the next general election or at an earlier special election specifically called for that purpose.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

