UNIFORM RULES OF PROCEDURE
FOR
CIRCUIT JUDICIAL NOMINATING COMMISSIONS

AS AMENDED JUNE 25, 2003
UNIFORM RULES OF PROCEDURE FOR CIRCUIT
JUDICIAL NOMINATING COMMISSIONS

Section I. Initial Procedure; Investigative Sources; Notice

Whenever a vacancy occurs in a judicial office within the jurisdiction of a judicial nominating commission, the appropriate commission shall actively seek, receive and review the approved background statements submitted by those who voluntarily request consideration, and by those who otherwise consent in writing to such consideration by the commission. The commission shall require completion of the application form attached hereto and incorporated herein, which shall include a waiver of confidentiality of all material necessary to adequately investigate each applicant, including but not limited to, disciplinary records of The Florida Bar, records of the Florida Board of Bar Examiners, credit records, records maintained by any law enforcement agency, and records of the Florida Judicial Qualifications Commission. The commission shall notify The Florida Bar, representative bar associations (including minority and women's bar associations) within the jurisdiction where the vacancy occurs and electronic media; and shall seek applications for nominations from all persons who meet the eligibility requirements in the Florida Constitution. The commissions may seek and shall receive information from interested persons and groups.

Section II. Screening Procedures

Within a reasonable time after notice is given of the existence of the vacancy, the commission shall meet to consider applicants. At this meeting the procedures
for screening and voting upon applicant for said vacancy shall be determined.

Section III. Electronic Media and Still Photography Coverage of Judicial Nominating Commission Proceedings

Subject at all times to the authority of the chairperson of the commission to:

(i) control the conduct of proceedings before the commission; (ii) ensure decorum and prevent distractions; and (iii) ensure the fair administration of justice in the pending cause, electronic media and still photography coverage of the open commission proceedings shall be allowed in accordance with Judicial Administrative Rule 2.170.

Section IV. Further Investigation; Interviews

The commission shall investigate the fitness and qualifications of each applicant, utilizing all sources reasonably available within the time permitted by the Florida Constitution. In addition, the commission may invite any applicant to appear before a quorum of the commission sitting as a whole to respond to questions deemed pertinent to each applicant's fitness and qualifications to hold the judicial office. All applications, and other information received from or concerning applicants, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public to the extent required by the Florida Constitution or Florida Statutes.

The application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the
page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees, to the JNC Coordinator in the Governor's Office.

At a point in the investigative and interview process deemed appropriate by the commission, the commission shall require financial disclosure from the applicant.

Section V. Standards and Qualifications; Criteria

No nominee shall be recommended to the governor for appointment unless the commission finds that the nominee meets all constitutional and statutory requirements and is fit for appointment to the particular judicial office after full and careful consideration which consideration shall include but not necessarily limited to the following criteria:

(a) Personal attributes

(1) Personal integrity

(2) Standing in community

(3) Sobriety

(4) Moral conduct

(5) Ethics

(6) Commitment to equal justice under law

(b) Competency and experience

(1) General health, mental and physical

(2) Intelligence
(3) Knowledge of the law
(4) Professional Reputation
(5) Knowledge of and experience in the court involved

(c) Judicial capabilities
(1) Patience
(2) Decisiveness
(3) Impartiality
(4) Courtesy
(5) Civility
(6) Industry and promptness
(7) Administrative ability
(8) Possible reaction to judicial power
(9) Temperament
(10) Independence

Section VI. Final Selection of Nominees
By majority vote, the commission shall select no fewer than three and no more than six nominees from the list of applicants who meet the requirements of the Florida Constitution and all other legal requirements for the judicial office. The names of such nominees selected by the commission shall be certified to the governor in alphabetical order, and a copy of all investigative information and documents relating to each such nominee shall be forwarded to the governor.

Section VII. Publication of Names of Nominees
The chairperson of the commission shall make public the names of all persons recommended for gubernatorial appointment, without indicating any preference of the commission.

**Section VIII. Ethical Responsibilities**

Judicial nominating commissioners hold positions of public trust. A commissioner’s conduct should not reflect discredit upon the judicial selection process or disclose partisanship or partiality in the consideration of applicants. Consideration of applicants shall be made impartially and objectively.

A commissioner shall disclose to all other commissioners present all personal and business relationships with an applicant. If a substantial conflict of interest is apparent, that commissioner shall not vote on further consideration of any affected applicants. A Commissioner shall declare any conflict of interest that he/she has. Alternatively, upon motion by any Commissioner, a majority of all of the Commissioners may declare that a commissioner has a conflict of interest. The affected Commissioner may vote on the motion. All balloting by the commission shall be by secret ballot and the chair shall be entitled to vote in all instances. Upon certification of a list of nominees to the governor, no commissioner shall contact the governor or any member of his office or staff, for the purpose of further influencing the governor’s ultimate decision. However, if contacted by the governor, or his office or staff, a commissioner shall be entitled to answer questions about each nominee. No attempt should be made to rank such nominees or to otherwise disclose a preference of the commission.

**Section IX. Misconduct**
Each commissioner shall be accountable to the Governor and the chair of
their commission for compliance with these rules and the proper performance of
their duties as a member of a judicial nominating commission. Each commissioner
affirms that under these rules the Governor and/or the chair of their commission may
dispose of any legally sufficient written complaint alleging the misconduct of one or
more commissioners or commissions, limited only by Article IV, Section 7 of the
Constitution of the State of Florida. Each commissioner further acknowledges that
pursuant to Article IV, Section 7 the Governor may suspend from office any
commission member for malfeasance, misfeasance, neglect of duty, drunkenness,
incompetence, permanent inability to perform their official duties, or commission of a
felony.

A complaint alleging the misconduct of one or more commissioners (other
than the chair) within a single judicial nominating commission shall be reported in
writing to the chair of the affected commission for action. Upon the chair’s receipt of
any such charges, the subject commissioner(s) and the Governor shall be
immediately notified thereof and thereafter kept continuously apprised of their status
through final disposition. The chair shall investigate any complaint if the allegations
are in writing, signed by the complainant, and legally sufficient. A complaint is
legally sufficient if the chair determines that it contains ultimate facts which show a
violation of these rules or reflects discredit on the judicial selection process. Prior to
determining legal sufficiency the chair may require supporting information or
documentation as necessary for that determination. Upon determination of legal
sufficiency each charge may be disposed of by the chair solely, or may be referred
by the chair for disposition by the Governor, exclusively or with the concurrence of
the chair, but in consultation with all other members of the affected JNC who are not otherwise involved in the disposition. Disposition of a complaint shall include a hearing which affords the opportunity for the presentation of evidence to be evaluated by a clear and convincing standard of proof. Action shall be taken within 60 days of receipt of any written complaint and its final disposition shall be immediately reported.

A complaint alleging the sole misconduct of a judicial nominating commission chair shall be reported in writing to the Governor for action. Upon the Governor's receipt of any such charges, the subject chair shall be immediately notified thereof and thereafter kept continuously apprised of their status through final disposition. The Governor shall investigate any complaint if the allegations are in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if the Governor determines that it contains ultimate facts which show a violation of these rules or reflects discredit upon the judicial selection process. Prior to determining legal sufficiency the Governor may require supporting information or documentation as necessary for that determination. Upon determination of legal sufficiency, each charge shall be disposed of by the Governor in consultation with all other members of the affected JNC who are not otherwise involved in the disposition. Disposition of a complaint shall include a hearing which affords the opportunity for the presentation of evidence to be evaluated by a clear and convincing standard of proof. Action shall be taken within 60 days of receipt of any written complaint and its final disposition shall be immediately reported.

A complaint alleging the misconduct of a judicial nominating commission chair and one or more commissioners of a judicial nominating commission shall be
reported in writing to the Governor for action. Upon the Governor's receipt of any such charges, the subject chair and commissioner(s) shall be immediately notified thereof and thereafter kept continuously apprised of their status through final disposition. The Governor shall investigate any complaint if the allegations are in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if the Governor determines that it contains ultimate facts which show a violation of these rules or reflects discredit on the judicial selection process. Prior to determining legal sufficiency the Governor may require supporting information or documentation as necessary for that determination. Upon determination of legal sufficiency each charge may be disposed of by the Governor solely, or in consultation with all other members of the affected JNC who are not otherwise involved in the disposition or the subjects of the alleged misconduct. Disposition of a complaint shall include a hearing which affords the opportunity for the presentation of evidence to be evaluated by a clear and convincing standard of proof. Action shall be taken within 60 days of receipt of any written complaint and its final disposition shall be immediately reported.

Section X. Annual Meeting; Selection of Chairperson; Local Rules

On July 2 of each year or as soon thereafter as practicable, each commission shall designate a chairperson by majority vote to serve for one year and shall certify his or her name to the Governor. The chairperson shall be entitled to vote in all matters. His or her term shall end on July 1 of the next succeeding year. After July 1st and the appointment of all commission vacancies by the Governor, the new commission shall meet to elect by majority vote a vice chairperson who shall have at
least two years remaining in his or her term. The vice chairperson shall
automatically be nominated for chairperson at the next annual election held.
Additional nominations of qualified persons for chairperson are allowed.
The chairperson shall keep a permanent written record of the minutes of all
meetings of the commission, and all policies and procedures adopted by the
commission, and all policies and procedures adopted by the commission during his
or her term. At the conclusion of his or her term the outgoing chairperson shall turn
over to the newly elected chairperson all minutes of meetings and written records of
adopted policies and procedures. Each commission may adopt such additional
operating rules, forms and notices as it may from time to time deem necessary, so
long as they are not inconsistent with these rules.

Within the first twelve months of appointment, each JNC appointee must
complete an educational course designed to familiarize members with JNC rules and
procedures. Training shall include segments regarding interviewing techniques and
diversity sensitivity.

Section XI. Amendments
These rules may be amended by majority vote of the circuit judicial
nominating commissions, voting by an authorized representative.
Upon written request of 25% of all circuit judicial nominating commissions, a
meeting shall be convened within 90 days for the purpose of considering
amendments to these rules.
These rules became effective January 8, 1985. Amendments were made
Note: These rules were promulgated by a majority of the circuit judicial nominating commissions, meeting in open session on January 24, 1985 in Miami. The rules were amended in open session on January 11, 1989 in Orlando; February 22, 1991 in Tampa; April 3, 1992 in Tampa; January 29, 1993 in Tampa; December 7, 1994 in Tampa; September 6, 1995 in Tampa; January 22, 1997 in Miami; and March 30, 2000 in Tampa; and June 25, 2003 in Orlando.