

By Commissioner Barkdull

1       occurred before or during service as a justice or judge if a  
2       complaint is made no later than one year following service as  
3       a justice or judge. The commission shall have jurisdiction  
4       regarding allegations of incapacity during service as a  
5       justice or judge. The commission shall be composed of:

6               a. Two judges of district courts of appeal selected by  
7       the judges of those courts, two circuit judges selected by the  
8       judges of the circuit courts and two judges of county courts  
9       selected by the judges of those courts;

10              b. Four electors who reside in the state, who are  
11       members of the bar of Florida, and who shall be chosen by the  
12       governing body of the bar of Florida; and

13              c. Five electors who reside in the state, who have  
14       never held judicial office or been members of the bar of  
15       Florida, and who shall be appointed by the governor.

16           (2) The members of the judicial qualifications  
17       commission shall serve staggered terms, not to exceed six  
18       years, as prescribed by general law. No member of the  
19       commission except a judge shall be eligible for state judicial  
20       office while acting as a member of the commission and for a  
21       period of two years thereafter. No member of the commission  
22       shall hold office in a political party or participate in any  
23       campaign for judicial office or hold public office; provided  
24       that a judge may campaign for judicial office and hold that  
25       office. The commission shall elect one of its members as its  
26       chairperson.

27           (3) Members of the judicial qualifications commission  
28       not subject to impeachment shall be subject to removal from  
29       the commission pursuant to the provisions of Article IV,  
30       Section 7, Florida Constitution.

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26 (b) PANELS.--The commission shall be divided into an  
27 investigative panel and a hearing panel as established by rule  
28 of the commission. The investigative panel is vested with the  
29 jurisdiction to receive or initiate complaints, conduct  
30 investigations, dismiss complaints, and upon a vote of a  
31 simple majority of the panel submit formal charges to the

1 hearing panel. The hearing panel is vested with the authority  
2 to receive and hear formal charges from the investigative  
3 panel and upon a two-thirds vote of the panel recommend to the  
4 supreme court the removal of a justice or judge or the  
5 involuntary retirement of a justice or judge for any permanent  
6 disability that seriously interferes with the performance of  
7 judicial duties. Upon a simple majority vote of the membership  
8 of the hearing panel, the panel may recommend to the supreme  
9 court that the justice or judge be subject to appropriate  
10 discipline.

11 (c) SUPREME COURT.--The supreme court shall receive  
12 recommendations from the judicial qualifications commission's  
13 hearing panel.

14 (1) The supreme court may accept, reject, or modify in  
15 whole or in part the findings, conclusions, and  
16 recommendations of the commission and it may order that the  
17 justice or judge be subjected to appropriate discipline, or be  
18 removed from office with termination of compensation for  
19 willful or persistent failure to perform judicial duties or  
20 for other conduct unbecoming a member of the judiciary  
21 demonstrating a present unfitness to hold office, or be  
22 involuntarily retired for any permanent disability that  
23 seriously interferes with the performance of judicial duties.  
24 Malafides, scienter or moral turpitude on the part of a  
25 justice or judge shall not be required for removal from office  
26 of a justice or judge whose conduct demonstrates a present  
27 unfitness to hold office. After the filing of a formal  
28 proceeding and upon request of the investigative panel, the  
29 supreme court may suspend the justice or judge from office,  
30 with or without compensation, pending final determination of  
31 the inquiry.

(2) The supreme court may award costs to the prevailing party.

25 (f) SCHEDULE TO SECTION 12.--



1       one circuit judge as set forth in s. 12(a)(1)a. of Article V,  
2       shall expire on December 31, 1998.

3           2. Group II.--The terms of five members, composed of  
4       one elector as set forth in s. 12(a)(1)c. of Article V, two  
5       members ~~one member~~ of the bar of Florida as set forth in s.  
6       12(a)(1)b. of Article V, one circuit judge and one county  
7       judge as set forth in s. 12(a)(1)a. of Article V shall expire  
8       on December 31, 2000.

9           3. Group III.--The terms of five members, composed of  
10       two electors as set forth in s. 12(a)(1)c. of Article V, one  
11       member of the bar of Florida as set forth in s. 12(a)(1)b.,  
12       one judge from the district courts of appeal and one county  
13       judge as set forth in s. 12(a)(1)a. of Article V, shall expire  
14       on December 31, 2002.

15           h. An appointment to fill a vacancy of the commission  
16       shall be for the remainder of the term.

17           i. Selection of members by district courts of appeal  
18       judges, circuit judges, and county court judges, shall be by  
19       no less than a majority of the members voting at the  
20       respective courts' conferences. Selection of members by the  
21       board of governors of the bar of Florida shall be by no less  
22       than a majority of the board.

23           j. The commission shall be entitled to recover the  
24       costs of investigation and prosecution, in addition to any  
25       penalty levied by the supreme court.

26           k. The compensation of members and referees shall be  
27       the travel expenses or transportation and per diem allowance  
28       as provided by general law.

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