

SUPREME COURT OF FLORIDA

In re Amendments to the Florida Judicial Qualifications Commission Rules

252 So. 3d 733 (Fla. 2018) · No. SC17-1362 · Decided August 30, 2018

SUMMARY

The Supreme Court of Florida repealed amendments to Florida Judicial Qualifications Commission Rules 6 and 20 that purported to authorize Commission panels to designate filings with the Court as confidential. The Court held that the amendments exceeded the Commission's authority and were inconsistent with Florida Rule of Judicial Administration 2.420 and the constitutional right of access to judicial branch records.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Canady, C.J.; Pariente, J.; Quince, J.; Polston, J.; Labarga, J.; Lawson, J.; Lewis, J.
JURISDICTION	Florida
DECIDED	August 30, 2018
DOCKET	SC17-1362
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding in which the Florida Judicial Qualifications Commission submitted amendments to its rules for review by the Supreme Court of Florida.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	Florida Judicial Qualifications Commission

TOPICS

constitutional law rulemaking administrative law appellate procedure judicial review of agency action

PRACTICE AREAS

constitutional law administrative law judicial administration public records and access

QUESTIONS PRESENTED

1. Whether the Florida Judicial Qualifications Commission had constitutional or rule-based authority to authorize its investigative and hearing panels to designate filings with the Supreme Court confidential.
2. Whether the confidentiality amendments to JQC Rules 6 and 20 were consistent with Florida Rule of Judicial Administration 2.420 and the public-access provisions of the Florida Constitution.

HOLDINGS

1. The Florida Judicial Qualifications Commission and its panels lack authority to designate filings with the Supreme Court confidential through JQC rules.
2. Filings in JQC proceedings before the Supreme Court may be designated and maintained as confidential only through the procedures and substantive provisions of Rule 2.420; sensitive personal information alone does not permit the Commission to designate a filing confidential.
3. After an investigative panel finds probable cause and files formal charges with the Supreme Court Clerk, subsequent JQC and Supreme Court proceedings and related records are public unless confidentiality is established under Rule 2.420.

KEY QUOTATIONS

“However, this Court must repeal the confidentiality amendments because neither the Commission nor its panels have authority to designate filings in this Court confidential under rule 2.420 or the Florida Constitution, and the Commission does not have authority to adopt a rule of procedure purporting to grant such authority.” (-4-)

“Accordingly, this Court repeals the amendments to JQC Rules 6 and 20 that purport to authorize the Commission’s panels to designate filings with this Court confidential.” (-8-)

FACTUAL BACKGROUND

The Florida Judicial Qualifications Commission adopted amendments to Rules 6 and 20 that permitted its investigative and hearing panels to designate filings with the Supreme Court, or portions of those filings, as confidential. The Commission stated that the amendments were intended to protect sensitive medical and personal information in proceedings involving judicial disability or illness. After reviewing the amendments and the Commission's responses and revisions, the Supreme Court determined that the amendments exceeded the Commission's authority and conflicted with Florida Rule of Judicial Administration 2.420.

PROCEDURAL HISTORY

The Commission submitted amendments to JQC Rules 6 and 20 authorizing investigative and hearing panels to designate filings with the Supreme Court confidential. The Supreme Court ordered the Commission to explain why the amendments should not be repealed, requested clarification, considered revised amendments, and repealed the confidentiality amendments.

DISPOSITION

other

CASES CITED

- In re Rules of Fla. Jud. Qualif. Comm'n, 364 So. 2d 471 (Fla. 1978)
- In re Amends. to Fla. Rule of Jud. Admin.—Public Access to Jud. Records, 608 So. 2d 472 (Fla. 1992)
- In re Implementation of Comm. on Privacy & Court Records Recommendations, 78 So. 3d 1045 (Fla. 2011)
- The Florida Bar v. Tobkin, 944 So. 2d 219 (Fla. 2006)

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