

APPLICATION FOR NOMINATION TO THE FIFTH DISTRICT COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE: February 14, 2014 Florida Bar No.: 898740

GENERAL: Social Security No.: 

1. Name John M. Harris E-mail: john.harris@flcourts18.org

Date Admitted to Practice in Florida: October 4, 1991

Date Admitted to Practice in other States: N/A

2. State current employer and title, including professional position and any public or judicial office.

Chief Judge, 18th Judicial Circuit, Brevard County, Florida

Harry T. and Harriette V. Moore Justice Center

3. Business address: 2825 Judge Fran Jamieson Way

City Viera County Brevard State FL ZIP 32796

Telephone (321) 617-7287 FAX (321) 617-7293

4. Residential address: 

City 

Since April 1, 1995 Telephone 

5. Place of birth: Titusville, Florida

Date of birth:  Age: 47

6a. Length of residence in State of Florida: 47

6b. Are you a registered voter? Yes No

If so, in what county are you registered? Brevard County

7. Marital status: Married

If married: Spouse's name 

Date of marriage 

Spouse's occupation 

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

8. Children

Name(s) *Age(s)* *Occupation(s)* *Residential address(es)*



9. Military Service (including Reserves)

Service *Branch* *Highest Rank* *Dates*

N/A

Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

HEALTH:

10.

11a.

11b.



12a.

12b.

13.

14.

15.

16.

17.



EDUCATION:

18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Astronaut High School	42/275	1980-1984	Diploma
University of Florida		1984-1986	----- B.A. Psychology with minor in Criminal Justice
Oklahoma University	3.5 GPA	1986-1987	
Florida State University	163/247	1988-1991	Juris Doctor

18b. List and describe academic scholarships earned, honor societies or other awards.
Dean's Academic Honor Roll, Oklahoma University (Spring 1987; Summer 1987; Fall 1987)

NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
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January	Administrative	Grumman	Kennedy Space
1988	Assistant	Technical Services	Center, Florida

PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
Florida Supreme Court / US Middle District Ct.	1991

LAW PRACTICE: (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Shareholder	Stadler & Harris P.A.	1820 Garden Street Titusville, FL	March 1998 - March 2002
Shareholder	Severs, Stadler, Friedland & Harris, P.A.	509 S. Palm Ave. Titusville, FL	April 1993 - March 1998
Associate	Holland, Starling, Severs, Stadler & Friedland P.A.	509 S. Palm Ave. Titusville, FL	October 1991 - April 1993

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

My prior law practice was of a general, civil nature focusing on business and commercial litigation in Florida state courts. My clientele included individuals and professionals (doctors, accountants, veterinarians, dentists) as well as automobile dealerships, general contractors, subcontractors, non-profit entities, real estate developers, individual realtors, the local board of realtors, retail businesses, agricultural concerns, estates, trusts, local governments and various other businesses and corporations. I provided legal counseling for those clients on a variety of matters, including employee disputes, evictions and other lease and contract related matters, collections, and asset and

business acquisition.

A large percentage of my business practice also included negotiating and drafting legal documents, including contracts to buy/sell businesses, restrictive covenants, partnership and shareholder agreements, construction documents and various correspondence to protect the rights and interests of my clients. In addition, I would represent my business clients through all phases of commercial litigation, including the pleading and discovery stages, attend preliminary hearings, mediation, etc, and when necessary, I would pursue and defend my clients' rights and interests through trial and appeal.

In addition to my commercial practice, I also represented individuals in a variety of other civil matters, including estate planning, insurance law, construction law, governmental and land planning law, and civil and administrative appellate matters. I also handled numerous family law cases, including contested dissolution of marriage cases, adoptions, custody and visitation matters, paternity disputes and child support establishment and enforcement.

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

Court		Area of Practice	
Federal Appellate	<u>0</u> %	Civil	<u>80</u> %
Federal Trial	<u>0</u> %	Criminal	<u>0</u> %
Federal Other	<u>0</u> %	Family	<u>10</u> %
State Appellate	<u>10</u> %	Probate	<u>10</u> %
State Trial	<u>90</u> %	Other	<u>0</u> %
State Administrative	<u>0</u> %		
State Other	<u>0</u> %		
	<u> </u> %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury?	<u>0</u>	Non-jury?	<u>100</u>
Arbitration?	<u>0</u>	Administrative Bodies?	<u>300</u>

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

NO

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

NO

(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

N/A

27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

N/A

27c. During the last five years, how frequently have you appeared at administrative hearings?
N/A average times per month

27d. During the last five years, how frequently have you appeared in Court?
N/A average times per month

27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? N/A% Defendants?
N/A%

28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

N/A

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

I have not tried any cases to award in arbitration. However, I served as sole and chief counsel in all cases in which I participated, with two exceptions.

Holloway v. Bent Oak Golf Resort, Inc. was a complex civil trial involving the foreclosure of a second mortgage on a golf course. I tried this case during the Fall of 2001 as co-counsel with former law partner, Richard Stadler.

In re: Estate of Woodall was a contested probate proceeding where I was brought in by another local attorney, Joe Matheny, to serve as chief counsel for the litigation phase.

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

A. St. John's River Water Management District v. Paradise Fruit Company, Inc. Case No. 95-2060-CA-J; 669 So.2d 36 (Fla. 5th DCA 1996) Opposing Counsel: John Williams, Esq. Trial Court Judge: Honorable Harry Stein, Eighteenth Judicial Circuit, Brevard County

I represented Paradise Fruit Company, which owned property in and around Lake Poinsett in Cocoa, Florida. What made my client's position very unique was that we claimed ownership of lands underneath the St. John's River. In fact, the Florida Supreme Court years earlier agreed that Paradise Fruit was the fee simple owner of these submerged lands. In other words, a substantial portion of the property owned by my client was underneath Lake Poinsett, perhaps being the only case in which bottom land under state navigable waters was judicially determined to be privately owned.

Although we filed our lawsuit in 1994, the history of the dispute really went back 30 years. In 1964, Paradise Fruit granted a perpetual easement to the St. John's River Water Management District (the District) essentially allowing them to "store" their lake and river upon Paradise's land. The District was also granted certain flowage rights over my client's property. As a condition of these easements, however the District was to grant eventual development permits to Paradise for the land surrounding the lake and was also required to certify the property for tax-exempt status.

In the early 1990's, when Paradise decided to begin development of the land, the District indicated that it would not grant any development permits. It was only then that Paradise Fruit discovered that the property had never been certified as tax-exempt as required under the original easements. I was retained by Paradise Fruit to file a lawsuit against the District seeking a judicial declaration that the easements had been cancelled as a result of the breach of the specific easement conditions. The goal was to force the District to either permit the development as originally contemplated or to purchase the land from my client at a fair price.

Upon being served with the complaint, the District immediately moved to transfer venue of the case, arguing that as a political subdivision, it had the right to be sued in the county of its official headquarters, i.e. Putnam County. We took the position that this common law "home venue privilege" granted to governmental entities was superseded by Florida's local action rule, which in essence provides that courts have no jurisdiction over lands outside the territorial boundaries of the court. The question presented was whether our lawsuit merely sought damages and enforcement of a written agreement, or alternatively whether it would in fact have a direct effect on the title to real property. The trial court agreed with our position and, based upon the authorities we presented, refused to transfer venue.

The District appealed this decision, and in a one sentence opinion, a copy of which is included in the Appendix to this application, the appellate court agreed that the local action rule superseded the home venue privilege. Because the results sought in our lawsuit would have a direct impact on lands situated in Brevard County, the case had to be litigated here. The ultimate outcome was that soon after this opinion was rendered, the parties entered into a mutually beneficial land sale agreement, providing my client a fair price for its land while at the same time allowing the District to protect and preserve the land in its natural state.

B. Lane v. Office of Personnel Management Case No. AT-0831-01-0591-I-1 Opposing Counsel: Office of the Special Counsel, Washington, D.C. Trial Court Judge: Joseph Clancy

I represented the 78-year-old widow of a retired civil servant. The case was against the federal Office of Personnel Management (OPM) regarding my client's rights to a survivor's annuity following the death of her husband. In 1970, when Captain William Lane retired from civil service, he opted for the maximum annuity to which he was entitled. In 1978, he married Mary Lane and immediately notified OPM of his marriage and his election to take a reduced annuity in order to provide survivor benefits for his wife. Although Captain Lane was originally notified that he was not eligible to elect a survivor annuity for a subsequently-acquired spouse, he later received notice that his annuity was subject to automatic reduction to provide the requested survivor annuity.

For the next 22 years, Captain Lane assumed that the retirement annuity he was receiving had in fact been reduced pursuant to his election to provide continuing benefits for his wife after his death. In fact, much of Captain Lane's estate planning was based upon this assumption. Following her husband's death in 2000, Mary Lane applied for her survivor benefits, but her application was denied. OPM took the position that because Captain Lane originally declined a reduced annuity, he was thereafter permanently ineligible to elect a survivor benefit. We felt that this position was contrary to federal retirement law, and filed a request for administrative review.

The annuity received by Captain Lane prior to his death was approximately \$75,000.00 annually. The loss of these funds soon resulted in the repossession of my client's vehicle, a forced sale of her home, lawsuits from creditors, and an eventual bankruptcy, all of which would have been avoided had she received the survivor annuity upon which the Lanes had relied. We unsuccessfully challenged the agency's denial before the OPM representatives, and then appealed that unfavorable ruling to an administrative law judge with the Merit Systems Protection Board in Atlanta. Although sympathetic to Mrs. Lane's plight, the judge's decision failed to reverse the denial of survivor benefits.

Although we were successful in getting the case heard before the entire Merit Systems Protection Board in Washington, D.C., our petition for review was ultimately denied.

The significance presented by this case was not only correcting the injustice done to Mrs. Lane and restoring her financial solvency, but a favorable decision on some of the legal issues raised would have had a direct and significant effect on a large class of retired civil servants previously denied the right to elect survivor benefits for their spouse.

C. *Plumpton v. Continental Acreage Development Company, Inc.* Case No. 97,118 (Florida Supreme Court); 98-2695 (Fla. 5th DCA) Opposing Counsel: Henry J. Martocci, Esq. Trial Judge: Honorable Charles M. Holcomb, Eighteenth Judicial Circuit, Brevard County

I represented a land developer in a breach of contract case. In 1986, my client entered into three contracts to sell vacant real property, but none of the contracts closed. Several years later, Mr. Plumpton, purporting to hold assignments from the original purchasers, sued my client for lost profits.

This case was significant for two reasons. First, after the trial court granted my client's motion to involuntarily dismiss the plaintiff's lawsuit, the appellate court reversed. Arguing that the appellate decision was in direct conflict with a prior Florida Supreme Court decision, we successfully petitioned the Supreme Court to accept certiorari review of the case. This was a rare case in which the Florida Supreme Court granted discretionary review of a purely civil case.

However, in a split decision several months later, the Court determined that it had improvidently granted review and sent the case back to the trial court. There we were able to prove that the assignments held by the plaintiff had in fact been executed after a general release had been delivered to my client from the assignor of the contracts. The case involved significant legal issues including the nature of assignments, general vs. specific releases, intent of the parties and parol evidence. Despite all of these issues, we successfully argued that because the original party to the contract had executed a general release and could not independently maintain any action on the contracts, she similarly could not assign her rights to sue to another person. The trial court agreed and, after years of litigation, entered summary judgment in favor of my client, the developer, a decision which was affirmed on appeal by the Fifth District Court of Appeal.

D. *In re: The Estate of Robert C. Fox* Case No. 86-2641-CP-V Opposing Counsel: Brian M. O'Connell, Esq. Trial Court Judge: Honorable J. Preston Silvermail, Eighteenth Judicial Circuit, Brevard County

I represented the sole beneficiary named in the will of Robert C. Fox, an American citizen domiciled in Costa Rica. Having no minor children and no spouse, Mr. Fox left his sizeable estate to his good friend and business partner, John C. Cunningham. One asset in the estate was a beneficial interest in a land venture and land trust, which in turn owned real property in Brevard County.

Soon after his death, someone purporting to be the surviving spouse of Robert C. Fox surfaced claiming to be the sole heir of his estate, and unbeknownst to my client, commenced probate proceedings in Brevard County. An action was commenced to revoke the Brevard County probate of Mr. Fox's estate, and the case was litigated over several years. During this same time period, probate proceedings were ongoing in Costa

Rica, where Mr. Fox had lived the last several years of his life. The case also involved a Grand Cayman limited liability company and an alleged Mexican marriage, along with concurrent probate litigation in the State of Texas.

This case was legally significant because it dealt with competing jurisdictions on an international scale. We argued that the case could only be litigated in Costa Rica, where Mr. Fox was domiciled at the time of his death. At the same time, Mrs. Fox wanted the case tried in Brevard County, where the property at issue was located. We were successful in getting the Brevard County action abated until the proceedings in Costa Rica could be resolved. The case reached the Costa Rica Supreme Court twice, with that court finally upholding the trial court's finding that Mrs. Fox was unable to prove that she was ever married to Robert C. Fox. Accordingly, Mr. Cunningham was determined in Costa Rica, and later in Brevard County, to be the sole beneficiary of the Estate of Robert C. Fox.

E. Brevard County Board of County Commissioners v. Harris Case No. 657 So.2d 1233 (Fla. 5th DCA 1995) Opposing Counsel: Christine Varley Trial Court Judge: Honorable Edward Jackson, Eighteenth Judicial Circuit, Brevard County

In this case, 78-year-old Ebba Lynch lived by herself in her own home. She suffered from numerous health problems, including diabetes, congestive heart failure and confusion, to the extent that it was difficult for her to care for herself. Although she had a strong desire to continue to remain living in her own home, she was in need of 24-hour care because of her failing health. The State of Florida, Department of Health and Rehabilitative Services (HRS) involuntarily removed Mrs. Lynch from her home and placed her in a nursing home. The following day, HRS filed a motion for protective services, and at a hearing on that motion, the trial court asked me to serve as attorney ad litem for Mrs. Lynch.

At the hearing, it was apparent that Mrs. Lynch preferred to remain in her own home. It also appeared that she might have the financial resources to provide for home health care, although further investigation was needed. The court ordered protective services for thirty days, and directed HRS to cooperate with me in my endeavors to determine Mrs. Lynch's financial resources. Unfortunately shortly after this hearing, Mrs. Lynch died. At a subsequent hearing, the trial court ordered Brevard County, and not HRS, to pay the attorney's fees incurred on Mrs. Lynch's behalf, and the county appealed.

The legal significance of this case dealt with the ultimate responsibility for attorney ad litem compensation in adult protective services cases. Under the Adult Protective Services Act, HRS must allege and prove that a person is in need of protective services before that person may be forcibly removed from his or her own home. In this case, HRS was attempting to carry out its statutory responsibility. However, because it appeared as if Mrs. Lynch might have had assets sufficient to obviate the need for full protective services, I argued, and the trial court agreed, that HRS would have a conflict of interest if it carried out its duty to seek protective services while at the same time being obligated to pay an attorney to oppose those same services.

The appellate court also agreed, finding that where court appointed counsel has reason to believe his or her client has sufficient financial resources to provide an alternative to protective services, he or she is obligated to investigate and the county, not HRS, must pay the fees associated with that investigation. A copy of the appellate court's decision in this case is included in the appendix attached to this application.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

I personally wrote, and had sole responsibility for, each of the attached writing samples.

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

In 2002, I was appointed to the Brevard County Court bench by former Governor Bush, and in 2004, I was elected to that seat without opposition.

In 2006, I was appointed to the 18th Circuit Court for Brevard County by former governor Bush, and in 2008, I was elected to that seat without opposition.

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
N/A		

Types of issues heard:

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

NO

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

Criminal Cases:

Gregory W. Eisenmenger, Esq.

Eisenmenger & Berry, P.A.

5450 Village Drive

Viera, FL 32955

James McMaster, Esq.
Felony Division Chief
Office of the State Attorney
2725 Judge Fran Jamieson Way, Bldg. D
Viera, FL 32940
(321) 617-7510

Civil Cases:

F. Scott Pendley, Esq.
Dean, Ringers, Morgan & Lawton, P.A.
201 East Pine Street, Suite 1200
Orlando, FL 32804
(407) 422-4310

Robert Swift, Esq.
Cole, Scott & Kissane, P.A.
Summitt Tower, Suite 750
1900 Summitt Tower Blvd.
Orlando, FL 32810
(321) 972-0000

Probate/Guardianship Cases:

Erik Shuman, Esq.
Gray, Robinson P.A.
1795 W. Nasa Blvd.
Melbourne, FL 32901
(321) 727-8100

Scott Krasny, Esq.
Krasny & Dettmer, P.A.
304 S. Harbor City Blvd.
Melbourne, FL 32901
(321) 723-5646

- (ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

As a county court judge in the civil division, I handled approximately 1,000 landlord tenant matters, over 3,000 general civil and summary claims matters and 500 final divorce hearings.

As a county court judge in the criminal division, I handled approximately 12,000 cases, including criminal traffic matters, DUI cases, domestic violence cases and a variety of general misdemeanor cases. Of those, approximately 50-75 were handled from arraignment through jury trial, verdict and sentencing.

I then served for five years in the felony division of the Circuit Court. During that time, I presided over cases involving thousands of felony offenses, including first degree homicide and capital sexual battery, other crimes of violence, child and elder abuse cases, drug trafficking and financial crimes.

Beginning in July, 2011, I served in the Probate/Guardianship/Civil division, and presently had assigned to me 4,000 cases involving trust and estate administration and litigation, 2,000 contested and uncontested guardianship cases, mental health cases, including Baker Act and Marchman Act matters, and 1,200 civil cases, including complex business litigation, contractual claims, general negligence cases, medical malpractice cases, and commercial and residential mortgage foreclosure cases.

In July 2013, I began my term as Chief Judge of the 18th Judicial Circuit. While serving as Chief Judge, I have retained all of the cases in the Probate/Guardianship division as well as all of the mental health issues.

(iii) List citations of any opinions which have been published.

Etheredge v. Walt Disney World Co. 999 So.2d 669 (Fla. 5th DCA 2009)

State v. Reidy, 15 Fla. L. Weekly Supp. 902a

State v. Fuller, 12 Fla. L. Weekly Supp. 808a

State v. Fuller, 12 Fla. L. Weekly Supp. 811a

(iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

State v. Barrick was the first serious felony trial over which I presided. The case was tried in March 2007 and was prosecuted by Kerri Fowler and defended by Mariah Park. In this case, Mr. Barrick was accused of viciously beating and raping a woman he had just met. The victim in the case died in an unrelated car accident in the weeks just prior to the trial. In the absence of a victim and without any other witness to the crime, the state had to rely primarily on recorded 911 calls that the victim made the night of the incident. Relying on what at the time was the very recent U.S. Supreme Court opinion in Crawford v. Washington, the defense sought to exclude these statements because the defendant did not have an opportunity to cross-examine the victim. After extensive research and hearings on the matter, I held that the statements from the victim were not testimonial and declined to exclude them. Based in large part on the statements from the deceased victim, the jury convicted Mr. Barrick of the charges, and that conviction has been affirmed on appeal.

Another very significant case over which I have presided as a circuit judge involved a young man known as "Cocoa's Most Wanted." In State v. Forbes, the defendant was charged in several cases with a variety of gun-related felony offenses, including attempted murder and aggravated battery with a firearm. The case was prosecuted by Jim McMaster and defended by Christopher Beres in early 2008. Each time one of Mr. Forbes' cases was called up for trial, the witnesses and victims would recant their previous identifications and refuse to testify, leaving the state without a prosecutable case. Ultimately one of Mr. Forbes' cases was called up for trial and the witnesses again recanted all prior statements given to law enforcement identifying Mr. Forbes as the shooter. This time, the state had secured prior sworn testimony of the witnesses, and I found that this prior testimony was admissible not only to impeach the recanting witness but in fact as substantive evidence that Mr. Forbes had committed the crime. Based on this evidence, the State was able to successfully prosecute Mr. Forbes, and after a week-long trial, Forbes was found guilty and sentenced to prison. This case was affirmed on appeal.

State v. Brandon Reynolds was also a significant case to me. This case was prosecuted by Gary Beatty and defended by Christopher Beres and was tried in

July 2007. In this case, an undercover agent with the sheriff's office went into a known drug area posing as a potential buyer. Mr. Reynolds approached the officer and took the twenty dollar bill from his hands. However, rather than give the "buyer" any drugs, Reynolds punched the officer in the face and walked away with the cash. He was initially charged by the state with robbery by sudden snatching and battery, but in an attempt to elevate the offense, the state later combined the charges and Reynolds went to trial on one count of robbery. Following the trial and a guilty verdict by the jury, I had to make one of the most difficult decisions I've made as a judge. For the reasons set forth in my written opinion, which is attached as one of my writing samples, I determined that the facts of the case did not support the charge and that the State erred when it combined the two original charges. Following established case law, I was compelled to reduce the conviction to a lesser included offense. Even though my ruling was understandably highly unpopular, I remain convinced that it was the only legal choice I could make in following the rule of law. The state's appeal of my ruling was dismissed by the 5th District Court of Appeal.

State v. Fortner was significant because it dealt with Florida's "Stand Your Ground" law. Over a period of several days in 2009, I presided over an evidentiary hearing in which Mr. Fortner, then in his late 70's, sought statutory immunity in the shooting death of his friend, which occurred over a game of cards. The State was represented by Samantha Barrett and the defense counsel was Michael Bross. The case was significant because it was the first case where Stand Your Ground was argued where the victim was an invited guest. Following the hearing, I found that under the unique facts presented, Mr. Fortner was not entitled to immunity from prosecution in accordance with clear legislative intent. A copy of the written opinion denying Fortner's Motion to Dismiss, which includes the facts of the case and the rationale for my ruling, is included in the appendix to this application, and my ruling was affirmed by the Fifth District Court of Appeal.

A recent legally significant case I heard was Owens v. Grace Christian Reformed Church. That case was tried before me in November, 2011. The Plaintiff was represented by Gregory McNeill and the defense counsel was Cynthia Kohn. The case involved a church organization formed in Brevard County in 1961 and that was directly affiliated with a national organization. Over the years, the governing body of the local congregation had grown dissatisfied with the direction their church was heading. The local governing body voted to form an independent corporation into which they then transferred ownership of the church's real property. Owens, a long-time member of the church who opposed the divestment of church property, filed a lawsuit seeking a declaration of the parties' rights and injunctive relief. The case presented significant First Amendment issues and required a thorough analysis of the organizational structure of the national church. If found to be hierarchical, case law would suggest that the court should defer to the highest church judicatory that considered the matter. Following a multi-day non-jury trial, and for the reasons set forth in the attached Final Judgment, I found that the national church was in fact hierarchical (as opposed to congregational, as argued by the local affiliate) in its ecclesiastical governance. Following the

"judicial deference" approach adopted by Florida courts, I determined that taking any action inconsistent with the national church's decision would violate the First Amendment, and relief was granted to Owens.

- (v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

NO

- (vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

NO

- (vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

NO

BUSINESS INVOLVEMENT:

- 33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

NONE

- 33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

In 1997 I was employed as an adjunct faculty member at Brevard Community College and taught a class in legal research and writing.

- 33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

NO

POSSIBLE BIAS OR PREJUDICE:

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

There has never been a general type of case, group of entities, or extended relationship or association which has in any way limited the type or number of cases over which I have presided as a county judge or a circuit judge. However my wife, Elizabeth Harris, is

an appellate attorney and many of her cases are before the Fifth District Court of Appeal. If selected for this position, I of course would be disqualified from hearing any of the cases in which my wife is involved.

MISCELLANEOUS:

- 35a. Have you ever been convicted of a felony or a first degree misdemeanor?
Yes _____ No NO If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?
Yes _____ No NO If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?
Yes _____ No NO If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.
NO
- 36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?
NO
- 36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.
NO
- 37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?
NO
- 37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.
NO
38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

In 2012, I covered a proceeding related to a tax deed sale for a colleague, Judge Preston Silvernail. The defendant in that case, a gentleman named Ronald Van Dyke,

claimed that he was a sovereign entity and as such was not obligated to pay any taxes and not subject to the laws or jurisdiction of the State of Florida. Unpersuaded by his argument, I ruled in favor of the holder of the tax deed and Mr. Van Dyke's property was ultimately sold.

Shortly thereafter, Mr. Van Dyke filed a lawsuit in United States District Court (Case No. 6:12-CV-1918-ORL-36DAB) naming me, Judge Silvernail, the Clerk of Court, the Tax Collector and all attorneys involved in the case, as defendants. On April 30, 2013, an order was entered by United States District Court Judge Honeywell dismissing Mr. Van Dyke's case as against Judge Silvernail and me for failure to state a cause of action.

39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.

NO

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

NO

41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

NO

42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

NO

- 43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes No If no, please explain. _____

- 43b. Have you ever paid a tax penalty?

Yes No If yes, please explain what and why. _____

- 43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

NO

HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.

During my term as president of the Brevard County Bar Association, I wrote a series of brief articles that were published in the association's monthly newsletter. One example is included in the appendix to this opinion.

45. List any honors, prizes or awards you have received. Give dates.

1999 Distinguished Pro Bono Service Award

46. List and describe any speeches or lectures you have given.

In 2000, I was asked by the Florida Bar to serve as its spokesman for the Eighteenth Circuit, and my role was to present the Bar's position supporting the ballot initiative regarding merit selection and retention of trial court judges. In this capacity, I had the opportunity to speak to several groups throughout Brevard County, including the City of Titusville, the Brevard County Republican Club and the Junior League of Central and South Brevard.

Also, during my term as president of the local bar association, I gave a speech on professionalism in the community, gave the welcoming address when our county hosted the Florida Conference of County Court Judges and again at a statewide voluntary bar leaders workshop. I also gave numerous speeches and presentations before the members of the local bar association.

As a judge, I have had the opportunity to speak at several local schools about the judiciary and our criminal justice system and I was the featured speaker at the 2004 baccalaureate breakfast for Brevard County Catholic high school seniors. In 2007, I taught at a seminar on Search and Seizure sponsored by the Brevard County Bar Association, and in 2009, I was a featured speaker at the Statewide Drug Court Graduation Ceremony.

As Chief Judge I have been asked to speak at several Bar Association functions in Brevard and Seminole Counties. I have spoken at judicial retirement ceremonies, investitures of new judges and was recently asked to speak at the opening ceremony of a Holocaust memorial exhibit.

47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? ___ No

PROFESSIONAL AND OTHER ACTIVITIES:

- 48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

The Florida Bar 1991 – present

The Brevard County Bar Association 1991 – present

President 1999-2000

President-elect 1998-1999

Treasurer 1996-1997

Director 1994-1996

The Seminole County Bar Association 2012 - present

The Volusia County Bar Association 1999 - 2000

The Vassar B. Carlton Inn of Court 1992 - 1993 (pupil)

2002 - 2005 (barrister)

2010 - 2011 (master)

Brevard County Civilian Military Council 2002 - 2011

- 48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Holy Spirit Catholic Church	parishoner	2010 - present
	Finance Council member	2012 - present
Hope for North Brevard, Inc.	advisor to Bd. of Dir.	2013 - present
St. Teresa Catholic Church	parishoner	1991 - 2010
St. Teresa Catholic School		
	Finance Committee member	2006 - 2010
	Basketball Coach	2008 - 2010
	Football Coach	2008 - 2010
Brevard Young Republicans Club	member	2000 - 2002
Young Professionals for George Bush	team leader	2000
Republican National Committee	team leader	2001 - 2002
Space Coast Tiger Bay Club	member	2002
YMCA Indian Guides	member	1999 - 2003

- 48c. List your hobbies or other vocational interests.

Writing, travel, coaching and playing basketball, home projects and golf.

- 48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

NO

- 48e. Describe any pro bono legal work you have done. Give dates.

Soon after I began practicing law, I joined Brevard County Legal Aid and I performed extensive pro bono work during my career. I did not record the hours or the dates but would estimate that my pro bono work averaged 40-50 hours per year. The majority of those cases dealt with family law matters, including child support establishment and enforcement. In 1999, I was honored to receive Brevard County Legal Aid's Distinguished Pro Bono Service Award.

SUPPLEMENTAL INFORMATION:

- 49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

As a judge, I have always felt it critically important to improve my knowledge and to be open to new ideas, evolving attitudes, legal developments, and change in general. As a result, I have consistently engaged in continuing judicial education, attending the Circuit Court Judges Conference or the College of Advanced Judicial Studies, typically once a year. These conferences primarily consist of continuing education on a wide variety of topics, including decision-making, constitutional law, evidence, handling criminal and civil jury trials, violation of probation proceedings, and judicial ethics. In addition to these courses, I have attended a one week seminar on handling complex DUI cases and have successfully completed the weeklong seminar on Handling Capital Cases required for my certification to preside over death penalty cases.

- 49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

In 2007, I taught a class on Search and Seizure at the Brevard County Bar Association CLE seminar.

In 1997, I served as an adjunct professor at the Brevard County campus of the University of Central Florida and taught a course in legal research.

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

As a county court judge for four years and a circuit judge for eight, I have significant experience in presiding over all types of cases and in managing a heavy docket and a busy courtroom. As an attorney for more than ten years before that, I handled a wide variety of cases before county, circuit, administrative and appellate courts. I feel that I have the legal experience and knowledge to handle any case that would come before the appellate court.

51. Explain the particular potential contribution you believe your selection would bring to this position.

In my opinion, there are three critical traits that a judge must possess - a willingness to work hard, a proper temperament and a commitment to following established law. These are traits I have tried to demonstrate throughout my time on the bench and that I would continue to strive towards if selected to the appellate court.

I was raised in Brevard County, the second of four boys, and began working when I was fifteen. I started out bussing tables at a nearby restaurant that I could ride my bike to, and was soon moved up to waiter, then cook, head cook and finally kitchen supervisor, all while still in high school. In my second year of college, I worked the graveyard shift

at a convenience store and from there would immediately go to my second job and lay sod for a couple of hours. I would then sleep and get something to eat before heading to my afternoon classes. During law school, I worked evenings and weekends at several Tallahassee law firms right up until graduation.

From these experiences, I have learned the value of hard work, and I have maintained this work ethic in my law practice and as a judge. Mine is typically the first car at the courthouse and often the last to leave, and I have spent seemingly endless evening and weekend hours alone at the courthouse trying to get rulings out in a timely manner.

I also understand that a judge's role is to help resolve disputes, both civil and criminal, fairly, expeditiously and consistently. At all times, a judge should treat attorneys, litigants, witnesses, jurors and staff with courtesy and respect. Not everyone who has left my courtroom has been happy with my ruling, but I do not believe any party or attorney has left feeling that their position was not heard and considered. An appropriate sense of judicial humility is essential for a good judge to have and is something I have always tried to demonstrate.

Finally, I believe that a good judge needs to be resolute with a willingness to make tough decisions without regard to public pressure or potential media reaction. I feel that, at least among my colleagues, I have earned a reputation for doing just that, specifically making decisions which in my mind are legally correct even though I know they will be widely unpopular. I have had to make decisions which have subjected me to intense media and public derision, but they were rulings with which I felt legally required to make and that I would make again under the same circumstances. I have included a copies of two such rulings (State v. Reynolds and State v. Aaronson) in the appendix to this application. I feel that this quality is essential in any applicant for a judicial position, and is a trait that I would bring with me to the appellate court if selected.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

I submitted an application to the 18th Circuit Judicial Nominating Commission in January, 2002 for my County Court appointment.

I submitted an application to the 18th Circuit Judicial Nominating Commission in July, 2006 for my Circuit Court appointment.

I submitted an application to the 5th DCA Judicial Nominating Commission in October, 2008, in May, 2012, and in March, 2013.

Other than those, I have not submitted a questionnaire or application to this or any other judicial nominating commission.

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

Professionalism and civility in the law have always been extremely important to me. These ideals, learned largely from my father, helped shape the type of attorney I was and the type of judge I have always tried to be.

When practicing law, I treated every opposing counsel and his or her client with courtesy and civility and was always respectful of the judges before whom I appeared. I feel that

the professionalism that I tried to maintain helped me earn the respect of my peers and lead to my election in 1999 as the youngest president in the history of the Brevard County Bar Association.

As a judge, I have tried to handle myself both in and away from the courtroom in a highly professional manner. I am always mindful of the incredible opportunity I have been given to serve the public, and I make it a point to ensure that all attorneys, defendants, witnesses and jurors who appear in my courtroom are treated with respect, civility and dignity. I have been very fortunate to have earned the respect of the attorneys who appear before me, something that I work very hard for and of which I am extraordinarily proud. In the 2004 Brevard County Bar Association Judicial Poll, I was ranked as either "qualified" or "highly qualified" in every single category rated, joining only two other county judges with that distinction.

I am even more proud of the results of the three most recent Brevard County judicial polls. In the 2008 Judicial Poll, the complete results of which I have included in the appendix to this application, local attorneys were asked to rate the Brevard County judges in fourteen different categories, covering everything from judicial temperament to docket management to analytical and reasoning abilities. Judges were rated as poor, below average, average, above average or excellent. Of the attorneys who responded to the survey, 87.9% rated me as either above average or excellent on all 14 categories, the highest average of any Brevard County Circuit Court judge. Similarly, an average of one-half of one percent rated me as poor, the lowest such average of any Brevard County Circuit Court judge.

In the 2010 Judicial Poll, the judges were again rated on fourteen different categories, covering everything from legal reasoning and knowledge of the law to courtroom demeanor and docket management. I was one of only two judges to score between "above average" and "excellent" on each of the fourteen categories. On the issues of understanding important legal concepts, appropriately applying the law, ability to analyze information and ability to make well-reasoned decisions, I had the highest aggregate score among all of my colleagues on the circuit bench, and I am very proud to have received this recognition from the attorneys who appear before me.

In the 2012 Judicial Poll, the results of which are also included in the appendix, attorneys were asked to rate judges as poor, average, good or excellent in each of seven different categories, and I was fortunate enough to have the highest score of any of the Brevard County judges. One of the specific categories which I consider vital for any judge to possess would be legal reasoning skills and the ability and willingness to follow the law, and I scored highest among all of my colleagues in this category. But there is another result of which I am even more proud. Judges are understandably under constant pressure to devote the time needed to get rulings and judgments out in a timely manner. On the other side, attorneys are, again understandably, wanting more and more hearing time to be made available for them and their clients. Oftentimes as a judge, you have to sacrifice one of these in order to maximize your ability to deliver the other. Through time management tools and other docket management skills I have learned over the years, I have tried very hard to deliver on both of these sometimes competing goals, and in the 2012 Judicial Poll, I was thrilled to have the highest score on both "ability to get a timely hearing" and on "renders prompt decisions and signs orders in a timely manner."

In my opinion, Brevard County is fortunate to have one of the best circuit court benches

in the state, and to have ranked so favorably with my colleagues, all of whom I respect greatly, has been both flattering and humbling. As do all of the outstanding judges in my circuit, I work hard to manage a very heavy docket, to respect the attorneys who appear in my court, and to be firm but fair to the parties who come before me. I feel that the results of the judicial polls indicate that my hard work has not gone unnoticed by the members of the bar.

When I first applied to the county court bench in 2002, having handled no criminal cases, I did not really know the elected state attorney or the elected public defender here in the Eighteenth Circuit. However, when I applied for the circuit court appointment in 2006, after handling thousands of criminal cases, I was honored to have the support of both the elected State Attorney, Norm Wolfinger, and the elected Public Defender, J.R. Russo. After five years of presiding over some of the most serious felony offenses in Brevard County, even though I have not always ruled the way they might personally prefer, I was honored to have the continued support of both Mr. Wolfinger and Mr. Russo as I sought an earlier appointment to the 5th District Court of Appeal. At this time, following the retirements of Mr. Wolfinger and Mr. Russo, I am again honored to have the support of the Eighteenth Circuit's newly elected State Attorney Phil Archer and Public Defender Blaise Trettis. I am confident that if called upon, each of these respected public officials would agree that I work extremely hard, maintain a high level of professionalism at all times, and that I rule fairly, expeditiously and without any bias or partiality towards either side.

I have also always worked hard to earn the respect and confidence of my colleagues on the bench, both as a county court judge and on the circuit bench. My fellow judges know not only that I will work very hard at my own job but also that I am always available to provide any needed assistance. In 2005, I was honored to be elected by my fellow county court judges as administrative county court judge for the Brevard County Court. I was also asked to serve as a member of the Elections Canvassing Board in my capacity as county court judge.

During my time on the circuit bench, I have been asked to take on several additional responsibilities, and have always done so willingly and enthusiastically. I agreed to take over the Brevard County Drug Court program, and served in that capacity for almost 18 months. During that time, Brevard County was asked to host the 9th Annual Statewide Drug Court Graduation ceremony. Through the hard work and dedication of the tremendous staff I had the privilege of working with, the event was highly successful and we received a commendation letter from Chief Justice Lewis of the Florida Supreme Court.

In 2009, I was asked by Chief Justice Lewis to accept a temporary appointment as a circuit judge for the 19th Judicial Circuit in Vero Beach. The case involved death penalty post-conviction proceedings on a multiple-homicide case and all of the judges in that circuit had been disqualified from hearing the case. *State v. Wyatt* was an extraordinarily time and labor intensive case which I managed in addition to my own felony docket.

I have served on the Brevard County Judicial Security Committee, the Commission on Mental Health and Community Solutions, and on several committees related to a federal workshop on Brevard County jail overcrowding. After only one year in the division, I took over as Administrative Judge of the Felony Division in Brevard County, a position which I assumed in July 2008 until I left the division in July 2011. From 2009 through 2011, I

served as Deputy Chief Judge for the Eighteenth Circuit and am currently serving as Administrative Judge for the Probate/Guardianship division. In 2010, I was selected, trained and certified under the Supreme Court's judicial mentor program, and was recently reappointed by Chief Justice Canady for a second term.

Finally, I was recently given the tremendous honor and privilege of being elected by my colleagues in Brevard and Seminole Counties to serve as the Chief Judge of the Eighteenth Circuit. During my two year term, which commenced on July 1, 2013, my responsibilities have included overseeing 43 judges and an annual budget of over \$15 million.

It has been my experience that a good judge can only earn the respect and trust of colleagues, attorneys and litigants through hard work, fairness, civility and an appropriate temperament. Throughout my twelve years on the bench, I have tried to consistently demonstrate these qualities and I feel that by doing so, I have earned the reputation as a good and fair judge. If I am fortunate enough to be appointed to the appellate court, I will continue to strive to maintain the highest level of judicial competence and professionalism and will work diligently to earn and maintain the respect of my colleagues and of the attorneys and litigants who appear before me.

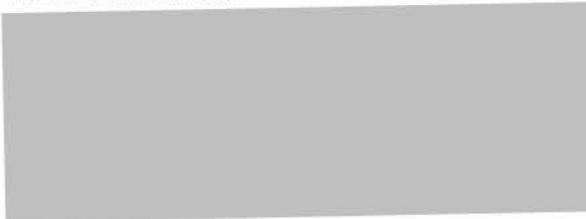
REFERENCES:

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

Hon. John Antoon II



Hon. Phil Archer



Hon. Blaise Trettis



Hon. Wayne Ivey



Adm. Bret J. Muilenburg



Harold T. Bistline, Esq.



Charles Nash, Esq.



Jack Kirschenbaum, Esq.



Robin Fisher Brevard County Commissioner, District 1



Jerry Allender, Esq. Allender & Allender, P.A.



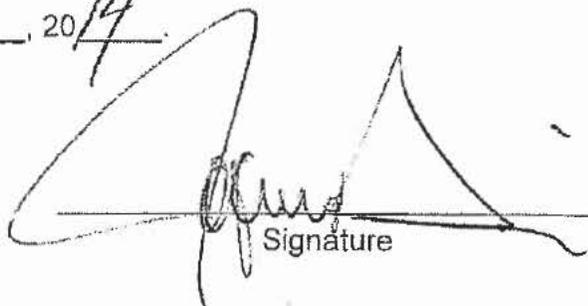
CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 14 day of Feb, 2014.

John M. Harris
Printed Name


Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

FINANCIAL HISTORY

In lieu of answering the questions on this page, you may attach copies of your completed Federal Income Tax Returns for the preceding three (3) years. Those income tax returns should include returns from a professional association. If you answer the questions on this page, you do not have to file copies of your tax returns.

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

I have not practiced law in the preceding three-year period.

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

I have not practiced law in the preceding three-year period.

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

2013 \$ 142,178 Judicial Salary

2012 \$ 142,178 Judicial Salary

2011 \$ 142,178 Judicial Salary

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Same as 3.

JUDICIAL APPLICATION DATA RECORD

The judicial 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 (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: February 14, 2014

JNC Submitting To: Fifth District Court of Appeal

Name (please print): John M. Harris

Current Occupation: Chief Judge, 18th Circuit, Brevard County

Telephone Number: (321) 617-7287 Attorney No.: 898740

Gender (check one): Male Female

Ethnic Origin (check one): White, non Hispanic
 Hispanic
 Black
 American Indian/Alaskan Native
 Asian/Pacific Islander

County of Residence: Brevard

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

CONSUMER'S AUTHORIZATION FOR FDLE
TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of
Applicant:

John M. Harris

Signature of Applicant:

Date: February 14, 2014