

**BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA**

INQUIRY CONCERNING A JUDGE, :
THE HONORABLE BRONWYN C. MILLER : SC2025-1663
JQC NOS. 2024-1017, 2024-1038, 2024-1145 & 2025-023 :

ORDER DENYING AMENDED OMNIBUS MOTIONS

THIS CAUSE having come before the undersigned on April 20, 2026, on Judge Miller’s Amended Omnibus Motion To Dismiss The Notice of Formal Charges (the “Notice”) Filed By The Judicial Qualifications Commission (the “JQC”) On Constitutional Grounds, Or, Alternatively Motion To Dismiss For Failure to State A Cause Of Action Or For More Definite Statement And To Strike And Request For Hearing On Same (hereinafter “Motion to Dismiss”); the undersigned having considered the arguments of counsel; having reviewed the file; and being otherwise fully advised in the premises, it is thereupon:

ORDERED AND ADJUDGED:

1. In her Motion to Dismiss, Judge Miller asserts that the Notice violates the First Amendment to the United States Constitution and article I, sections 4, 5 and 16 of the Florida Constitution as applied. Although Judge Miller appeared to assert only as-applied challenges in her Motion to Dismiss, she states in her Reply to the JQC’s Response to the Motion to Dismiss that “[t]o the extent that the JQC insists on a reading of Canon 5 and Canon 3B(9) proscribing private,

non-coercive, solicited views, unrelated to adjudicative functions, Judge Miller is compelled to raise a facial constitutional challenge to both canons.” *See Reply to Response in Opposition to Amended Omnibus Motion to Dismiss* at p. 27.

2. “An as-applied challenge . . . is an argument that a law [*i.e.* canon] which is constitutional on its face is nonetheless unconstitutional as applied to a particular case or party, because of its discriminatory effects; [whereas], a facial challenge asserts that a statute [*i.e.* canon] always operates unconstitutionally.” *Miles v. City of Edgewater Police Department/Preferred Governmental Claims Solutions*, 190 So. 3d 171, 178 (Fla. 1st DCA 2016) As such, different evidentiary standards are applicable to Judge Miller’s constitutional claims.

3. Judge Miller’s as-applied constitutional challenges are premature at this juncture as they require a fully developed record for proper adjudication. *Cf. State v. Rygwelski*, 899 So. 2d 498, 503 (Fla. 2d DCA 2005) (recognizing that consideration of an as-applied constitutional challenge prior to factual development is premature). Hence, the Motion to Dismiss is **DENIED** without prejudice as to Judge Miller’s as-applied constitutional challenges, which shall be addressed at the final hearing.

4. Judge Miller also raises a facial constitutional challenge to certain canons of the Code of Judicial Conduct set forth in the Notice of Formal Charges. Special Counsel for the Judicial Qualifications Commission asserted that the Hearing Panel has no authority to rule on constitutional challenges to the canons

and that only the Florida Supreme Court has the jurisdiction to consider such constitutional challenges. At the hearing, the parties provided the undersigned with little argument as to this jurisdictional issue. The undersigned has reviewed *Reiter v. Gross*, 599 So. 2d 1275, 1275 (Fla. 1992), in which the Florida Supreme Court observed that the Court had adopted the Code of Judicial Conduct in 1973 and that “[t]his Court has exclusive original jurisdiction to eliminate, change, or modify th[o]se provisions.” The Court added that “only this Court can void or modify a rule it has adopted.” *Id.* However, in a more recent case, the Florida Supreme Court declined to address a contention that canon 7C(3) violated the judge’s right to free speech. *In re Decker*, 212 So. 3d 291, 301 n.5 (Fla 2017). The Court stated that “[t]he JQC did not expressly rule on this portion of the charge. Thus, we do not reach any constitutional issues regarding Canon 7C(3).” *Id.* Because the jurisdictional issue was not fully addressed by the parties, the motion to dismiss this proceeding based on facial constitutional challenges is **DENIED**. This denial is without prejudice to the parties addressing the jurisdictional issue and the facial constitutionality of the relevant canons at the final hearing.

5. Judge Miller’s Motion to Dismiss the Notice for Failure to State a Cause of Action and Motion for More Definite Statement are **DENIED**. Rule 6(g) of the Florida Judicial Qualifications Commission Rules provides that a notice of formal charges “shall be issued in the name of the Commission and

specify in ordinary and concise language the charges against the judge and allege the essential facts upon which such charges are based” Here, the Notice specifies the canons Judge Miller is alleged to have violated and sets forth the essential facts in 59 numbered paragraphs. The undersigned finds the essential facts are sufficiently detailed to advise Judge Miller of the canons at issue and the conduct that is alleged to be in violation of the canons.

Contrary to Judge Miller’s contention, there is no requirement under Rule 6(g) that each single factual allegation in the Notice be “tethered to a specific [c]anon.” *See, e.g. In re Cohen*, 99 So. 3d 926, 936 (Fla. 2012) (finding that the formal charges complied with Rule 6(g)’s pleading requirement where the notice specified the canons that were allegedly violated and the essential facts were described in eleven numbered paragraphs “in the form of multiple, separate-but-connected acts of misconduct in violation of the Preamble [to the Code of Judicial Conduct] and [the specified] [c]anons.”).

6. Judge Miller’s Motion to Strike certain portions of the Notice pursuant to Fla. R. Civ. P. 1.140(f) “to the extent they are factually incorrect, ‘redundant, immaterial, impertinent, or scandalous,’” is **DENIED**. Rule 1.140(f) provides that “[a] party may move to strike . . . redundant, immaterial, impertinent, or scandalous matter from any pleading at any time.” The vast majority of the allegations Judge Miller seeks to have stricken are criticized as “factually inaccurate;” however, Rule 1.140(f) does not authorize the striking of

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