

By Senators Cowin and Dudley

11-1032-98

See HB

1 A bill to be entitled
2 An act relating to judicial nominating
3 commissions; repealing s. 43.29, F.S., relating
4 to judicial nominating commissions; creating s.
5 43.295, F.S.; providing for appointment of
6 members of judicial nominating commissions;
7 prohibiting justices or judges from being
8 members of judicial nominating commissions;
9 prohibiting members of judicial nominating
10 commissions from holding other public office;
11 providing that a member of a judicial
12 nominating commission is not eligible for a
13 certain period for judicial appointment to a
14 judicial office for which the commission has
15 nominating authority; requiring that acts of
16 judicial nominating commissions be made by
17 concurrence of a majority; providing for terms
18 of members of each judicial nominating
19 commission; prohibiting consecutive
20 reappointment to judicial nominating
21 commissions; providing for suspension and
22 removal of members of judicial nominating
23 commissions pursuant to uniform rules of
24 procedure; providing for the expiration of
25 terms of current members of judicial nominating
26 commissions; providing for commencement of
27 terms for initial appointees to judicial
28 nominating commissions; amending s. 440.45,
29 F.S., relating to Office of the Judges of
30 Compensation Claims, to conform a reference;
31 providing an effective date.

1 WHEREAS, s. 11, Art. V of the State Constitution
2 provides that judicial nominating commissions are to be
3 provided by general law, and

4 WHEREAS, s. 20(c), Art. V of the State Constitution
5 establishes the membership of each judicial nominating
6 commission only and until such membership is changed by
7 general law, and

8 WHEREAS, the Legislature finds that the quality of
9 judicial appointments is directly affected by the selection of
10 applicants made by each respective judicial nominating
11 commission, and

12 WHEREAS, the Legislature finds that it is in the best
13 interests of citizens of this state that the membership of
14 each judicial nominating commission be appointed by elected
15 public officials, NOW, THEREFORE,

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 43.29, Florida Statutes, is
20 repealed.

21 Section 2. Section 43.295, Florida Statutes, is
22 created to read:

23 43.295 Judicial nominating commission.--

24 (1) Each judicial nominating commission shall be
25 composed of the following:

26 (a) Four electors appointed by the Governor. Of these
27 four electors, at least three must be members of The Florida
28 Bar in good standing for a minimum of 5 years and actively
29 engaged in the practice of law within this state.

30 (b) Two electors appointed by the Speaker of the House
31 of Representatives. Of these two electors, at least one must

1 be a member of The Florida Bar in good standing for a minimum
2 of 5 years and actively engaged in the practice of law within
3 this state.

4 (c) Two electors appointed by the President of the
5 Senate. Of these two electors, at least one must be a member
6 of The Florida Bar in good standing for a minimum of 5 years
7 and actively engaged in the practice of law within this state.

8 (d) One elector appointed by the Attorney General.
9 This member must be a member of The Florida Bar in good
10 standing for a minimum of 5 years and actively engaged in the
11 practice of law within this state.

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13 All electors appointed to each judicial nominating commission
14 must be selected from, and reside in, the territorial
15 jurisdiction of the affected court.

16 (2) No justice or judge may be a member of a judicial
17 nominating commission. A member of a judicial nominating
18 commission may hold no other public office. A member of a
19 judicial nominating commission is not eligible for appointment
20 to any state judicial office for which that commission has the
21 authority to make nominations, either during such term of
22 membership or for a period of 2 years thereafter. All acts of
23 judicial nominating commission shall be made with a
24 concurrence of a majority of its members.

25 (3) A member of a judicial nominating commission shall
26 serve a term of 4 years and is not eligible for consecutive
27 reappointment. A member of a judicial nominating commission
28 may be suspended by the Governor and removed by the Senate for
29 cause pursuant to uniform rules of procedure established by
30 the judicial nominating commissions consistent with s. 7, Art.
31 IV of the State Constitution.

1 (4) Terms for current members of each judicial
2 nominating commission shall expire on September 30, 1999.
3 Initial appointments to judicial nominating commissions
4 pursuant to this act shall take effect October 1, 1999.

5 Section 3. Subsection (1) of section 440.45, Florida
6 Statutes, is amended to read:

7 440.45 Office of the Judges of Compensation Claims.--

8 (1) There is hereby created the Office of the Judges
9 of Compensation Claims within the Department of Labor and
10 Employment Security. The Office of the Judges of Compensation
11 Claims shall be headed by a Chief Judge who shall serve at the
12 pleasure of the Governor and Cabinet. The Chief Judge shall
13 be appointed by the Governor and confirmed by the Cabinet from
14 a list of two names submitted by each of the District Court
15 Judicial Nominating Commissions created by s. 2, Art. V of the
16 State Constitution and s. 43.295 ~~43.29~~. The office shall be a
17 separate budget entity and the Chief Judge shall be its agency
18 head for all purposes. The Department of Labor and Employment
19 Security shall provide administrative support and service to
20 the office to the extent requested by the Chief Judge but
21 shall not direct, supervise, or control the Office of the
22 Judges of Compensation Claims in any manner, including but not
23 limited to personnel, purchasing, budgetary matters, or
24 property transactions. The operating budget of the Office of
25 the Judges of Compensation Claims shall be paid out of the
26 Workers' Compensation Administration Trust Fund established in
27 s. 440.50.

28 Section 4. This act shall take effect July 1 of the
29 year following the year in which enacted.

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HOUSE SUMMARY

Repeals specified provisions relating to judicial nominating commissions. Creates new provisions prescribing qualifications and providing for appointment of members of judicial nominating commissions. Prohibits justices or judges from being members of judicial nominating commissions. Prohibits members of judicial nominating commissions from holding other public office. Provides that members of judicial nominating commissions are not eligible for specified judicial appointments for a certain period. Requires that acts of judicial nominating commissions be made by concurrence of a majority. Provides for terms of members of each judicial nominating commission. Prohibits consecutive reappointment to judicial nominating commissions. Provides for suspension and removal of members of judicial nominating commissions pursuant to uniform rules of procedure. Provides for the expiration of terms of current members of judicial nominating commissions. Provides for commencement of terms for initial appointees to judicial nominating commissions.