

By the Committee on Judiciary and Senators Cowin and Dudley

308-1996-98

1 A bill to be entitled
2 An act relating to judicial nominating
3 commissions; amending s. 43.29, F.S., relating
4 to judicial nominating commissions; deleting
5 requirement that three members of each
6 commission be appointed by the six other
7 members; providing for appointment by the
8 Attorney General of three members to each
9 commission; providing that racial and gender
10 diversity should be considered in selecting
11 commission members; providing that the
12 membership should reflect the geographic
13 diversity of the territorial jurisdiction of
14 the commission when feasible; providing an
15 effective date.

16
17 WHEREAS, Section 11, Article V of the State
18 Constitution provides that judicial nominating commissions are
19 to be provided by general law, and

20 WHEREAS, Section 20(c), Article V of the State
21 Constitution establishes the membership of each judicial
22 nominating commission only and until such membership is
23 changed by general law, and

24 WHEREAS, the Legislature finds that the quality of
25 judicial appointments is directly affected by the selection of
26 applicants made by each respective judicial nominating
27 commission, and

28 WHEREAS, the Legislature finds that racial and ethnic
29 diversity on the judicial nominating commission is important
30 to the achievement of a balance in the selection of applicants
31 made by each respective judicial nominating commission, the

1 appointing authority shall consider whether the existing
2 commission members, together with potential appointees,
3 reflect the racial, ethnic, and gender diversity of the
4 population within the affected territorial jurisdiction of the
5 court for which they are making nominations, NOW, THEREFORE,

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 43.29, Florida Statutes, is amended
10 to read:

11 43.29 Judicial nominating commissions.--

12 (1) Each judicial nominating commission shall be
13 composed of the following:

14 (a) ~~Three members, at least one of whom must be a~~
15 ~~member of a racial or ethnic minority group or a woman,~~
16 appointed by the Board of Governors of The Florida Bar from
17 among The Florida Bar members who are actively engaged in the
18 practice of law with offices within the territorial
19 jurisdiction of the affected court, or in the district or
20 circuit;

21 (b) ~~Three electors, at least one of whom must be a~~
22 ~~member of a racial or ethnic minority group or a woman, who~~
23 reside in the territorial jurisdiction of the court or in the
24 circuit appointed by the Governor at least one of whom is a
25 member of The Florida Bar who is actively engaged in the
26 practice of law with offices within the territorial
27 jurisdiction of the affected court, or in the district or
28 circuit; and

29 (c) ~~Three electors, at least one of whom must be a~~
30 ~~member of a racial or ethnic minority group or a woman, who~~
31 reside in the territorial jurisdiction of the court or in the

1 ~~circuit and who are not members of the bar of Florida,~~
2 selected and appointed by the Attorney General at least one of
3 whom is a member of The Florida Bar who is actively engaged in
4 the practice of law with offices within the territorial
5 jurisdiction of the affected court, or in the district or
6 circuit ~~a majority vote of the other six members of the~~
7 ~~commission.~~

8 (2) Whenever there is a vacancy on a judicial
9 nominating commission or the term of a member of a judicial
10 nominating commission expires, the appointing authorities
11 shall consider whether at least one individual from each
12 county within the affected judicial circuit currently sits
13 upon that judicial circuit's judicial nominating commission
14 and, when feasible, seek to assure that individuals from all
15 counties within the affected judicial circuit are represented
16 on the affected judicial circuit's judicial nominating
17 commission.

18 (3) Whenever there is a vacancy on a judicial
19 nominating commission or the term of a member of a judicial
20 nominating commission expires the appointing authorities shall
21 consider whether the existing commission members, together
22 with potential appointees, reflect the racial, ethnic, and
23 gender diversity, as well as the geographic distribution, of
24 the population within the affected territorial jurisdiction of
25 the court for which the commission is making nominations.

26 (4)~~(2)~~ No justice or judge may be a member of a
27 judicial nominating commission. A member of a judicial
28 nominating commission may hold public office other than
29 judicial office. A member of a judicial nominating commission
30 is not eligible for appointment to the state judicial office
31 for which that commission has the authority to make

1 nominations, either during such term of membership or for a
2 period of 1 year after ceasing to serve on a judicial
3 nominating commission ~~2 years thereafter~~. All acts of a
4 judicial nominating commission shall be made with a
5 concurrence of a majority of its members.

6 (5)~~(3)~~ A member of a judicial nominating commission
7 shall serve a term of 4 years and is not eligible for
8 consecutive reappointment. A member of a judicial nominating
9 commission may be suspended by the Governor and removed by the
10 Senate for cause pursuant to uniform rules of procedure
11 established by the judicial nominating commissions consistent
12 with s. 7, Art. IV of the State Constitution.

13 Section 2. This act shall take effect July 1, 1998.

14
15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 1560

18 The Committee Substitute for Senate Bill 1560 does the
19 following things:

- 20 - Adds a whereas clause which expresses the State's policy
21 on racial and gender diversity;
- 22 - Establishes that by July 1, 2003, each judicial
23 nominating commission must be composed of three members
24 appointed by the Governor, three members appointed by The
25 Florida Bar, and three members appointed by the Attorney
26 General;
- 27 - Requires the aforementioned appointing authorities to
28 consider race and gender diversity when making
29 appointments;
- 30 - Requires the aforementioned appointing authorities to
31 consider whether all counties within a particular circuit
are represented on that circuit's judicial nominating
commission; and
- Provides that members of judicial nominating commissions
may be appointed as judges in the jurisdiction for which
they previously made appointments one year after ceasing
to serve on the judicial nominating commission.