Florida Senate - 1998

By the Committee on Judiciary and Senator Bronson

308-1886-98 A bill to be entitled 1 2 An act relating to judicial nominating 3 commissions; amending s. 43.29, F.S.; deleting 4 requirement for appointment based upon race or 5 gender and requiring consideration of those 6 factors in making appointments; providing for the judicial nominating commission of a 7 judicial circuit to include among its members 8 9 and electors at least one resident from each county within the judicial circuit; providing 10 an effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 14 Section 1. Subsection (1) of section 43.29, Florida 15 16 Statutes, is amended and subsection (4) is added to that 17 section to read: 43.29 Judicial nominating commissions.--18 19 (1) Each judicial nominating commission shall be 20 composed of the following: 21 (a) Three members, at least one of whom must be a 22 member of a racial or ethnic minority group or a woman, 23 appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the 24 25 practice of law with offices within the territorial jurisdiction of the affected court, or in the district or 26 27 circuit; 28 (b) Three electors, at least one of whom must be a member of a racial or ethnic minority group or a woman, who 29 30 reside in the territorial jurisdiction of the court or in the 31 circuit appointed by the Governor; and 1 CODING: Words stricken are deletions; words underlined are additions.

1	(c) Three electors , at least one of whom must be a
2	member of a racial or ethnic minority group or a woman,who
3	reside in the territorial jurisdiction of the court or in the
4	circuit and who are not members of the bar of Florida,
5	selected and appointed by a majority vote of the other six
6	members of the commission.
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8	The appointing authorities shall consider whether the existing
9	commission members, together with potential appointees,
10	reflect the racial, ethnic, and gender diversity, as well as
11	the geographic distribution, of the population within the
12	territorial jurisdiction of the court for which they are
13	making nominations.
14	(4) The judicial nominating commission for each of the
15	twenty judicial circuits must include among its members and
16	electors at least one resident from each county within the
17	judicial circuit. This subsection shall apply only to members
18	or electors appointed on or after July 1, 1998.
19	Section 2. This act shall take effect July 1, 1998.
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21	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22	COMMITTEE SUBSTITUTE FOR <u>Senate Bill 418</u>
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24	The Committee Substitute for Senate Bill 418 deletes
25	provisions of the existing statute, s. 43.29, F.S., that a federal court has ruled unconstitutional. Advisory language is
26	added which expresses the State of Florida's concern that its judicial nominating commissions reflect the racial, ethnic,
27	gender, and geographic diversity of the populations affected by judicial nominating commissions. A clarification is added
28	to show that the bill's requirement that each county within a particular judicial circuit be represented on that circuit's
29	judicial nominating commission is not intended to apply to the judicial nominating commissions which appoint electors to the
30	Supreme Court's judicial nominating commission or the nominating commissions of the various district courts of
31	appeal.

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