

Bill No. CS for SB 2000

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Rossin moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

Section 1. Section 43.291, Florida Statutes, is created to read:

43.291 Judicial nominating commissions.--

(1) On and after July 1, 1999, each judicial nominating commission shall be composed of the following:

(a) Three members appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, the terms of which shall be for 4 years and shall begin following the expiration of terms of members appointed pursuant to s. 43.29(1)(a) or pursuant to this paragraph.

(b) Three electors who reside in the territorial jurisdiction of the affected court, appointed by the Governor, for terms beginning July 1 next following the election of

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1 Governor and ending June 30 following the end of the term of
2 office of the appointing Governor.

3 (c) Three electors who reside in the territorial
4 jurisdiction of the affected court and who are not members of
5 The Florida Bar, selected and appointed after June 30 of the
6 year in which the term begins by a majority vote of the six
7 other members of the commission appointed pursuant to s.
8 43.29(1)(a) and paragraphs (a) and (b) of this subsection the
9 terms of which shall be for 4 years and shall begin following
10 the expiration of terms of members appointed pursuant to s.
11 43.29(1)(c) or pursuant to this paragraph.

12 (d) In addition to the appointments provided in this
13 subsection, the Governor may also appoint an alternate member
14 to a Circuit Court Judicial Nominating Commission who is a
15 resident of a county in which no other member of the
16 commission resides. An alternate member shall be appointed by
17 August 1 of the year following the election of Governor and
18 serve a term ending June 30 following the end of the term of
19 office of the appointing Governor. An alternate member
20 appointed pursuant to this paragraph shall serve in place of
21 one member appointed by the Governor, as the Governor may
22 designate, in any case where the commission is filling a
23 vacancy on the County Court for the county of which such
24 alternate member is a resident. An alternate member shall
25 participate, without voting, in any meeting concerning a
26 vacancy on the Circuit Court.

27 (2) No justice or judge may be a member of a judicial
28 nominating commission. A member of a judicial nominating
29 commission may hold public office other than judicial office.
30 A member of a judicial nominating commission is not eligible
31 for appointment to any state judicial office either during

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1 such term of membership or for a period of 2 years thereafter.

2 (3) Except as otherwise provided in this section, a
3 member of a judicial nominating commission shall serve a term
4 of 4 years and is not eligible for consecutive reappointment.
5 The office of any member of a judicial nominating commission
6 appointed pursuant to s. 43.29(1)(b) prior to the effective
7 date of this act is abolished upon the effective date of this
8 act and is replaced by those offices created by and appointed
9 pursuant to paragraphs (1)(b) of this section. Any member of a
10 judicial nominating commission who does not complete a 4-year
11 term because of the enactment of this section may be
12 reappointed to serve a new term. For cause, a member of a
13 judicial nominating commission may be suspended by the
14 Governor pursuant to uniform rules of procedure established by
15 the Executive Office of the Governor consistent with s. 7,
16 Art. IV of the State Constitution and thereafter removed by
17 the Senate.

18 (4) Each appointing authority shall seek to ensure
19 that the existing commission members, together with potential
20 appointees, reflect the racial, ethnic, and gender diversity,
21 as well as the geographic distribution, of the population
22 within the territorial jurisdiction of the court for which the
23 appointing authority is making nominations. The appointing
24 authorities for the judicial nominating commission for each of
25 the judicial circuits shall seek to ensure the adequacy of
26 representation of each county within the judicial circuit.

27 (5) All acts of a judicial nominating commission shall
28 be made with a concurrence of a majority of its voting
29 members.

30 Section 2. There is hereby appropriated \$25,000 to the
31 Executive Office of the Governor to provide travel costs for

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1 training to members of the judicial nominating commission.

2 Section 3. Each appointing authority described in s.
3 43.291 shall submit a report to the Governor, the Speaker of
4 the House of Representatives, and the President of the Senate
5 annually by December 1 which discloses the number of
6 appointments made during the preceding year from each minority
7 group and the number of nonminority appointments made,
8 expressed both in numerical terms and as a percentage of the
9 total membership of the judicial nominating commission. In
10 addition, information shall be included in the report
11 detailing the number of physically disabled persons appointed
12 to the judicial nominating commission in the previous calendar
13 year. In addition, each appointing authority shall designate a
14 person responsible for retaining all applications for
15 appointment, who shall ensure that information describing each
16 applicant's race, ethnicity, gender, physical disability, if
17 applicable, and qualifications is available for public
18 inspection during reasonable hours. Nothing in this section
19 requires disclosure of an applicant's identity or of any other
20 information made confidential by law.

21 Section 4. If any provision of this act or the
22 application thereof to any person or circumstance is held
23 invalid, the invalidity does not affect other provisions or
24 applications of the act which can be given effect without the
25 invalid provision or application, and to this end the
26 provisions of this act are declared severable.

27 Section 5. Effective July 1, 1999, section 43.29,
28 Florida Statutes, is repealed.

29 Section 6. This act shall take effect upon becoming a
30 law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to judicial nominating
8 commissions; creating s. 43.291, F.S.;
9 providing for the appointment of members to
10 each judicial nominating commission;
11 prohibiting judges from serving; restricting
12 the appointment of members and former members
13 to judicial offices for a certain time period;
14 providing for terms; prohibiting reappointment
15 with certain exceptions; abolishing prior
16 offices; providing for suspension or removal;
17 requiring appointing authorities to seek to
18 ensure racial, ethnic, gender, and geographical
19 diversity of membership; requiring
20 consideration of county representation on
21 circuit judicial nominating commissions;
22 requiring concurrence of a majority for
23 commission actions; providing an appropriation;
24 repealing s. 43.29, F.S., relating to judicial
25 nominating commissions; providing for report of
26 diversity of judicial nominating commissions;
27 providing a severability clause; providing an
28 effective date.

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