

By the Committee on Judiciary and Senator Cowin

308-2067-99

1 A bill to be entitled
2 An act relating to judicial nominating
3 commissions; creating s. 43.291, F.S.;
4 providing for the appointment of members to
5 each judicial nominating commission;
6 prohibiting judges from serving; restricting
7 the appointment of members and former members
8 to judicial offices; providing for terms;
9 prohibiting reappointment with certain
10 exceptions; abolishing prior offices; providing
11 for suspension or removal; requiring
12 consideration of race, gender, and geographical
13 diversity of membership; requiring
14 consideration of county representation on
15 circuit judicial nominating commissions;
16 providing an appropriation; repealing s. 43.29,
17 F.S., relating to judicial nominating
18 commissions; providing effective dates.

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

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

24 43.291 Judicial nominating commissions.--

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

27 (a) Three members appointed by the Board of Governors
28 of The Florida Bar from among the members of The Florida Bar
29 who are actively engaged in the practice of law and who have
30 offices situated within the territorial jurisdiction of the
31 affected court, each of whom shall be appointed for a term of

1 4 years, beginning upon the expiration of the terms of members
2 appointed under s. 43.29(1)(a) or under this paragraph.

3 (b) Three electors who reside in the territorial
4 jurisdiction of the affected court, appointed by the Governor,
5 for terms beginning July 1 next following the election of a
6 Governor; and

7 (c) Three electors who reside in the territorial
8 jurisdiction of the affected court and who are not members of
9 The Florida Bar, selected and appointed for a term of 4 years
10 beginning August 1 next following the election of Governor, by
11 a majority vote of the members of the commission appointed
12 under paragraphs (a) and (b) and s. 43.29(1)(a).

13 (2) A justice or judge may not be a member of a
14 judicial nominating commission. A member of a judicial
15 nominating commission may hold public office other than
16 judicial office. A member of a judicial nominating commission
17 is ineligible for appointment to any judicial office in the
18 state either during such term of membership or for a period of
19 2 years thereafter. All acts of a judicial nominating
20 commission must be made with a concurrence of a majority of
21 its members.

22 (3) Except as otherwise provided in this section, a
23 member of a judicial nominating commission shall be appointed
24 to serve a term of 4 years and is ineligible for consecutive
25 reappointment. The office of any member of a judicial
26 nominating commission appointed under s. 43.29(1)(b) or (1)(c)
27 before the effective date of this act is abolished upon the
28 effective date of this act and is replaced by those offices
29 created by and appointed under paragraphs (b) and (c). Any
30 member of a judicial nominating commission who does not
31 complete a 4-year term because of the enactment of this

1 section may be reappointed to serve a new term. A member of a
2 judicial nominating commission may be suspended by the
3 Governor for cause, pursuant to uniform rules of procedure
4 established by the Executive Office of the Governor and
5 consistent with s. 7, Art. IV of the State Constitution, and
6 thereafter be removed by the Senate.

7 (4) Each appointing authority shall consider whether
8 the existing commission members, together with potential
9 appointees, reflect the racial, ethnic, and gender diversity,
10 as well as the geographic distribution, of the population
11 within the territorial jurisdiction of the court for which
12 they are making nominations. The appointing authorities for
13 the judicial nominating commission for each of the judicial
14 circuits shall also consider the adequacy of representation of
15 each county within the judicial circuit.

16 Section 2. There is appropriated \$25,000 from the
17 General Revenue Fund to the Executive Office of the Governor
18 to provide travel costs for training to members of the
19 judicial nominating commission.

20 Section 3. Effective July 1, 1999, section 43.29,
21 Florida Statutes, is repealed. Any member appointed after July
22 1, 1999, shall serve until July 1, 2002. Thereafter, the
23 members appointed by the Governor shall serve only until July
24 1 of the year in which the Governor is elected.

25 Section 4. Except as otherwise expressly provided
26 in this act, this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2000

4 sscp> The committee substitute repeals s. 43.29, Florida
Statutes
5 and creates s. 43.291, Florida Statutes.

6 The new section 43.291, Florida Statutes, requires that the
7 entities appointing members to judicial nominating commissions
8 after July 1, 1999 consider whether the commission will
9 reflect the "racial, ethnic, and gender diversity" of the
10 population within the territorial jurisdiction of the court
11 for which nominations are to be made.

12 The appointing entities are also to consider the "adequacy of
13 representation of each county within the judicial circuit."

14 The members appointed by the Florida Bar are to be appointed
15 for a term of four years beginning at the expiration of the
16 terms of current members.

17 The three electors appointed by the Governor will serve four
18 year terms beginning July 1 following the election of a
19 Governor.

20 The terms of the three members appointed by the other six will
21 be for four years beginning on August 1 following the election
22 of the Governor.

23 Justices and judges are prohibited from serving on judicial
24 nomination commissions; however, a member may continue to hold
25 any other public office.

26 A member of the judicial nominating commission is prohibited
27 from accepting appointment to any judicial office in the state
28 while they are a member of a commission and for two years
29 after the end of their term of office.

30 Every position currently held by an appointee of the Governor
31 of an appointee selected jointly by the Governor's appointees
and the Florida Bar appointees are abolished on the effective
date of the act but may be reappointed to serve a new term if
they have not served a full four year term.

A member may be suspended by the Governor for cause pursuant
to rules established by the Governor's Office consistent with
s. 7, Art. IV of the State Constitution. The Senate may
thereafter remove the appointee.