

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 for a certain time period;
9 providing for terms; prohibiting reappointment
10 with certain exceptions; abolishing prior
11 offices; providing for suspension or removal;
12 requiring appointing authorities to seek to
13 ensure racial, ethnic, gender, and geographical
14 diversity of membership; requiring
15 consideration of county representation on
16 circuit judicial nominating commissions;
17 requiring concurrence of a majority for
18 commission actions; providing an appropriation;
19 repealing s. 43.29, F.S., relating to judicial
20 nominating commissions; providing for report of
21 diversity of judicial nominating commissions;
22 providing a severability clause; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 43.291, Florida Statutes, is
28 created to read:

29 43.291 Judicial nominating commissions.--
30 (1) On and after July 1, 1999, each judicial
31 nominating commission shall be composed of the following:

1 (a) Three members appointed by the Board of Governors
2 of The Florida Bar from among The Florida Bar members who are
3 actively engaged in the practice of law with offices within
4 the territorial jurisdiction of the affected court, the terms
5 of which shall be for 4 years and shall begin following the
6 expiration of terms of members appointed pursuant to s.
7 43.29(1)(a) or pursuant to this paragraph.

8 (b) Three electors who reside in the territorial
9 jurisdiction of the affected court, appointed by the Governor,
10 for terms beginning July 1 next following the election of
11 Governor and ending June 30 following the end of the term of
12 office of the appointing Governor.

13 (c) Three electors who reside in the territorial
14 jurisdiction of the affected court and who are not members of
15 The Florida Bar, selected and appointed after June 30 of the
16 year in which the term begins by a majority vote of the six
17 other members of the commission appointed pursuant to s.
18 43.29(1)(a) and paragraphs (a) and (b) of this subsection the
19 terms of which shall be for 4 years and shall begin following
20 the expiration of terms of members appointed pursuant to s.
21 43.29(1)(c) or pursuant to this paragraph.

22 (d) In addition to the appointments provided in this
23 subsection, the Governor may also appoint an alternate member
24 to a Circuit Court Judicial Nominating Commission who is a
25 resident of a county in which no other member of the
26 commission resides. An alternate member shall be appointed by
27 August 1 of the year following the election of Governor and
28 serve a term ending June 30 following the end of the term of
29 office of the appointing Governor. An alternate member
30 appointed pursuant to this paragraph shall serve in place of
31 one member appointed by the Governor, as the Governor may

1 designate, in any case where the commission is filling a
2 vacancy on the County Court for the county of which such
3 alternate member is a resident. An alternate member shall
4 participate, without voting, in any meeting concerning a
5 vacancy on the Circuit Court.

6 (2) No justice or judge may be a member of a judicial
7 nominating commission. A member of a judicial nominating
8 commission may hold public office other than judicial office.
9 A member of a judicial nominating commission is not eligible
10 for appointment to any state judicial office either during
11 such term of membership or for a period of 2 years thereafter.

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

28 (4) Each appointing authority shall seek to ensure
29 that the existing commission members, together with potential
30 appointees, reflect the racial, ethnic, and gender diversity,
31 as well as the geographic distribution, of the population

1 within the territorial jurisdiction of the court for which the
2 appointing authority is making nominations. The appointing
3 authorities for the judicial nominating commission for each of
4 the judicial circuits shall seek to ensure the adequacy of
5 representation of each county within the judicial circuit.

6 (5) All acts of a judicial nominating commission shall
7 be made with a concurrence of a majority of its voting
8 members.

9 Section 2. There is hereby appropriated \$25,000 to the
10 Executive Office of the Governor to provide travel costs for
11 training to members of the judicial nominating commission.

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

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1 Section 4. If any provision of this act or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the act which can be given effect without the
5 invalid provision or application, and to this end the
6 provisions of this act are declared severable.

7 Section 5. Effective July 1, 1999, section 43.29,
8 Florida Statutes, is repealed.

9 Section 6. This act shall take effect upon becoming a
10 law.