

Amendment No. 1c (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Brummer, Warner, Roberts and Byrd offered
12 the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

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

20 43.291 Judicial nominating commissions.--

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

23 (a) Three members appointed by the Board of Governors
24 of The Florida Bar from among The Florida Bar members who are
25 actively engaged in the practice of law with offices within
26 the territorial jurisdiction of the affected court, the terms
27 of which shall be for 4 years and shall begin following the
28 expiration of terms of members appointed pursuant to s.
29 43.29(1)(a) or pursuant to this paragraph.

30 (b) Three electors who reside in the territorial
31 jurisdiction of the affected court, appointed by the Governor,

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1 for terms beginning July 1 next following the election of
2 Governor and ending June 30 following the end of the term of
3 office of the appointing Governor.

4 (c) Three electors who reside in the territorial
5 jurisdiction of the affected court and who are not members of
6 The Florida Bar, selected and appointed after June 30 of the
7 year in which the term begins by a majority vote of the six
8 other members of the commission appointed pursuant to s.
9 43.29(1)(a) and paragraphs (a) and (b) of this subsection the
10 terms of which shall be for 4 years and shall begin following
11 the expiration of terms of members appointed pursuant to s.
12 43.29(1)(c) or pursuant to this paragraph.

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

28 (2) No justice or judge may be a member of a judicial
29 nominating commission. A member of a judicial nominating
30 commission may hold public office other than judicial office.
31 A member of a judicial nominating commission is not eligible

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1 for appointment to any state judicial office either during
2 such term of membership or for a period of 2 years thereafter.

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

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

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

31 Section 2. There is hereby appropriated \$25,000 to the

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1 Executive Office of the Governor to provide travel costs for
2 training to members of the judicial nominating commission.

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

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

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

30 Section 6. This act shall take effect upon becoming
31 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 On page 1,

4 remove from the title of the bill: everything before the
5 enacting clause

6

7 and insert in lieu thereof:

8 An act relating to judicial nominating

9 commissions; creating s. 43.291, F.S.;

10 providing for the appointment of members to

11 each judicial nominating commission;

12 prohibiting judges from serving; restricting

13 the appointment of members and former members

14 to judicial offices for a certain time period;

15 providing for terms; prohibiting reappointment

16 with certain exceptions; abolishing prior

17 offices; providing for suspension or removal;

18 requiring appointing authorities to seek to

19 ensure racial, ethnic, gender, and geographical

20 diversity of membership; requiring

21 consideration of county representation on

22 circuit judicial nominating commissions;

23 requiring concurrence of a majority for

24 commission actions; providing an appropriation;

25 repealing s. 43.29, F.S., relating to judicial

26 nominating commissions; providing for report of

27 diversity of judicial nominating commissions;

28 providing a severability clause; providing an

29 effective date.

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