

By the Committee on Judiciary and Representatives Brummer
and Byrd

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 consideration of race, gender, and
13 geographical diversity of membership; requiring
14 consideration of county representation on
15 circuit judicial nominating commissions;
16 requiring concurrence of a majority for
17 commission actions; providing an appropriation;
18 repealing s. 43.29, F.S., relating to judicial
19 nominating commissions; providing an effective
20 date.

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22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. Section 43.291, Florida Statutes, is
25 created to read:

26 43.291 Judicial nominating commissions.--

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

29 (a) Three members appointed by the Board of Governors
30 of The Florida Bar from among The Florida Bar members who are
31 actively engaged in the practice of law with offices within

1 the territorial jurisdiction of the affected court, the terms
2 of which shall be for 4 years and shall begin following the
3 expiration of terms of members appointed pursuant to s.
4 43.29(1)(a) or pursuant to this paragraph.

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

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

15 (2) No justice or judge may be a member of a judicial
16 nominating commission. A member of a judicial nominating
17 commission may hold public office other than judicial office.
18 A member of a judicial nominating commission is not eligible
19 for appointment to any judicial office in the state either
20 during such term of membership or for a period of 2 years
21 thereafter.

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

1 this section may be reappointed to serve a new term. For
2 cause, a member of a judicial nominating commission may be
3 suspended by the Governor pursuant to uniform rules of
4 procedure established by the Executive Office of the Governor
5 consistent with s. 7, Art. IV of the State Constitution and
6 thereafter 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 the
12 appointing authority is making nominations. The appointing
13 authorities for the judicial nominating commission for each of
14 the judicial circuits shall also consider the adequacy of
15 representation of each county within the judicial circuit.
16 (5) All acts of a judicial nominating commission shall
17 be made with a concurrence of a majority of its members.
18 Section 2. There is hereby appropriated \$25,000 to the
19 Executive Office of the Governor to provide travel costs for
20 training to members of the judicial nominating commission.
21 Section 3. Effective July 1, 1999, section 43.29,
22 Florida Statutes, is repealed.
23 Section 4. This act shall take effect upon becoming
24 law.
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