

By Senator Cowin

11-276-00

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 appointing
 12 authorities to seek to ensure racial, ethnic,
 13 gender, and geographical diversity of
 14 membership; requiring consideration of county
 15 representation on circuit judicial nominating
 16 commissions; providing an appropriation;
 17 repealing s. 43.29, F.S., relating to judicial
 18 nominating commissions; providing an effective
 19 date.
 20
 21 Be It Enacted by the Legislature of the State of Florida:
 22
 23 Section 1. Section 43.291, Florida Statutes, is
 24 created to read:
 25 43.291 Judicial nominating commissions.--
 26 (1) On and after July 1, 2000, each judicial
 27 nominating commission shall be composed of the following:
 28 (a) Three members appointed by the Board of Governors
 29 of The Florida Bar from among those members of The Florida Bar
 30 who are actively engaged in the practice of law with offices
 31 within the territorial jurisdiction of the affected court, the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

8 (c) Three electors who reside in the territorial
9 jurisdiction of the affected court and who are not members of
10 The Florida Bar, selected and appointed for a term of 4 years
11 beginning August 1 next following the election of Governor, by
12 a majority vote of the members of the commission appointed
13 pursuant to paragraphs (a) and (b) of this subsection and s.
14 43.29(1)(a).

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

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

1 not complete a 4-year term because of the enactment of this
2 section may be reappointed to serve a new term. A member of a
3 judicial nominating commission may be suspended for cause by
4 the Governor pursuant to uniform rules of procedure
5 established by the Executive Office of the Governor,
6 consistent with s. 7, Art. IV of the State Constitution, and
7 may thereafter be removed by the Senate.

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

17 Section 2. The sum of \$25,000 is appropriated to the
18 Executive Office of the Governor to provide travel costs for
19 training to members of the judicial nominating commissions.

20 Section 3. Effective July 1, 2000, section 43.29,
21 Florida Statutes, is repealed.

22 Section 4. This act shall take effect upon becoming a
23 law.

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26 SENATE SUMMARY

27 Provides for the composition of judicial nominating
28 commissions. Provides for qualifications and terms of
29 members. Provides voting requirements for actions.
30 Provides an appropriation.
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