

By Senator Grant

13-422B-00

1 A bill to be entitled
2 An act relating to judicial nominating
3 commissions; amending s. 43.29, F.S.; providing
4 for the appointment of members to judicial
5 nominating commissions; prohibiting justices
6 and judges from serving; providing for terms;
7 prohibiting reappointment; providing for
8 suspension or removal; providing for filling of
9 vacancies; requiring appointing authorities to
10 seek to ensure racial, ethnic, gender, and
11 geographical diversity of membership; requiring
12 consideration of county representation on
13 circuit judicial nominating commissions;
14 requiring concurrence of a majority for
15 commission actions; providing a severability
16 clause; providing an effective date.

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

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20 Section 1. Section 43.29, Florida Statutes, is amended
21 to read:22 (Substantial rewording of section. See s. 43.29, F.S.,
23 for present text.)24 43.29 Judicial nominating commissions.--25 (1)(a) A member of The Florida Bar who was a member of
26 a judicial nominating commission on June 30, 2000, shall
27 continue to serve on the commission for the remainder of the
28 appointed term. Upon the expiration of the appointed term, or
29 if such member cannot complete the term, the Board of
30 Governors of The Florida Bar shall appoint another member of
31 The Florida Bar for a term ending June 30, 2003.

1 (b)1. An elector who was appointed by the Governor as
2 a member of a judicial nominating commission on or after
3 January 5, 1999, shall continue to serve on the commission
4 until June 30, 2003. If such member cannot complete the term,
5 the Governor shall appoint another elector for a term ending
6 June 30, 2003.

7 2. The term of an elector appointed by the Governor
8 prior to January 5, 1999, shall end on June 30, 2000. The
9 Governor shall appoint another elector for a term ending June
10 30, 2003.

11 (c) An elector who was appointed by a majority vote of
12 the other six members of the commission and was serving on the
13 commission on June 30, 2000, shall continue to serve on the
14 commission for the remainder of the appointed term. Upon the
15 expiration of the appointed term or if the the member cannot
16 complete the term, the other six members shall select a
17 successor elector for a term ending June 30, 2003.

18 (2) In addition to the appointments provided in
19 subsection (1), the Governor may also appoint to a Circuit
20 Court Judicial Nominating Commission an alternate member who
21 is a resident of a county in which no other member of the
22 commission resides. Alternate members shall be appointed by
23 August 1 and serve a term ending June 30, 2003. An alternate
24 member appointed pursuant to this paragraph shall serve in
25 place of one member appointed by the Governor, as designated
26 by the Governor, whenever the commission is filling a vacancy
27 on the County Court for the county of which such alternate
28 member is a resident. An alternate member shall participate,
29 without voting, in any meeting concerning a vacancy on the
30 Circuit Court.

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

7 (4) A member of a judicial nominating commission is
8 not eligible for consecutive reappointment. For cause, a
9 member of a judicial nominating commission may be suspended by
10 the Governor pursuant to uniform rules of procedure
11 established by the Executive Office of the Governor consistent
12 with s. 7, Art. IV of the State Constitution and thereafter
13 removed by the Senate. Any vacancy that occurs before June 30,
14 2003, may be filled by the appointing authority for a term
15 ending June 30, 2003.

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

25 (6) All acts of a judicial nominating commission shall
26 be made with a concurrence of a majority of its voting
27 members.

28 Section 2. Effective July 1, 2003, section 43.29,
29 Florida Statutes, as amended by this act, is amended to read:

30 (Substantial rewording of section. See s. 43.29, F.S.,
31 for present text.)

1 43.29 Judicial nominating commissions.--
2 (1) Each judicial nominating commission shall be
3 composed of the following:
4 (a) Three members appointed by the Board of Governors
5 of The Florida Bar from among The Florida Bar members who are
6 actively engaged in the practice of law with offices within
7 the territorial jurisdiction of the affected court, for terms
8 of 4 years.
9 (b) Three electors who reside in the territorial
10 jurisdiction of the affected court, appointed by the Governor,
11 for terms of 4 years beginning July 1 next following the
12 election of Governor and ending June 30 following the end of
13 the term of office of the appointing Governor.
14 (c) Three electors who reside in the territorial
15 jurisdiction of the affected court and who are not members of
16 The Florida Bar, selected by a majority vote of the six other
17 members of the commission for terms of 4 years beginning on
18 August 1 following the election of the Governor and ending
19 July 31 following the end of the term of the appointing
20 governor.
21 (2) In addition to the appointments provided in
22 subsection (1), the Governor may also appoint an alternate
23 member to a Circuit Court Judicial Nominating Commission who
24 is a resident of a county in which no other member of the
25 commission resides. An alternate member shall be appointed by
26 August 1 of the year following the election of Governor and
27 serve a term ending June 30 following the end of the term of
28 office of the appointing Governor. An alternate member
29 appointed pursuant to this paragraph shall serve in place of
30 one member appointed by the Governor, as designated by the
31 Governor, whenever the commission is filling a vacancy on the

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

5 (3) Any vacancy occurring prior to the end of a
6 commission member's term of office may be filled by the
7 appointing authority for the remainder of the term of office.

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

14 (5) A member of a judicial nominating commission shall
15 serve a term of 4 years and is not eligible for consecutive
16 reappointment. For cause, a member of a judicial nominating
17 commission may be suspended by the Governor pursuant to
18 uniform rules of procedure established by the Executive Office
19 of the Governor consistent with s. 7, Art. IV of the State
20 Constitution and thereafter removed by the Senate.

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

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1 (7) All acts of a judicial nominating commission shall
2 be made with a concurrence of a majority of its voting
3 members.

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

10 Section 4. Except as otherwise provided in this act,
11 this act shall take effect July 1, 2000.

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14 SENATE SUMMARY

15 Substantially amends s. 43.29, F.S., relating to judicial
16 nominating commissions. Provides for the appointment of
17 members for a specified time. Prohibits justices and
18 judges from serving on commissions. Provides for terms of
19 office and for suspension and removal of members and
20 filling of vacancies. Prohibits the reappointment of
21 members. Requires diversity of membership. Requires
22 consideration of a county's representation on a
23 commission. Requires all acts of commissioners to be made
24 by majority of voting members. Provides authority and
25 conditions for the continuation of judicial nominating
26 commissions after June 30, 2003.
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