

By the Committees on Governmental Oversight and Productivity;
Judiciary; and Senators Grant and Cowin

302-2230-00

1 A bill to be entitled
2 An act relating to judicial nominating
3 commissions; amending s. 43.29, F.S.; requiring
4 appointing authorities to attempt to ensure
5 that commissions' membership is representative
6 of racial, ethnic, and gender diversity and
7 geographic distribution of the population
8 within the territorial jurisdiction of the
9 court; requiring appointing authorities to
10 attempt to ensure the adequacy of
11 representation of counties within judicial
12 circuits; providing an effective date.

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

16 Section 1. Section 43.29, Florida Statutes, is amended
17 to read:

18 43.29 Judicial nominating commissions.--

19 (1) Each judicial nominating commission shall be
20 composed of the following:

21 (a) ~~Three members, at least one of whom must be a~~
22 ~~member of a racial or ethnic minority group or a woman,~~
23 appointed by the Board of Governors of The Florida Bar from
24 among The Florida Bar members who are actively engaged in the
25 practice of law with offices within the territorial
26 jurisdiction of the affected court, or in the district or
27 circuit;

28 (b) ~~Three electors, at least one of whom must be a~~
29 ~~member of a racial or ethnic minority group or a woman,~~ who
30 reside in the territorial jurisdiction of the court or in the
31 circuit appointed by the Governor; and

1 (c) Three electors, ~~at least one of whom must be a~~
2 ~~member of a racial or ethnic minority group or a woman, who~~
3 reside in the territorial jurisdiction of the court or in the
4 circuit and who are not members of the bar of Florida,
5 selected and appointed by a majority vote of the other six
6 members of the commission.

7 (2) No justice or judge may be a member of a judicial
8 nominating commission. A member of a judicial nominating
9 commission may hold public office other than judicial office.
10 A member of a judicial nominating commission is not eligible
11 for appointment to the state judicial office for which that
12 commission has the authority to make nominations, either
13 during such term of membership or for a period of 2 years
14 thereafter. All acts of a judicial nominating commission
15 shall be made with a concurrence of a majority of its members.

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

23 (4) Each appointing authority, in making new
24 appointments, shall attempt to ensure that the membership of
25 the commission is representative of the racial, ethnic, and
26 gender diversity and the geographic distribution of the
27 population within the territorial jurisdiction of the court
28 for which the appointments are made. The appointing authority
29 for the judicial nominating commission for each judicial
30 circuit shall attempt to ensure the adequacy of representation
31 of each county within the judicial circuit.

1 Section 2. This act shall take effect July 1, 2000.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 CS for SB's 826 and 398

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Reinstates existing law providing for nine Judicial Nominating Commission (JNC) members.

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Strikes existing law which requires a certain number of JNC members to be members of racial or ethnic minority groups or women.

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Deletes bill's creation of an alternate JNC member.

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Reinstates existing law which provides that a JNC member is not eligible for appointment to a state judicial office within the jurisdiction of the member's commission.

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Deletes bill's provision requiring that all JNC action be made with a concurrence of a majority of JNC members.

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Deletes bill's severability clause.

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Deletes bill's provisions concerning when a vacancy occurs for a judicial office.

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