

By Senator Cowin

11-401-01

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.

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

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, 2001, 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

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1 within the territorial jurisdiction of the affected court for
2 terms of 4 years;

3 (b) Three electors who reside in the territorial
4 jurisdiction of the affected court, appointed by the Governor,
5 for terms beginning July 1 next following a gubernatorial
6 election, except that, with respect to the initial
7 appointments made under this paragraph, the appointees shall
8 be appointed for terms extending until July 1 next following a
9 gubernatorial election; and

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

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

24 (3) Except as otherwise provided in this section, a
25 member of a judicial nominating commission shall serve a term
26 of 4 years and is not eligible for consecutive reappointment.
27 The term of office of any member of a judicial nominating
28 commission appointed pursuant to s. 43.29 before the effective
29 date of this act expires June 30, 2001. Any member of a
30 judicial nominating commission who does not complete a 4-year
31 term because of the enactment of this section may be

1 reappointed to serve a new term. A member of a judicial
2 nominating commission may be suspended for cause by the
3 Governor pursuant to uniform rules of procedure established by
4 the Executive Office of the Governor, consistent with s. 7,
5 Art. IV of the State Constitution, and may thereafter be
6 removed by the Senate.

7 (4) Each appointing authority must 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
12 they are making nominations. The appointing authorities for
13 the judicial nominating commission for each of the judicial
14 circuits shall also consider the adequacy of representation of
15 each county within the judicial circuit.

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

20 Section 3. Effective July 1, 2001, 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.