

By the Committee on Governmental Oversight and Productivity;  
and Senator Cowin

302-1642-01

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; amending s. 112.3145, F.S.;  
17          providing that members of judicial nominating  
18          commissions are state officers for purposes of  
19          financial disclosure requirements; providing an  
20          appropriation; repealing s. 43.29, F.S.,  
21          relating to judicial nominating commissions;  
22          providing an effective date.

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

26           Section 1. Section 43.291, Florida Statutes, is  
27 created to read:

28           43.291 Judicial nominating commissions.--  
29           (1) On and after July 1, 2001, each judicial  
30 nominating commission shall be composed of the following:

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1           (a) Three members appointed by the Board of Governors  
2 of The Florida Bar from among those members of The Florida Bar  
3 who are actively engaged in the practice of law with offices  
4 within the territorial jurisdiction of the affected court for  
5 terms of 4 years.

6           (b) Three electors who reside in the territorial  
7 jurisdiction of the affected court, appointed by the Governor,  
8 for terms of 4 years. The terms of these electors shall begin  
9 July 1 next following a gubernatorial election, except that  
10 with respect to the initial appointments made under this  
11 paragraph, the electors shall be appointed for terms extending  
12 until June 30 next following a gubernatorial election.

13           (c) Three electors who reside in the territorial  
14 jurisdiction of the affected court and who are not members of  
15 The Florida Bar, selected and appointed for a term of 4 years  
16 by a majority vote of the members of the commission appointed  
17 pursuant to paragraphs (a) and (b). The terms of these  
18 electors shall begin August 1 next following a gubernatorial  
19 election, except that with respect to the initial appointments  
20 made under this paragraph, the electors shall be appointed for  
21 terms extending until July 31 next following a gubernatorial  
22 election.

23           (2) A justice or judge may not be a member of a  
24 judicial nominating commission. A member of a judicial  
25 nominating commission may hold public office other than  
26 judicial office. A member of a judicial nominating commission  
27 is not eligible for appointment to any judicial office in the  
28 state during such term of membership or for a period of 2  
29 years thereafter. All acts of a judicial nominating commission  
30 must be made with a concurrence of a majority of its members.

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1           (3) Except as otherwise provided in this section, a  
2 member of a judicial nominating commission shall serve a term  
3 of 4 years and is not eligible for consecutive reappointment.  
4 The term of office of any member of a judicial nominating  
5 commission appointed pursuant to s. 43.29 before the effective  
6 date of this act expires June 30, 2001. Any member of a  
7 judicial nominating commission who does not complete a 4-year  
8 term because of the enactment of this section may be  
9 reappointed to serve a new term. A member of a judicial  
10 nominating commission may be suspended for cause by the  
11 Governor pursuant to uniform rules of procedure established by  
12 the Executive Office of the Governor, consistent with s. 7,  
13 Art. IV of the State Constitution, and may thereafter be  
14 removed by the Senate.

15           (4) Each appointing authority must consider whether  
16 the existing commission members, together with potential  
17 appointees, reflect the racial, ethnic, and gender diversity,  
18 as well as the geographic distribution, of the population  
19 within the territorial jurisdiction of the court for which  
20 they are making nominations. The appointing authorities for  
21 the judicial nominating commission for each of the judicial  
22 circuits shall also consider the adequacy of representation of  
23 each county within the judicial circuit.

24           Section 2. Paragraph (c) of subsection (1) of section  
25 112.3145, Florida Statutes, is amended to read:

26           112.3145 Disclosure of financial interests and clients  
27 represented before agencies.--

28           (1) For purposes of this section, unless the context  
29 otherwise requires, the term:

30           (c) "State officer" means:  
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1           1. Any elected public officer, excluding those elected  
2 to the United States Senate and House of Representatives, not  
3 covered elsewhere in this part and any person who is appointed  
4 to fill a vacancy for an unexpired term in such an elective  
5 office.

6           2. An appointed member of each board, commission,  
7 authority, or council having statewide jurisdiction, excluding  
8 a member of an advisory body.

9           3. A member of the Board of Regents, the Chancellor  
10 and Vice Chancellors of the State University System, and the  
11 president of a state university.

12           4. A member of the judicial nominating commission for  
13 any district court of appeal or any judicial circuit.

14           Section 3. The sum of \$25,000 is appropriated from the  
15 General Revenue Fund to the Executive Office of the Governor  
16 to provide travel costs for training to members of the  
17 judicial nominating commissions.

18           Section 4. Effective July 1, 2001, section 43.29,  
19 Florida Statutes, is repealed.

20           Section 5. This act shall take effect upon becoming a  
21 law.

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23           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
24           COMMITTEE SUBSTITUTE FOR  
25           SB 1470

26 Clarifies when the terms for the initial gubernatorial and  
27 majority vote appointments end. Adds that district and circuit  
28 court commission members are subject to the financial  
29 disclosure requirements in s. 112.3145, F.S.  
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