

By Representative Brummer

1 A bill to be entitled
 2 An act relating to judicial nominating
 3 commissions; creating s. 43.291, F.S.;
 4 specifying membership composition of judicial
 5 nominating commissions; providing appointment
 6 and reappointment eligibility restrictions;
 7 providing for terms; abolishing prior offices;
 8 providing for suspension or removal; requiring
 9 appointing authorities to ensure commission
 10 racial, ethnic, gender, and geographical
 11 diversity; requiring consideration of county
 12 representation on circuit judicial nominating
 13 commissions; requiring concurrence of a
 14 majority for commission actions; requiring
 15 appointing authorities to provide annual
 16 reports; specifying required information;
 17 providing an appropriation; repealing s. 43.29,
 18 F.S., relating to judicial nominating
 19 commissions; providing severability; providing
 20 an effective date.

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 22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. Section 43.291, Florida Statutes, is
 25 created to read:

26 43.291 Judicial nominating commissions.--

27 (1) Each judicial nominating commission shall be
 28 composed of:

29 (a) Three members appointed by the Board of Governors
 30 of The Florida Bar from among members of The Florida Bar who
 31 are actively engaged in the practice of law with offices

1 within the territorial jurisdiction of the affected court, the
2 terms of which members shall be 4 years and shall begin
3 following the expiration of terms of members appointed
4 pursuant to s. 43.29(1)(a) prior to July 1, 2001, or pursuant
5 to this paragraph. A member appointed under this paragraph is
6 not eligible for a consecutive reappointment.

7 (b) Four electors who reside in the territorial
8 jurisdiction of the affected court, appointed by the Governor,
9 for 4-year terms beginning July 1 following the election of
10 the Governor. A member appointed under this paragraph is not
11 eligible for a consecutive reappointment. Any vacancy in a
12 membership appointed under this paragraph may be filled only
13 for the remainder of the vacating member's term.

14 (c) One elector who resides in the territorial
15 jurisdiction of the affected court, appointed by the President
16 of the Senate, for a 2-year term beginning July 1 following
17 the organization session. A member appointed under this
18 paragraph is eligible for one consecutive reappointment. Any
19 vacancy in a membership appointed under this paragraph may be
20 filled only for the remainder of the vacating member's term.

21 (d) One elector who resides in the territorial
22 jurisdiction of the affected court, appointed by the Speaker
23 of the House of Representatives, for a 2-year term beginning
24 July 1 following the organization session. A member appointed
25 under this paragraph is eligible for one consecutive
26 reappointment. Any vacancy in a membership appointed under
27 this paragraph may be filled only for the remainder of the
28 vacating member's term.

29 (e) In addition to the appointments provided in this
30 subsection, the Governor may also appoint one or more
31 alternate members to a Circuit Court Judicial Nominating

1 Commission each of whom is a resident of a county in which no
2 other member of the commission resides. An alternate member
3 shall be appointed by August 1 of the year following the
4 election of the Governor and serve a term ending June 30
5 following the end of the term of office of the appointing
6 Governor. An alternate member appointed pursuant to this
7 paragraph shall serve in place of one member appointed by the
8 Governor, as the Governor may designate, in any case in which
9 the commission is filling a vacancy on the county court for
10 the county of which such alternate member is a resident. An
11 alternate member shall participate, without voting, in any
12 meeting concerning a vacancy on the circuit court.

13 (2) No justice, judge, or state legislator may be a
14 member of a judicial nominating commission. A member of a
15 judicial nominating commission may hold a public office other
16 than a judicial office or a state legislative office. A
17 member of a judicial nominating commission is not eligible for
18 appointment to any state judicial office during such term of
19 membership or for a period of 2 years after such term of
20 membership.

21 (3) The office of any member of a judicial nominating
22 commission appointed pursuant to s. 43.29(1)(b) or (1)(c)
23 prior to July 1, 2001, is abolished effective July 1, 2001,
24 and shall be replaced by those offices created by and
25 appointed pursuant to paragraph (1)(b). Any member of a
26 judicial nominating commission who does not complete a 4-year
27 term because of the enactment of this section may be
28 reappointed to serve a new term. A member of a judicial
29 nominating commission may be suspended for cause by the
30 Governor pursuant to s. 7, Art. IV of the State Constitution
31 and thereafter removed by the Senate.

1 (4) Each appointing authority shall seek to ensure
2 that the existing commission members, together with potential
3 appointees, reflect the racial, ethnic, and gender diversity,
4 as well as the geographic distribution, of the population
5 within the territorial jurisdiction of the court for which the
6 appointing authority is making nominations. The appointing
7 authorities for the judicial nominating commission for each of
8 the judicial circuits shall seek to ensure the adequacy of
9 representation of each county within the judicial circuit.

10 (5) All acts of a judicial nominating commission shall
11 be made with a concurrence of a majority of its voting
12 members.

13 Section 2. By December 1 of each year, each appointing
14 authority described in s. 43.291, Florida Statutes, shall
15 submit a report to the Governor, the Speaker of the House of
16 Representatives, and the President of the Senate which
17 discloses the number of appointments made during the preceding
18 year from each minority group and the number of nonminority
19 appointments made, expressed both in numerical terms and as a
20 percentage of the total membership of the judicial nominating
21 commission. In addition, information shall be included in the
22 report describing the number of physically disabled persons
23 appointed to the judicial nominating commission in the
24 previous calendar year. The Governor's Office shall designate
25 a person responsible for maintaining records of applications
26 for appointment for all judicial nominating commissions and
27 shall ensure that information describing each applicant's and
28 appointee's race, ethnicity, gender, physical disability, if
29 applicable, and qualifications are available for public
30 inspection during reasonable business hours. Nothing in this
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1 section requires disclosure of an applicant's identity or of
2 any other information made confidential by law.

3 Section 3. The sum of \$25,000 is appropriated to the
4 state courts system budget to provide travel and training for
5 members of judicial nominating commissions.

6 Section 4. Notwithstanding s. 43.291(1)(c) or (1)(d),
7 Florida Statutes, a member of the judicial nominating
8 commission appointed pursuant to s. 43.291(1)(c) or (1)(d),
9 Florida Statutes, whose term begins on or after July 1, 2001,
10 shall serve a term ending July 1, 2002, and is eligible for
11 one consecutive reappointment for a 2-year term.

12 Section 5. Section 43.29, Florida Statutes, is
13 repealed.

14 Section 6. If any provision of this act or the
15 application thereof to any person or circumstance is held
16 invalid, the invalidity shall not affect other provisions or
17 applications of the act which can be given effect without the
18 invalid provision or application, and to this end the
19 provisions of this act are declared severable.

20 Section 7. This act shall take effect July 1, 2001.

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23 HOUSE SUMMARY

24 Revises the judicial nominating commission member
25 appointment process. Provides appointment and
26 reappointment eligibility restrictions. Requires
27 appointing authorities to ensure racial, ethnic, gender,
and geographical diversity of membership and requires a
diversity report. See bill for details.