

Bill No. CS/HB 367

Amendment No. Barcode 904728

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

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

43.291 Judicial nominating commissions.--

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

(a) Four members of The Florida Bar, appointed by the Governor, who are engaged in the practice of law, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed. The Board of Governors of The Florida Bar shall submit to the Governor three recommended nominees for each position. The Governor shall select the appointee from the list of nominees recommended for that position, but the Governor may reject all of the nominees recommended for a position and request that the Board of Governors submit a new list of three different

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1 recommended nominees for that position who have not been
2 previously recommended by the Board of Governors.

3 (b) Five members appointed by the Governor, each of
4 whom is a resident of the territorial jurisdiction served by
5 the commission to which the member is appointed, of which at
6 least two are members of The Florida Bar engaged in the
7 practice of law.

8 (2) A justice or judge may not be a member of a
9 judicial nominating commission. A member of a judicial
10 nominating commission may hold public office other than
11 judicial office. A member of a judicial nominating commission
12 is not eligible for appointment, during his or her term of
13 office and for a period of 2 years thereafter, to any state
14 judicial office for which that commission has the authority to
15 make nominations. All acts of a judicial nominating commission
16 must be made with a concurrence of a majority of its members.

17 (3) Notwithstanding any other provision of this
18 section, each current member of a judicial nominating
19 commission appointed directly by the Board of Governors of The
20 Florida Bar shall serve the remainder of his or her term,
21 unless removed for cause. The terms of all other members of a
22 judicial nominating commission are hereby terminated, and the
23 Governor shall appoint new members to each judicial nominating
24 commission in the following manner:

25 (a) Two appointments for terms ending July 1, 2002,
26 one of which shall be an appointment selected from nominations
27 submitted by the Board of Governors of The Florida Bar
28 pursuant to paragraph (1)(a);

29 (b) Two appointments for terms ending July 1, 2003;
30 and

31 (c) Two appointments for terms ending July 1, 2004.

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2 Every subsequent appointment, except an appointment to fill a
3 vacant, unexpired term, shall be for 4 years. Each expired
4 term or vacancy shall be filled by appointment in the same
5 manner as the member whose position is being filled.

6 (4) In making an appointment, the Governor shall seek
7 to ensure that, to the extent possible, the membership of the
8 commission reflects the racial, ethnic, and gender diversity,
9 as well as the geographic distribution, of the population
10 within the territorial jurisdiction of the court for which
11 nominations will be considered. The Governor shall also
12 consider the adequacy of representation of each county within
13 the judicial circuit.

14 (5) A member of a judicial nominating commission may
15 be suspended for cause by the Governor pursuant to uniform
16 rules of procedure established by the Executive Office of the
17 Governor consistent with s. 7 of Art. IV of the State
18 Constitution.

19 (6) A quorum of the judicial nominating commission is
20 necessary to take any action or transact any business. For
21 purposes of this section, a quorum consists of a majority of
22 commission members currently appointed.

23 (7) The Executive Office of the Governor shall provide
24 all administrative support for each judicial nominating
25 commission. The Executive Office of the Governor shall adopt
26 rules necessary to administer this section.

27 Section 2. Paragraph (c) of subsection (1) of section
28 112.3145, Florida Statutes, is amended to read:

29 112.3145 Disclosure of financial interests and clients
30 represented before agencies.--

31 (1) For purposes of this section, unless the context

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1 otherwise requires, the term:

2 (c) "State officer" means:

3 1. Any elected public officer, excluding those elected
4 to the United States Senate and House of Representatives, not
5 covered elsewhere in this part and any person who is appointed
6 to fill a vacancy for an unexpired term in such an elective
7 office.

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

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

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

16 Section 3. Section 43.29, Florida Statutes, is
17 repealed.

18 Section 4. This act shall take effect upon becoming a
19 law.

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25
26 and insert:

27 A bill to be entitled
28 An act relating to judicial nominating
29 commissions; creating s. 43.291, F.S.; revising
30 the membership of and the procedures governing
31 the appointment of members to each judicial

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1 nominating commission; prohibiting justices and
2 judges from serving; restricting the
3 appointment of members and former members to
4 judicial offices; providing for terms;
5 requiring the Governor to seek to ensure
6 racial, ethnic, and gender diversity of the
7 membership; requiring consideration of county
8 representation on circuit judicial nominating
9 commissions; providing for suspension of
10 members for cause; prescribing quorum
11 requirements; requiring the Executive Office of
12 the Governor to provide administrative support
13 and to adopt rules; amending s. 112.3145, F.S.;
14 providing that members of judicial nominating
15 commissions are state officers for purposes of
16 financial disclosure requirements; repealing s.
17 43.29, F.S., relating to judicial nominating
18 commissions; providing an effective date.

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