

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 and
5 requirements of judicial nominating
6 commissions; providing limitations; providing
7 for terms; abolishing prior offices; providing
8 for suspension or removal; requiring racial,
9 ethnic, gender, and geographical diversity of
10 commission memberships; providing severability;
11 repealing s. 43.29, F.S., relating to judicial
12 nominating commissions; providing an effective
13 date.

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

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

19 43.291 Judicial nominating commissions.--

20 (1) Each judicial nominating commission established
21 pursuant s. 11(d), Art. V of the State Constitution shall
22 consist of nine members, appointed by the Governor, each of
23 whom shall be a resident of the territorial jurisdiction
24 served by the commission to which the member is appointed.
25 Five members shall be members in good standing of The Florida
26 Bar who are actively engaged in the practice of law and four
27 members shall not be members of The Florida Bar.

28 (2)(a) In making such appointments, the Governor shall
29 seek to ensure that the members of the commissions reflect the
30 racial, ethnic, and gender diversity of the population within
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1 the territorial jurisdiction of the court for which
2 nominations will be considered.

3 (b) In appointing members for judicial circuits of
4 this state, the Governor shall appoint at least one
5 commissioner from each county within the judicial circuit and
6 such commissioner shall reside within the county from which he
7 or she is appointed.

8 (c) In appointing members for court of appeals
9 districts of this state, the Governor shall appoint at least
10 one commissioner from each judicial circuit within the
11 district and such commissioner shall reside within the
12 judicial circuit from which he or she is appointed.

13 (d) In appointing members for the Supreme Court
14 Judicial Nominating Commission, the Governor shall appoint at
15 least one commissioner from each court of appeals district
16 within the state and such commissioner shall reside within the
17 court of appeals district from which he or she is appointed.

18 (3) No justice or judge may be a member of a judicial
19 nominating commission. A member of a judicial nominating
20 commission may hold public office other than judicial office.
21 A member of a judicial nominating commission is not eligible
22 for appointment to the state judicial office for which the
23 commission has the authority to make nominations, either
24 during such term of membership or for a period of 2 years
25 thereafter. All acts of a judicial nominating commission
26 shall be made with concurrence of a majority of its members.

27 (4) All members shall be appointed for a term to end
28 concurrent with the term to which the Governor was elected.
29 The terms of all members shall be concurrent, and the terms
30 may commence at any time following the inauguration of the
31 Governor as a result of a general election. If a member is

1 unable to complete his or her term, the Governor shall appoint
2 another individual, qualified under the same subsection of
3 this section as the member previously appointed, to fill the
4 remainder of the member's term. All terms shall end at
5 midnight on the evening prior to the next inauguration of a
6 Governor following a general election. For cause, a member of
7 a judicial nominating commission may be suspended by the
8 Governor pursuant to uniform rules of procedure established by
9 the Executive Office of the Governor consistent with s. 7,
10 Art. IV of the State Constitution and thereafter removed by
11 the Senate.

12 (5) The office of any member of any judicial
13 nominating commission appointed pursuant to s. 43.29 prior to
14 the effective date of this act is abolished upon the effective
15 date of this act and is replaced by those offices created
16 pursuant to subsection (1). Any member of a judicial
17 nominating commission who will not complete a 4-year term
18 because of enactment of this section may be reappointed by the
19 Governor.

20 Section 2. If any provision of this act or the
21 application thereof to any person or circumstance is held
22 invalid, the invalidity shall not affect other provisions or
23 applications of the act which can be given effect without the
24 invalid provision or application, and to this end the
25 provisions of this act are declared severable.

26 Section 3. Section 43.29, Florida Statutes, is
27 repealed.

28 Section 4. This act shall take effect July 1, 2001.
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HOUSE SUMMARY

Revises the judicial nominating commission member
appointment process. See bill for details.