

By the Council for Smarter Government and Representatives
 Brummer and Cantens

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; amending s. 112.3145,
 11 F.S.; specifying members of certain judicial
 12 nominating commissions as state officers;
 13 providing severability; repealing s. 43.29,
 14 F.S., relating to judicial nominating
 15 commissions; providing an effective date.

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

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

21 43.291 Judicial nominating commissions.--
 22 (1) Each judicial nominating commission established
 23 pursuant s. 11(d), Art. V of the State Constitution shall
 24 consist of nine members, appointed by the Governor, each of
 25 whom shall be a resident of the territorial jurisdiction
 26 served by the commission to which the member is appointed.
 27 Five members shall be members in good standing of The Florida
 28 Bar who are actively engaged in the practice of law. Four
 29 members shall be persons who are not current employees of a
 30 lawyer or law firm in this state nor shall such four members
 31 have ever practiced law or been members of the bar in any

1 state of the United States or in the federal court system of
2 the United States.

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

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

13 (c) In appointing members for court of appeals
14 districts of this state, the Governor shall appoint at least
15 one commissioner from each judicial circuit within the
16 district and such commissioner shall reside within the
17 judicial circuit from which he or she is appointed.

18 (d) In appointing members for the Supreme Court
19 Judicial Nominating Commission, the Governor shall appoint at
20 least one commissioner from each court of appeals district
21 within the state and such commissioner shall reside within the
22 court of appeals district from which he or she is appointed.

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

1 (4) All members shall be appointed for a term to end
2 concurrent with the term to which the Governor was elected.
3 The terms of all members shall be concurrent, and the terms
4 may commence at any time following the inauguration of the
5 Governor as a result of a general election. If a member is
6 unable to complete his or her term, the Governor shall appoint
7 another individual, qualified under the same subsection of
8 this section as the member previously appointed, to fill the
9 remainder of the member's term. All terms shall end at
10 midnight on the evening prior to the next inauguration of a
11 Governor following a general election. For cause, a member of
12 a judicial nominating commission may be suspended by the
13 Governor pursuant to uniform rules of procedure established by
14 the Executive Office of the Governor consistent with s. 7,
15 Art. IV of the State Constitution and thereafter removed by
16 the Senate.

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

25 Section 2. Paragraph (c) of subsection (1) of section
26 112.3145, Florida Statutes, is amended to read:

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

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

31 (c) "State officer" means:

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. 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 4. Section 43.29, Florida Statutes, is
21 repealed.

22 Section 5. This act shall take effect July 1, 2001.
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