

1                   A bill to be entitled  
2           An act relating to judicial nominating  
3           commissions; creating s. 43.291, F.S.; revising  
4           the membership of and the procedures governing  
5           the appointment of members to each judicial  
6           nominating commission; prohibiting justices and  
7           judges from serving; restricting the  
8           appointment of members and former members to  
9           judicial offices; providing for terms;  
10          requiring the Governor to seek to ensure  
11          racial, ethnic, and gender diversity of the  
12          membership; requiring consideration of county  
13          representation on circuit judicial nominating  
14          commissions; providing for suspension of  
15          members for cause; prescribing quorum  
16          requirements; requiring the Executive Office of  
17          the Governor to provide administrative support  
18          and to adopt rules; amending s. 112.3145, F.S.;  
19          providing that members of judicial nominating  
20          commissions are state officers for purposes of  
21          financial disclosure requirements; repealing s.  
22          43.29, F.S., relating to judicial nominating  
23          commissions; providing an effective date.  
24

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

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

29           43.291 Judicial nominating commissions.--  
30           (1) Each judicial nominating commission shall be  
31   composed of the following members:

1           (a) Four members of The Florida Bar, appointed by the  
2 Governor, who are engaged in the practice of law, each of whom  
3 is a resident of the territorial jurisdiction served by the  
4 commission to which the member is appointed. The Board of  
5 Governors of The Florida Bar shall submit to the Governor  
6 three recommended nominees for each position. The Governor  
7 shall select the appointee from the list of nominees  
8 recommended for that position, but the Governor may reject all  
9 of the nominees recommended for a position and request that  
10 the Board of Governors submit a new list of three different  
11 recommended nominees for that position who have not been  
12 previously recommended by the Board of Governors.

13           (b) Five members appointed by the Governor, each of  
14 whom is a resident of the territorial jurisdiction served by  
15 the commission to which the member is appointed, of which at  
16 least two are members of The Florida Bar engaged in the  
17 practice of law.

18           (2) A justice or judge may not be a member of a  
19 judicial nominating commission. A member of a judicial  
20 nominating commission may hold public office other than  
21 judicial office. A member of a judicial nominating commission  
22 is not eligible for appointment, during his or her term of  
23 office and for a period of 2 years thereafter, to any state  
24 judicial office for which that commission has the authority to  
25 make nominations. All acts of a judicial nominating commission  
26 must be made with a concurrence of a majority of its members.

27           (3) Notwithstanding any other provision of this  
28 section, each current member of a judicial nominating  
29 commission appointed directly by the Board of Governors of The  
30 Florida Bar shall serve the remainder of his or her term,  
31 unless removed for cause. The terms of all other members of a

1 judicial nominating commission are hereby terminated, and the  
2 Governor shall appoint new members to each judicial nominating  
3 commission in the following manner:

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

8 (b) Two appointments for terms ending July 1, 2003;  
9 and

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

11  
12 Every subsequent appointment, except an appointment to fill a  
13 vacant, unexpired term, shall be for 4 years. Each expired  
14 term or vacancy shall be filled by appointment in the same  
15 manner as the member whose position is being filled.

16 (4) In making an appointment, the Governor shall seek  
17 to ensure that, to the extent possible, the membership of the  
18 commission reflects the racial, ethnic, and gender diversity,  
19 as well as the geographic distribution, of the population  
20 within the territorial jurisdiction of the court for which  
21 nominations will be considered. The Governor shall also  
22 consider the adequacy of representation of each county within  
23 the judicial circuit.

24 (5) A member of a judicial nominating commission may  
25 be suspended for cause by the Governor pursuant to uniform  
26 rules of procedure established by the Executive Office of the  
27 Governor consistent with s. 7 of Art. IV of the State  
28 Constitution.

29 (6) A quorum of the judicial nominating commission is  
30 necessary to take any action or transact any business. For  
31

1 purposes of this section, a quorum consists of a majority of  
2 commission members currently appointed.

3 (7) The Executive Office of the Governor shall provide  
4 all administrative support for each judicial nominating  
5 commission. The Executive Office of the Governor shall adopt  
6 rules necessary to administer this section.

7 Section 2. Paragraph (c) of subsection (1) of section  
8 112.3145, Florida Statutes, is amended to read:

9 112.3145 Disclosure of financial interests and clients  
10 represented before agencies.--

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

13 (c) "State officer" means:

14 1. Any elected public officer, excluding those elected  
15 to the United States Senate and House of Representatives, not  
16 covered elsewhere in this part and any person who is appointed  
17 to fill a vacancy for an unexpired term in such an elective  
18 office.

19 2. An appointed member of each board, commission,  
20 authority, or council having statewide jurisdiction, excluding  
21 a member of an advisory body.

22 3. A member of the Board of Regents, the Chancellor  
23 and Vice Chancellors of the State University System, and the  
24 president of a state university.

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

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

29 Section 4. This act shall take effect upon becoming a  
30 law.

31