

By Senator Joyner

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1 A bill to be entitled
2 An act relating to judicial nominating commissions;
3 amending s. 43.291, F.S.; authorizing the Board of
4 Governors of The Florida Bar to appoint some of the
5 members of Judicial Nominating Commissions; requiring
6 that each judicial nominating commission satisfy
7 certain prerequisites for racial and gender diversity;
8 providing for the prerequisites to be satisfied over a
9 period of time; providing an effective date.

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

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13 Section 1. Section 43.291, Florida Statutes, is amended to
14 read:

15 43.291 Judicial nominating commissions.—

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

18 (a) Three ~~Four~~ members, at least one of whom must be a
19 member of a racial or ethnic minority group or a woman,
20 appointed by the Board of Governors of The Florida Bar from
21 among The Florida Bar members, ~~appointed by the Governor,~~ who
22 are actively engaged in the practice of law with offices within,
23 ~~each of whom is a resident of the territorial jurisdiction of~~
24 the affected court, or in the district or circuit; served by the
25 ~~commission to which the member is appointed. The Board of~~
26 ~~Governors of The Florida Bar shall submit to the Governor three~~
27 ~~recommended nominees for each position. The Governor shall~~
28 ~~select the appointee from the list of nominees recommended for~~
29 ~~that position, but the Governor may reject all of the nominees~~

18-00041A-10

2010186

30 ~~recommended for a position and request that the Board of~~
31 ~~Governors submit a new list of three different recommended~~
32 ~~nominees for that position who have not been previously~~
33 ~~recommended by the Board of Governors.~~

34 (b) Three electors, at least one of whom must be a member
35 of a racial or ethnic minority group or a woman, who reside in
36 the territorial jurisdiction of the court or in the circuit,
37 appointed by the Governor; and ~~Five members appointed by the~~
38 ~~Governor, each of whom is a resident of the territorial~~
39 ~~jurisdiction served by the commission to which the member is~~
40 ~~appointed, of which at least two are members of The Florida Bar~~
41 ~~engaged in the practice of law.~~

42 (c) Three electors, at least one of whom must be a member
43 of a racial or ethnic minority group or a woman, who reside in
44 the territorial jurisdiction of the court or in the circuit and
45 who are not members of The Florida Bar, selected and appointed
46 by a majority vote of the other six members of the commission.

47 (2) A justice or judge may not be a member of a judicial
48 nominating commission. A member of a judicial nominating
49 commission may hold public office other than judicial office. A
50 member of a judicial nominating commission is not eligible for
51 appointment, during his or her term of office and for a period
52 of 2 years thereafter, to any state judicial office for which
53 that commission has the authority to make nominations. All acts
54 of a judicial nominating commission must be made with a
55 concurrence of a majority of its members.

56 (3) Notwithstanding any other provision of this section,
57 each current member of a judicial nominating commission
58 appointed directly by the Board of Governors of The Florida Bar

18-00041A-10

2010186__

59 shall serve the remainder of his or her term, unless removed for
60 cause. The terms of all other members of a judicial nominating
61 commission are hereby terminated, and the Governor shall appoint
62 new members to each judicial nominating commission in the
63 following manner:

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

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

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

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

75 (4) In making an appointment, the Governor shall seek to
76 ensure that, to the extent possible, the membership of the
77 commission reflects the racial, ethnic, and gender diversity, as
78 well as the geographic distribution, of the population within
79 the territorial jurisdiction of the court for which nominations
80 will be considered. The Governor shall also consider the
81 adequacy of representation of each county within the judicial
82 circuit.

83 (5) A member of a judicial nominating commission may be
84 suspended for cause by the Governor pursuant to uniform rules of
85 procedure established by the Executive Office of the Governor
86 consistent with s. 7 of Art. IV of the State Constitution.

87 (6) A quorum of the judicial nominating commission is

18-00041A-10

2010186__

88 necessary to take any action or transact any business. For
89 purposes of this section, a quorum consists of a majority of
90 commission members currently appointed.

91 (7) The Executive Office of the Governor shall provide all
92 administrative support for each judicial nominating commission.
93 The Executive Office of the Governor shall adopt rules necessary
94 to administer this section.

95 Section 2. If, on July 1, 2010, the composition of a
96 judicial nominating commission does not comply with s.
97 43.291(1), Florida Statutes, at least every other appointment to
98 that commission must be a member of a racial or ethnic minority
99 group or a woman until the diversity requirements of s.
100 43.291(1), Florida Statutes, are satisfied.

101 Section 3. This act shall take effect July 1, 2010.