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LEGISLATIVE ACTION

Senate . House

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Floor: WD/2R

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05/04/2011 04:20 PM

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Senator Thrasher moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 43.291, Florida Statutes, is repealed.

Section 2. Section 43.292, Florida Statutes, is created to
read:

43.292 Judicial nominating commissions.—

(1) Each judicial nominating commission established
pursuant to s. 11(d), Art. V of the State Constitution shall
consist of seven members appointed by the Governor, each of whom
must be a resident of the territorial jurisdiction served by the
commission to which the member is appointed. At least four



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14 members shall be members in good standing of The Florida Bar who
15 are actively engaged in the practice of law. The Governor shall
16 name the chair and vice chair of each judicial nominating
17 commission. The members of a judicial nominating commission may
18 elect from their number a temporary chair to serve if the
19 appointed chair and vice chair are unable to attend a meeting of
20 the commission.

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

30 (3) All members shall be appointed for a term to end
31 concurrent with the term to which the Governor was elected. The
32 terms of all members shall be concurrent, and the terms may
33 commence at any time following the inauguration of the Governor
34 as a result of a general election. If a member is unable to
35 complete his or her term, the Governor shall appoint another
36 qualified individual to fill the remainder of that member's
37 term. All terms shall end at midnight on the evening prior to
38 the day of the next inauguration of a Governor following a
39 general election.

40 (4) In making appointments, the Governor shall seek to
41 ensure that, to the extent possible, the membership of the
42 judicial nominating commission reflects the racial, ethnic, and



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43 gender diversity and geographic distribution of the population
44 within the territorial jurisdiction of the court for which
45 nominations will be considered. The Governor shall also consider
46 the adequacy of representation of each county within the
47 judicial circuit.

48 (5) A member of a judicial nominating commission may be
49 suspended for cause by the Governor pursuant to uniform rules of
50 procedure established by the Executive Office of the Governor
51 consistent with s. 7, Art. IV of the State Constitution.

52 (6) A quorum of the judicial nominating commission is
53 necessary to take any action or transact any business. For
54 purposes of this section, a quorum consists of a majority of
55 members currently appointed.

56 (7) The Executive Office of the Governor shall provide all
57 administrative support for each judicial nominating commission.

58 Section 3. The office of any member of any judicial
59 nominating commission appointed pursuant to former s. 43.291,
60 Florida Statutes, prior to the effective date of this act is
61 abolished upon the effective date of this act and is replaced by
62 those offices created pursuant to s. 43.292(1), Florida
63 Statutes, as created by this act. Any member of a judicial
64 nominating commission who will not complete a 4-year term
65 because of the enactment of s. 43.292, Florida Statutes, may be
66 reappointed by the Governor.

67 Section 4. This act shall take effect upon becoming a law
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70 ===== T I T L E A M E N D M E N T =====

71 And the title is amended as follows:



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72 Delete everything before the enacting clause
73 and insert:

74 A bill to be entitled
75 An act relating to judicial nominating commissions;
76 repealing s. 43.291, F.S., relating to judicial
77 nominating commissions; creating s. 43.292, F.S.;
78 providing for judicial nominating commissions;
79 specifying membership and composition; providing for
80 appointment of members by the Governor; providing for
81 terms; requiring the Governor to consider racial,
82 ethnic, gender, and geographic diversity in making
83 appointments; providing for suspension of a member of
84 a judicial nominating commission; establishing a
85 quorum; providing for administrative support;
86 abolishing prior offices; permitting reappointment of
87 former officeholders; providing an effective date.