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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/3R

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05/05/2011 12:02 PM

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Senator Diaz de la Portilla moved the following:

1           **Senate Amendment to Amendment (866924) (with title**  
2 **amendment)**

3  
4           Delete lines 5 - 27  
5 and insert:

6           Section 1. Subsections (1) and (3) of section 43.291,  
7 Florida Statutes, are amended to read:

8           43.291 Judicial nominating commissions.—

9           (1) Each judicial nominating commission shall be composed  
10 of the following members:

11           (a) Three ~~Four~~ members of The Florida Bar, appointed by the  
12 Governor, who are engaged in the practice of law, each of whom  
13 is a resident of the territorial jurisdiction served by the



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14 commission to which the member is appointed. The Board of  
15 Governors of The Florida Bar shall submit to the Governor three  
16 recommended nominees for each position. The Governor shall  
17 select the appointee from the list of nominees recommended for  
18 that position, but the Governor may reject all of the nominees  
19 recommended for a position and request that the Board of  
20 Governors submit a new list of three different recommended  
21 nominees for that position who have not been previously  
22 recommended by the Board of Governors.

23 (b) Six ~~Five~~ members appointed by the Governor, each of  
24 whom is a resident of the territorial jurisdiction served by the  
25 commission to which the member is appointed, of which at least  
26 two are members of The Florida Bar engaged in the practice of  
27 law.

28 ~~(3) Notwithstanding any other provision of this section,~~  
29 ~~each current member of a judicial nominating commission~~  
30 ~~appointed directly by the Board of Governors of The Florida Bar~~  
31 ~~shall serve the remainder of his or her term, unless removed for~~  
32 ~~cause. The terms of all other members of a judicial nominating~~  
33 ~~commission are hereby terminated, and the Governor shall appoint~~  
34 ~~new members to each judicial nominating commission in the~~  
35 ~~following manner:~~

36 ~~(a) Two appointments for terms ending July 1, 2002, one of~~  
37 ~~which shall be an appointment selected from nominations~~  
38 ~~submitted by the Board of Governors of The Florida Bar pursuant~~  
39 ~~to paragraph (1)(a);~~

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

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

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43 Every subsequent appointment, except an appointment to fill a  
44 vacant, unexpired term, shall be for 4 years. The Governor may  
45 not terminate the appointment of a member of any of the judicial  
46 nominating commissions who are serving on or before the  
47 effective date of this act. Each expired term or vacancy shall  
48 be filled by appointment in the same manner as the member whose  
49 position is being filled.

50  
51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete lines 36 - 39

54 and insert:

55 amending s. 43.291, F.S.; revising the membership of  
56 the judicial nominating commissions; prohibiting the  
57 Governor from terminating the current members of the  
58 judicial nominating commissions; providing an  
59 effective