

HB 7101

2011

1 A bill to be entitled
 2 An act relating to judicial nominating commissions;
 3 repealing s. 43.291, F.S., relating to judicial nominating
 4 commissions; creating s. 43.292, F.S.; providing for
 5 judicial nominating commissions; specifying membership and
 6 composition; providing for appointment of members by the
 7 Governor; providing for terms; requiring the Governor to
 8 consider racial, ethnic, gender, and geographic diversity
 9 in making appointments; providing for suspension of a
 10 member of a judicial nominating commission; establishing a
 11 quorum; providing for administrative support; abolishing
 12 prior offices; permitting reappointment of former
 13 officeholders; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 43.291, Florida Statutes, is repealed.

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

20 43.292 Judicial nominating commissions.—

21 (1) Each judicial nominating commission established
 22 pursuant to s. 11(d), Art. V of the State Constitution shall
 23 consist of seven members appointed by the Governor, each of whom
 24 must be a resident of the territorial jurisdiction served by the
 25 commission to which the member is appointed. At least four
 26 members shall be members in good standing of The Florida Bar who
 27 are actively engaged in the practice of law. The Governor shall
 28 name the chair and vice chair of each judicial nominating

HB 7101

2011

29 commission. The members of a judicial nominating commission may
30 elect from their number a temporary chair to serve if the
31 appointed chair and vice chair are unable to attend a meeting of
32 the commission.

33 (2) A justice or judge may not be a member of a judicial
34 nominating commission. A member of a judicial nominating
35 commission may hold public office other than judicial office. A
36 member of a judicial nominating commission is not eligible for
37 appointment, during his or her term of office and for a period
38 of 2 years thereafter, to any state judicial office for which
39 that commission has the authority to make nominations. All acts
40 of a judicial nominating commission must be made with a
41 concurrence of a majority of its members.

42 (3) All members shall be appointed for a term to end
43 concurrent with the term to which the Governor was elected. The
44 terms of all members shall be concurrent, and the terms may
45 commence at any time following the inauguration of the Governor
46 as a result of a general election. If a member is unable to
47 complete his or her term, the Governor shall appoint another
48 qualified individual to fill the remainder of that member's
49 term. All terms shall end at midnight on the evening prior to
50 the day of the next inauguration of a Governor following a
51 general election.

52 (4) In making appointments, the Governor shall seek to
53 ensure that, to the extent possible, the membership of the
54 judicial nominating commission reflects the racial, ethnic, and
55 gender diversity and geographic distribution of the population
56 within the territorial jurisdiction of the court for which

HB 7101

2011

57 nominations will be considered. The Governor shall also consider
58 the adequacy of representation of each county within the
59 judicial circuit.

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

64 (6) A quorum of the judicial nominating commission is
65 necessary to take any action or transact any business. For
66 purposes of this section, a quorum consists of a majority of
67 members currently appointed.

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

70 Section 3. The office of any member of any judicial
71 nominating commission appointed pursuant to former s. 43.291,
72 Florida Statutes, prior to the effective date of this act is
73 abolished upon the effective date of this act and is replaced by
74 those offices created pursuant to s. 43.292(1), Florida
75 Statutes, as created by this act. Any member of a judicial
76 nominating commission who will not complete a 4-year term
77 because of the enactment of s. 43.292, Florida Statutes, may be
78 reappointed by the Governor.

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