

1 A bill to be entitled
2 An act relating to the judiciary; amending s. 43.291,
3 F.S.; revising requirements for the appointment of
4 members of judicial nominating commissions; providing
5 that, with the exception of members selected from a
6 list of nominees provided by the Board of Governors of
7 The Florida Bar, a current member of a judicial
8 nominating commission appointed by the Governor serves
9 at the pleasure of the Governor; providing for each
10 expired term or vacancy to be filled by appointment in
11 the same manner as the member whose position is being
12 filled; deleting obsolete provisions; deleting a
13 requirement that the Executive Office of the Governor
14 establish uniform rules of procedure consistent with
15 the State Constitution when suspending for cause a
16 member of a judicial nominating commission; amending
17 s. 105.031, F.S.; providing that filing fees and
18 election assessments paid by certain judges be used
19 for certain law school scholarships; amending s.
20 440.45, F.S.; providing that the judicial nominating
21 commission for the First District Court of Appeal will
22 nominate persons to the Office of the Judges of
23 Compensation Claims; deleting provisions creating a
24 nominating commission solely for the Office of the
25 Judges of Compensation Claims; providing an effective
26 date.

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

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Section 1. Subsections (1), (3), and (5) of section 43.291, Florida Statutes, are amended to read:

43.291 Judicial nominating commissions.—

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

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

2. ~~(b)~~ Five members appointed by the Governor who shall serve at the pleasure of the Governor, each of whom is a resident of the territorial jurisdiction served by the commission to which the member is appointed, of which at least two are members of The Florida Bar engaged in the practice of law. Notwithstanding any other law, each current member of a judicial nominating commission appointed by the Governor, other than those selected from a list of nominees provided by the Board of Governors of The Florida Bar, shall serve at the pleasure of the Governor.

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57 (b) Each expired term or vacancy shall be filled by
58 appointment in the same manner as the member whose position is
59 being filled.

60 (3) Notwithstanding any other provision of this section,
61 each current member of a judicial nominating commission selected
62 from a list of nominees provided ~~appointed directly~~ by the Board
63 of Governors of The Florida Bar shall serve the remainder of his
64 or her term, unless removed for cause. ~~The terms of all other~~
65 ~~members of a judicial nominating commission are hereby~~
66 ~~terminated, and the Governor shall appoint new Members~~ selected
67 from a list of nominees provided by the Board of Governors of
68 The Florida Bar shall serve terms ~~to each judicial nominating~~
69 ~~commission~~ in the following manner:

70 (a) One appointment ~~Two appointments~~ for a term ~~terms~~
71 ending July 1, 2012 ~~2002~~, ~~one of which shall be an appointment~~
72 ~~selected from nominations submitted by the Board of Governors of~~
73 ~~The Florida Bar pursuant to paragraph (1)(a);~~

74 (b) Two appointments for terms ending July 1, 2014 ~~2003~~;
75 and

76 (c) One appointment ~~Two appointments~~ for a term ~~terms~~
77 ending July 1, 2015 ~~2004~~.

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79 Every subsequent appointment of a member selected from a list of
80 nominees provided by the Board of Governors of The Florida Bar,
81 except an appointment to fill a vacant, unexpired term, shall be
82 for 4 years. ~~Each expired term or vacancy shall be filled by~~
83 ~~appointment in the same manner as the member whose position is~~
84 ~~being filled.~~

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

89 Section 2. Subsection (6) of section 105.031, Florida
 90 Statutes, is amended, and subsection (7) is added to that
 91 section, to read:

92 105.031 Qualification; filing fee; candidate's oath; items
 93 required to be filed.—

94 (6) EARLY SUBMISSION OF QUALIFYING PAPERS.—Notwithstanding
 95 the qualifying period prescribed in this section, a filing
 96 officer may accept and hold qualifying papers submitted not
 97 earlier than 14 days prior to the beginning of the qualifying
 98 period, to be processed and filed during the qualifying period.

99 (7) MINORITY LAW STUDENT SCHOLARSHIP FUNDING.—Ten days
 100 after the close of filing, the Division of Elections shall list
 101 the judicial offices in which an incumbent circuit or county
 102 judge is unopposed and shall determine the total qualifying fees
 103 that were paid by those judges pursuant to subsection (3). That
 104 sum shall be paid from the Elections Commission Trust Fund to
 105 The Florida Bar Foundation to be used by the foundation through
 106 the Law Student Assistance Grant Program for scholarships to be
 107 awarded to promising female and minority law students who attend
 108 a law school in this state and who have expressed a desire to
 109 seek judicial office in the future.

110 Section 3. Paragraph (a) of subsection (1), paragraphs (b)
 111 and (c) of subsection (2), and subsection (5) of section 440.45,
 112 Florida Statutes, are amended to read:

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113 440.45 Office of the Judges of Compensation Claims.—
114 (1) (a) There is created the Office of the Judges of
115 Compensation Claims within the Department of Management
116 Services. The Office of the Judges of Compensation Claims shall
117 be headed by the Deputy Chief Judge of Compensation Claims. The
118 Deputy Chief Judge shall report to the director of the Division
119 of Administrative Hearings. The Deputy Chief Judge shall be
120 appointed by the Governor for a term of 4 years ~~from a list of~~
121 ~~three names submitted by the statewide nominating commission~~
122 ~~created under subsection (2)~~. The Deputy Chief Judge must
123 demonstrate prior administrative experience and possess the same
124 qualifications for appointment as a judge of compensation
125 claims, and the procedure for reappointment of the Deputy Chief
126 Judge will be the same as for reappointment of a judge of
127 compensation claims. The office shall be a separate budget
128 entity and the director of the Division of Administrative
129 Hearings shall be its agency head for all purposes, including,
130 but not limited to, rulemaking pursuant to subsection (4) and
131 establishing agency policies and procedures. The Department of
132 Management Services shall provide administrative support and
133 service to the office to the extent requested by the director of
134 the Division of Administrative Hearings but shall not direct,
135 supervise, or control the Office of the Judges of Compensation
136 Claims in any manner, including, but not limited to, personnel,
137 purchasing, budgetary matters, or property transactions. The
138 operating budget of the Office of the Judges of Compensation
139 Claims shall be paid out of the Workers' Compensation
140 Administration Trust Fund established in s. 440.50.

141 (2)
 142 (b) Except as provided in paragraph (c), the Governor
 143 shall appoint a judge of compensation claims from a list of
 144 three persons nominated by the judicial ~~a statewide~~ nominating
 145 commission for the First District Court of Appeal. ~~The statewide~~
 146 ~~nominating commission shall be composed of the following:~~

147 ~~1. Five members, at least one of whom must be a member of~~
 148 ~~a minority group as defined in s. 288.703, one of each who~~
 149 ~~resides in each of the territorial jurisdictions of the district~~
 150 ~~courts of appeal, appointed by the Board of Governors of The~~
 151 ~~Florida Bar from among The Florida Bar members who are engaged~~
 152 ~~in the practice of law. On July 1, 1999, the term of office of~~
 153 ~~each person appointed by the Board of Governors of The Florida~~
 154 ~~Bar to the commission expires. The Board of Governors shall~~
 155 ~~appoint members who reside in the odd-numbered district court of~~
 156 ~~appeal jurisdictions to 4-year terms each, beginning July 1,~~
 157 ~~1999, and members who reside in the even-numbered district court~~
 158 ~~of appeal jurisdictions to 2-year terms each, beginning July 1,~~
 159 ~~1999. Thereafter, each member shall be appointed for a 4-year~~
 160 ~~term;~~

161 ~~2. Five electors, at least one of whom must be a member of~~
 162 ~~a minority group as defined in s. 288.703, one of each who~~
 163 ~~resides in each of the territorial jurisdictions of the district~~
 164 ~~courts of appeal, appointed by the Governor. On July 1, 1999,~~
 165 ~~the term of office of each person appointed by the Governor to~~
 166 ~~the commission expires. The Governor shall appoint members who~~
 167 ~~reside in the odd-numbered district court of appeal~~
 168 ~~jurisdictions to 2-year terms each, beginning July 1, 1999, and~~

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169 ~~members who reside in the even-numbered district court of appeal~~
170 ~~jurisdictions to 4-year terms each, beginning July 1, 1999.~~
171 ~~Thereafter, each member shall be appointed for a 4-year term;~~
172 ~~and~~

173 ~~3. Five electors, at least one of whom must be a member of~~
174 ~~a minority group as defined in s. 288.703, one of each who~~
175 ~~resides in the territorial jurisdictions of the district courts~~
176 ~~of appeal, selected and appointed by a majority vote of the~~
177 ~~other 10 members of the commission. On October 1, 1999, the term~~
178 ~~of office of each person appointed to the commission by its~~
179 ~~other members expires. A majority of the other members of the~~
180 ~~commission shall appoint members who reside in the odd-numbered~~
181 ~~district court of appeal jurisdictions to 2-year terms each,~~
182 ~~beginning October 1, 1999, and members who reside in the even-~~
183 ~~numbered district court of appeal jurisdictions to 4-year terms~~
184 ~~each, beginning October 1, 1999. Thereafter, each member shall~~
185 ~~be appointed for a 4-year term.~~

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187 ~~A vacancy occurring on the commission shall be filled by the~~
188 ~~original appointing authority for the unexpired balance of the~~
189 ~~term. No attorney who appears before any judge of compensation~~
190 ~~claims more than four times a year is eligible to serve on the~~
191 ~~statewide nominating commission. The meetings and determinations~~
192 ~~of the nominating commission as to the judges of compensation~~
193 ~~claims shall be open to the public.~~

194 ~~(c) Each judge of compensation claims shall be appointed~~
195 ~~for a term of 4 years, but during the term of office may be~~
196 ~~removed by the Governor for cause. Prior to the expiration of a~~

197 judge's term of office, the statewide nominating commission
 198 shall review the judge's conduct and determine whether the
 199 judge's performance is satisfactory. Effective July 1, 2002, in
 200 determining whether a judge's performance is satisfactory, the
 201 commission shall consider the extent to which the judge has met
 202 the requirements of this chapter, including, but not limited to,
 203 the requirements of ss. 440.25(1) and (4)(a)-(e), 440.34(2), and
 204 440.442. If the judge's performance is deemed satisfactory, the
 205 commission shall report its finding to the Governor no later
 206 than 6 months prior to the expiration of the judge's term of
 207 office. The Governor shall review the commission's report and
 208 may reappoint the judge for an additional 4-year term. If the
 209 Governor does not reappoint the judge, the Governor shall inform
 210 the commission. The judge shall remain in office until the
 211 Governor has appointed a successor judge in accordance with
 212 paragraphs (a) and (b). If a vacancy occurs during a judge's
 213 unexpired term, ~~the statewide nominating commission does not~~
 214 ~~find the judge's performance is satisfactory,~~ or the Governor
 215 does not reappoint the judge, the Governor shall appoint a
 216 successor judge for a term of 4 years in accordance with
 217 paragraph (b).

218 (5) Not later than December 1 of each year, the Office of
 219 the Judges of Compensation Claims shall issue a written report
 220 to the Governor, the House of Representatives, the Senate, and
 221 The Florida Bar, ~~and the statewide nominating commission~~
 222 summarizing the amount, cost, and outcome of all litigation
 223 resolved in the previous fiscal year; summarizing the
 224 disposition of mediation conferences, the number of mediation

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225 conferences held, the number of continuances granted for
226 mediations and final hearings, the number and outcome of
227 litigated cases, the amount of attorney's fees paid in each case
228 according to order year and accident year, and the number of
229 final orders not issued within 30 days after the final hearing
230 or closure of the hearing record; and recommending changes or
231 improvements to the dispute resolution elements of the Workers'
232 Compensation Law and regulations. If the Deputy Chief Judge
233 finds that judges generally are unable to meet a particular
234 statutory requirement for reasons beyond their control, the
235 Deputy Chief Judge shall submit such findings and any
236 recommendations to the Legislature.

237 Section 4. This act shall take effect July 1, 2012.