

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.

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:

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~~

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



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.