

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; providing
17 an appropriation; amending s. 440.45, F.S.; providing
18 that the judicial nominating commission for the First
19 District Court of Appeal will nominate persons to the
20 Office of the Judges of Compensation Claims; deleting
21 provisions creating a nominating commission solely for
22 the Office of the Judges of Compensation Claims;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsections (1), (3), and (5) of section
28 43.291, Florida Statutes, are amended to read:

29 | 43.291 Judicial nominating commissions.—

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

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

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

54 | (b) Each expired term or vacancy shall be filled by
 55 | appointment in the same manner as the member whose position is
 56 | being filled.

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

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

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

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

75
76 Every subsequent appointment of a member selected from a list of
77 nominees provided by the Board of Governors of The Florida Bar,
78 except an appointment to fill a vacant, unexpired term, shall be
79 for 4 years. ~~Each expired term or vacancy shall be filled by~~
80 ~~appointment in the same manner as the member whose position is~~
81 ~~being filled.~~

82 (5) A member of a judicial nominating commission may be
83 suspended for cause by the Governor ~~pursuant to uniform rules of~~
84 ~~procedure established by the Executive Office of the Governor~~

85 consistent with s. 7, ~~of~~ Art. IV of the State Constitution.

86 Section 2. The sum of \$500,000 in recurring funds from the
 87 General Revenue Fund is appropriated to the Justice
 88 Administrative Commission in a Grants and Aids appropriation
 89 category to grant to the Florida Bar Foundation, Law Student
 90 Assistance Grant Program, for scholarships for promising female
 91 and minority law students who attend a law school in this state
 92 and who have expressed a desire to seek judicial office in the
 93 future.

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

97 440.45 Office of the Judges of Compensation Claims.—

98 (1) (a) There is created the Office of the Judges of
 99 Compensation Claims within the Department of Management
 100 Services. The Office of the Judges of Compensation Claims shall
 101 be headed by the Deputy Chief Judge of Compensation Claims. The
 102 Deputy Chief Judge shall report to the director of the Division
 103 of Administrative Hearings. The Deputy Chief Judge shall be
 104 appointed by the Governor for a term of 4 years ~~from a list of~~
 105 ~~three names submitted by the statewide nominating commission~~
 106 ~~created under subsection (2).~~ The Deputy Chief Judge must
 107 demonstrate prior administrative experience and possess the same
 108 qualifications for appointment as a judge of compensation
 109 claims, and the procedure for reappointment of the Deputy Chief
 110 Judge will be the same as for reappointment of a judge of
 111 compensation claims. The office shall be a separate budget
 112 entity and the director of the Division of Administrative

113 Hearings shall be its agency head for all purposes, including,
 114 but not limited to, rulemaking pursuant to subsection (4) and
 115 establishing agency policies and procedures. The Department of
 116 Management Services shall provide administrative support and
 117 service to the office to the extent requested by the director of
 118 the Division of Administrative Hearings but shall not direct,
 119 supervise, or control the Office of the Judges of Compensation
 120 Claims in any manner, including, but not limited to, personnel,
 121 purchasing, budgetary matters, or property transactions. The
 122 operating budget of the Office of the Judges of Compensation
 123 Claims shall be paid out of the Workers' Compensation
 124 Administration Trust Fund established in s. 440.50.

125 (2)

126 (b) Except as provided in paragraph (c), the Governor
 127 shall appoint a judge of compensation claims from a list of
 128 three persons nominated by the judicial ~~a statewide~~ nominating
 129 commission for the First District Court of Appeal. ~~The statewide~~
 130 ~~nominating commission shall be composed of the following:~~

131 ~~1. Five members, at least one of whom must be a member of~~
 132 ~~a minority group as defined in s. 288.703, one of each who~~
 133 ~~resides in each of the territorial jurisdictions of the district~~
 134 ~~courts of appeal, appointed by the Board of Governors of The~~
 135 ~~Florida Bar from among The Florida Bar members who are engaged~~
 136 ~~in the practice of law. On July 1, 1999, the term of office of~~
 137 ~~each person appointed by the Board of Governors of The Florida~~
 138 ~~Bar to the commission expires. The Board of Governors shall~~
 139 ~~appoint members who reside in the odd-numbered district court of~~
 140 ~~appeal jurisdictions to 4 year terms each, beginning July 1,~~

141 ~~1999, and members who reside in the even-numbered district court~~
142 ~~of appeal jurisdictions to 2-year terms each, beginning July 1,~~
143 ~~1999. Thereafter, each member shall be appointed for a 4-year~~
144 ~~term;~~

145 ~~2. Five electors, at least one of whom must be a member of~~
146 ~~a minority group as defined in s. 288.703, one of each who~~
147 ~~resides in each of the territorial jurisdictions of the district~~
148 ~~courts of appeal, appointed by the Governor. On July 1, 1999,~~
149 ~~the term of office of each person appointed by the Governor to~~
150 ~~the commission expires. The Governor shall appoint members who~~
151 ~~reside in the odd-numbered district court of appeal~~
152 ~~jurisdictions to 2-year terms each, beginning July 1, 1999, and~~
153 ~~members who reside in the even-numbered district court of appeal~~
154 ~~jurisdictions to 4-year terms each, beginning July 1, 1999.~~
155 ~~Thereafter, each member shall be appointed for a 4-year term;~~
156 ~~and~~

157 ~~3. Five electors, at least one of whom must be a member of~~
158 ~~a minority group as defined in s. 288.703, one of each who~~
159 ~~resides in the territorial jurisdictions of the district courts~~
160 ~~of appeal, selected and appointed by a majority vote of the~~
161 ~~other 10 members of the commission. On October 1, 1999, the term~~
162 ~~of office of each person appointed to the commission by its~~
163 ~~other members expires. A majority of the other members of the~~
164 ~~commission shall appoint members who reside in the odd-numbered~~
165 ~~district court of appeal jurisdictions to 2-year terms each,~~
166 ~~beginning October 1, 1999, and members who reside in the even-~~
167 ~~numbered district court of appeal jurisdictions to 4-year terms~~
168 ~~each, beginning October 1, 1999. Thereafter, each member shall~~

169 ~~be appointed for a 4-year term.~~

170
171 ~~A vacancy occurring on the commission shall be filled by the~~
172 ~~original appointing authority for the unexpired balance of the~~
173 ~~term. No attorney who appears before any judge of compensation~~
174 ~~claims more than four times a year is eligible to serve on the~~
175 ~~statewide nominating commission. The meetings and determinations~~
176 ~~of the nominating commission as to the judges of compensation~~
177 ~~claims shall be open to the public.~~

178 (c) Each judge of compensation claims shall be appointed
179 for a term of 4 years, but during the term of office may be
180 removed by the Governor for cause. Prior to the expiration of a
181 judge's term of office, the ~~statewide~~ nominating commission
182 shall review the judge's conduct and determine whether the
183 judge's performance is satisfactory. Effective July 1, 2002, in
184 determining whether a judge's performance is satisfactory, the
185 commission shall consider the extent to which the judge has met
186 the requirements of this chapter, including, but not limited to,
187 the requirements of ss. 440.25(1) and (4)(a)-(e), 440.34(2), and
188 440.442. If the judge's performance is deemed satisfactory, the
189 commission shall report its finding to the Governor no later
190 than 6 months prior to the expiration of the judge's term of
191 office. The Governor shall review the commission's report and
192 may reappoint the judge for an additional 4-year term. If the
193 Governor does not reappoint the judge, the Governor shall inform
194 the commission. The judge shall remain in office until the
195 Governor has appointed a successor judge in accordance with
196 paragraphs (a) and (b). If a vacancy occurs during a judge's

197 unexpired term, ~~the statewide nominating commission does not~~
198 ~~find the judge's performance is satisfactory,~~ or the Governor
199 does not reappoint the judge, the Governor shall appoint a
200 successor judge for a term of 4 years in accordance with
201 paragraph (b).

202 (5) Not later than December 1 of each year, the Office of
203 the Judges of Compensation Claims shall issue a written report
204 to the Governor, the House of Representatives, the Senate, and
205 The Florida Bar, ~~and the statewide nominating commission~~
206 summarizing the amount, cost, and outcome of all litigation
207 resolved in the previous fiscal year; summarizing the
208 disposition of mediation conferences, the number of mediation
209 conferences held, the number of continuances granted for
210 mediations and final hearings, the number and outcome of
211 litigated cases, the amount of attorney's fees paid in each case
212 according to order year and accident year, and the number of
213 final orders not issued within 30 days after the final hearing
214 or closure of the hearing record; and recommending changes or
215 improvements to the dispute resolution elements of the Workers'
216 Compensation Law and regulations. If the Deputy Chief Judge
217 finds that judges generally are unable to meet a particular
218 statutory requirement for reasons beyond their control, the
219 Deputy Chief Judge shall submit such findings and any
220 recommendations to the Legislature.

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