

By Senator Bean

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1 A bill to be entitled
2 An act relating to judicial nominating commissions;
3 amending s. 43.291, F.S.; deleting a provision
4 requiring that commission members who are members of
5 The Florida Bar be engaged in the practice of law;
6 requiring the President of the Senate and the Speaker
7 of the House of Representatives to submit a certain
8 number of nominees to the Governor; deleting a
9 requirement that the Board of Governors of The Florida
10 Bar submit to the Governor recommended nominees for
11 commission membership; deleting a provision
12 authorizing the Governor to reject all of the nominees
13 of the Board of Governors of The Florida Bar;
14 specifying the process for submitting nominations for
15 appointees who previously were appointed by the Board
16 of Governors of The Florida Bar; deleting obsolete
17 provisions; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (a) of subsection (1) and subsection
22 (3) of section 43.291, Florida Statutes, are amended to read:

23 43.291 Judicial nominating commissions.—

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

26 (a) Four members of The Florida Bar, appointed by the
27 Governor, ~~who are engaged in the practice of law,~~ each of whom
28 is a resident of the territorial jurisdiction served by the
29 commission to which the member is appointed. For each of these

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30 positions, the President of the Senate or the Speaker of the
31 House of Representatives ~~The Board of Governors of The Florida~~
32 ~~Bar~~ shall submit to the Governor no fewer than three but no more
33 than six recommended nominees pursuant to subsection (3) ~~for~~
34 ~~each position~~. The Governor shall select the appointee from the
35 list of nominees recommended for that position, ~~but the Governor~~
36 ~~may reject all of the nominees recommended for a position and~~
37 ~~request that the Board of Governors submit a new list of three~~
38 ~~different recommended nominees for that position who have not~~
39 ~~been previously recommended by the Board of Governors.~~

40 (3) Notwithstanding any other provision of this section,
41 each current member of a judicial nominating commission
42 ~~appointed directly by the Board of Governors of The Florida Bar~~
43 shall serve the remainder of his or her term, unless removed for
44 cause. ~~The terms of all other members of a judicial nominating~~
45 ~~commission are hereby terminated, and the Governor shall appoint~~
46 ~~new members to each judicial nominating commission in the~~
47 ~~following manner:~~

48 (a) For nominations to the Supreme Court Judicial
49 Nominating Commission, the President of the Senate shall submit
50 nominations for the first and third positions that become vacant
51 to fill positions that previously were held by Board of
52 Governors of The Florida Bar nominees and the Speaker of the
53 House of Representatives shall submit nominations for the second
54 and fourth positions that become vacant.

55 (b) For nominations to the other judicial nominating
56 commissions:

57 1. For each even-numbered district court or circuit court,
58 the President of the Senate shall submit nominations for the

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59 first and third positions that become vacant to fill positions
60 that previously were held by Board of Governor nominees and the
61 Speaker of the House of Representatives shall submit nominations
62 for the second and fourth positions that become vacant.

63 2. For each odd-numbered district court or circuit court,
64 the Speaker of the House of Representatives shall submit
65 nominations for the first and third positions that become vacant
66 to fill positions that previously were held by Board of Governor
67 nominees, and the President of the Senate shall submit
68 nominations for the second and fourth positions that become
69 vacant.

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

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

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

76
77 Every ~~subsequent~~ appointment, except an appointment to fill a
78 vacant, unexpired term, shall be for 4 years. Each subsequent
79 expired term or vacancy shall be filled by appointment in the
80 same manner as the member whose position is being filled.

81 Section 2. This act shall take effect July 1, 2018.