

By Senator Joyner

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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.; providing for the Board of
4 Governors of The Florida Bar rather than the Governor
5 to appoint members of judicial nominating commissions;
6 requiring that each judicial nominating commission
7 satisfy certain prerequisites for racial and gender
8 diversity; providing for the prerequisites to be
9 satisfied over a period of time; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 43.291, Florida Statutes, is amended to
15 read:

16 43.291 Judicial nominating commissions.—

17 (1) Each judicial nominating commission shall be composed
18 of the following ~~members~~:

19 (a) Three ~~Four~~ members, at least one of whom must be a
20 member of a racial or ethnic minority group or a woman,
21 appointed by the Board of Governors of The Florida Bar from
22 among members of The Florida Bar, ~~appointed by the Governor,~~ who
23 are actively engaged in the practice of law and have offices
24 within, ~~each of whom is a resident of the territorial~~
25 jurisdiction of the affected court or in the district or
26 circuit; served by the commission to which the member is
27 ~~appointed. The Board of Governors of The Florida Bar shall~~
28 ~~submit to the Governor three recommended nominees for each~~
29 ~~position. The Governor shall select the appointee from the list~~

18-01041-11

2011856

30 ~~of nominees recommended for that position, but the Governor may~~
31 ~~reject all of the nominees recommended for a position and~~
32 ~~request that the Board of Governors submit a new list of three~~
33 ~~different recommended nominees for that position who have not~~
34 ~~been previously recommended by the Board of Governors.~~

35 (b) Three electors, at least one of whom must be a member
36 of a racial or ethnic minority group or a woman, who reside in
37 the territorial jurisdiction of the court or in the circuit,
38 appointed by the Governor; and ~~Five members appointed by the~~
39 ~~Governor, each of whom is a resident of the territorial~~
40 ~~jurisdiction served by the commission to which the member is~~
41 ~~appointed, of which at least two are members of The Florida Bar~~
42 ~~engaged in the practice of law.~~

43 (c) Three electors, at least one of whom must be a member
44 of a racial or ethnic minority group or a woman, who reside in
45 the territorial jurisdiction of the court or in the circuit, and
46 who are not members of The Florida Bar, selected and appointed
47 by a majority vote of the other six members of the commission.

48 (2) A justice or judge may not be a member of a judicial
49 nominating commission. A member of a judicial nominating
50 commission may hold public office other than judicial office. A
51 member of a judicial nominating commission is not eligible for
52 appointment, during his or her term of office and for a period
53 of 2 years thereafter, to any state judicial office for which
54 that commission has the authority to make nominations. All acts
55 of a judicial nominating commission must be made with a
56 concurrence of a majority of its members.

57 (3) Notwithstanding any other provision of this section,
58 each current member of a judicial nominating commission

18-01041-11

2011856

59 appointed directly by the Board of Governors of The Florida Bar
60 shall serve the remainder of his or her term, unless removed for
61 cause. The terms of all other members of a judicial nominating
62 commission are hereby terminated, and the Governor shall appoint
63 new members to each judicial nominating commission in the
64 following manner:

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

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

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

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72 Every subsequent appointment, except an appointment to fill a
73 vacant, unexpired term, shall be for 4 years. Each expired term
74 or vacancy shall be filled by appointment in the same manner as
75 the member whose position is being filled.

76 (4) In making an appointment, the Governor shall seek to
77 ensure that, to the extent possible, the membership of the
78 commission reflects the racial, ethnic, and gender diversity, as
79 well as the geographic distribution, of the population within
80 the territorial jurisdiction of the court for which nominations
81 will be considered. The Governor shall also consider the
82 adequacy of representation of each county within the judicial
83 circuit.

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

18-01041-11

2011856__

88 (6) A quorum of the judicial nominating commission is
89 necessary to take any action or transact any business. For
90 purposes of this section, a quorum consists of a majority of
91 commission members currently appointed.

92 (7) The Executive Office of the Governor shall provide all
93 administrative support for each judicial nominating commission.
94 The Executive Office of the Governor shall adopt rules necessary
95 to administer this section.

96 Section 2. If, on July 1, 2011, the composition of a
97 judicial nominating commission does not comply with s.
98 43.291(1), Florida Statutes, at least every other appointment to
99 that commission must be a member of a racial or ethnic minority
100 group or a woman until the diversity requirements of s.
101 43.291(1), Florida Statutes, are satisfied.

102 Section 3. This act shall take effect July 1, 2011.