

By Senator Simmons

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1 A bill to be entitled
2 An act relating to the judiciary; amending s. 25.073,
3 F.S.; providing that if a retired justice or judge is
4 assigned to temporary duty, such assignment does not
5 affect his or her eligibility for benefits under the
6 Florida Retirement System; amending s. 43.291, F.S.;
7 revising requirements for the appointment of members
8 of judicial nominating commissions; providing that,
9 with the exception of members selected from a list of
10 nominees provided by the Board of Governors of The
11 Florida Bar, a current member of a judicial nominating
12 commission appointed by the Governor serves at the
13 pleasure of the Governor; providing for each expired
14 term or vacancy to be filled by appointment in the
15 same manner as the member whose position is being
16 filled; deleting obsolete provisions; deleting a
17 requirement that the Executive Office of the Governor
18 establish uniform rules of procedure consistent with
19 the State Constitution when suspending for cause a
20 member of a judicial nominating commission; providing
21 an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (4) is added to section 25.073,
26 Florida Statutes, to read:

27 25.073 Retired justices or judges assigned to temporary
28 duty; additional compensation; appropriation.—

29 (4) For a retired judge who has reached his or her normal

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30 retirement age or date under chapter 121 and who has consented
31 to temporary duty in any court, as assigned by the Chief Justice
32 of the Supreme Court in accordance with s. 2, Art. V of the
33 State Constitution:

34 (a) The definition of the term "termination" in s. 121.021
35 does not apply, and termination occurs when the judge ceases all
36 permanent, nontemporary, active duty as a judge, and retires
37 from the Florida Retirement System.

38 (b) Section 121.091(9)(c) does not apply, and such
39 temporary duty is not considered reemployment or employment
40 after retirement for purposes of chapter 121, and renewed
41 membership in the Florida Retirement System is not allowed.

42 Section 2. Subsections (1), (3), and (5) of section 43.291,
43 Florida Statutes, are amended to read:

44 43.291 Judicial nominating commissions.—

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

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

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

68 (c) Each expired term or vacancy shall be filled by
69 appointment in the same manner as the member whose position is
70 being filled.

71 (3) Notwithstanding any other provision of this section,
72 each current member of a judicial nominating commission selected
73 from a list of nominees provided ~~appointed directly~~ by the Board
74 of Governors of The Florida Bar shall serve the remainder of his
75 or her term, unless removed for cause. ~~The terms of all other~~
76 ~~members of a judicial nominating commission are hereby~~
77 ~~terminated, and the Governor shall appoint new Members~~ selected
78 from a list of nominees provided by the Board of Governors of
79 The Florida Bar shall serve terms ~~to each judicial nominating~~
80 ~~commission~~ in the following manner:

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

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

87 (c) One appointment ~~Two appointments~~ for a term ~~terms~~

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88 ending July 1, 2015 2004.

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90 Every subsequent appointment of a member selected from a list of
91 nominees provided by the Board of Governors of The Florida Bar,
92 except an appointment to fill a vacant, unexpired term, shall be
93 for 4 years. ~~Each expired term or vacancy shall be filled by~~
94 ~~appointment in the same manner as the member whose position is~~
95 ~~being filled.~~

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

100 Section 3. This act shall take effect July 1, 2012.