

By Senator Simmons

22-01468B-12

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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:

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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.