

1 A bill to be entitled
2 An act relating to judicial nominating commissions;
3 amending s. 43.291, F.S.; revising the composition of
4 judicial nominating commissions; establishing
5 additional restrictions regarding commission members;
6 terminating the terms of commission members as of a
7 specified date; providing for initial appointments and
8 staggered terms for the reconstituted commissions;
9 prohibiting a commission member from serving more than
10 two full terms; providing an exception; requiring
11 appointing authorities to consider certain attributes
12 in making appointments to ensure diversity on
13 commissions; requiring appointing authorities to
14 collect and release certain demographic data regarding
15 commission members and applicants to commissions;
16 specifying circumstances under which a commission
17 member may not vote on a matter and must disclose a
18 conflict; requiring a commission member to complete an
19 educational course after his or her appointment;
20 prescribing minimum requirements for the course;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:
24

25 Section 1. Section 43.291, Florida Statutes, is amended to

26 read:

27 43.291 Judicial nominating commissions.—

28 (1) Each judicial nominating commission is ~~shall be~~
 29 composed of the following members:

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

42 (b) Three ~~Five~~ members appointed by the Governor, each of
 43 whom is a resident of the territorial jurisdiction served by the
 44 commission to which the member is appointed, of which only at
 45 ~~least two~~ may be ~~are~~ members of The Florida Bar engaged in the
 46 practice of law.

47 (c) Three members, each of whom is a resident of the
 48 territorial jurisdiction served by the commission to which the
 49 member is appointed, and who are not members of The Florida Bar
 50 and are not engaged in the practice of law, selected and

51 appointed by a majority vote of the members of the commission
52 appointed pursuant to paragraphs (a) and (b).

53

54 No more than five members of each commission may be of the same
55 political party.

56 (2) A member of a judicial nominating commission may not:

57 (a) Serve as a member of more than one judicial nominating
58 commission at the same time.

59 (b) Serve as a member of the Judicial Qualifications
60 Commission at any time during which the member serves on a
61 judicial nominating commission.

62 (c) Hold any elective or appointive state, federal, or
63 other political office while serving on a judicial nominating
64 commission.

65 (d) Be appointed to any state judicial office for 2 years
66 after his or her term on the judicial nominating commission
67 ~~expires justice or judge may not be a member of a judicial~~
68 ~~nominating commission. A member of a judicial nominating~~
69 ~~commission may hold public office other than judicial office. A~~
70 ~~member of a judicial nominating commission is not eligible for~~
71 ~~appointment, during his or her term of office and for a period~~
72 ~~of 2 years thereafter, to any state judicial office for which~~
73 ~~that commission has the authority to make nominations.~~

74 (3) All acts of a judicial nominating commission must be
75 made with a concurrence of a majority of its members.

76 (4)-(3) Effective July 1, 2018, the terms of all members of
77 judicial nominating commissions are terminated. In order to
78 achieve staggered terms, new members to judicial nominating
79 commissions shall be initially appointed in the following
80 manner:

81 (a) One appointment for a term ending July 1, 2019, for
82 each appointing authority listed under paragraphs (1)(a), (b),
83 and (c).

84 (b) One appointment for a term ending July 1, 2020, for
85 each appointing authority listed under paragraphs (1)(a), (b),
86 and (c).

87 (c) One appointment for a term ending July 1, 2021, for
88 each appointing authority listed under paragraphs (1)(a), (b),
89 and (c) Notwithstanding any other provision of this section,
90 each current member of a judicial nominating commission
91 appointed directly by the Board of Governors of The Florida Bar
92 shall serve the remainder of his or her term, unless removed for
93 cause. The terms of all other members of a judicial nominating
94 commission are hereby terminated, and the Governor shall appoint
95 new members to each judicial nominating commission in the
96 following manner:

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

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101 ~~(b) Two appointments for terms ending July 1, 2003; and~~
102 ~~(c) Two appointments for terms ending July 1, 2004.~~

103
104 Every subsequent appointment, except an appointment to fill a
105 vacant, unexpired term, shall be for 4 years. Each expired term
106 or vacancy shall be filled by appointment in the same manner as
107 the member whose position is being filled. A member of any
108 judicial nominating commission may not serve more than two full
109 terms, which does not include any balance remaining on an
110 unexpired term if the initial appointment was to fill a vacancy.

111 ~~(5)-(4)~~ In making an appointment, the Governor, the Board
112 of Governors of The Florida Bar, and members of the judicial
113 nominating commissions shall seek to ensure that, ~~to the extent~~
114 ~~possible,~~ the membership of the commission reflects the ~~racial,~~
115 ~~ethnic, and gender~~ diversity as to ethnicity, race, disability,
116 veteran status, gender, gender identity, sexual orientation, and
117 ~~as well as the geographic distribution,~~ of the population within
118 the territorial jurisdiction of the court for which nominations
119 will be considered. The Governor, the Board of Governors of The
120 Florida Bar, and members of the judicial nominating commissions
121 shall also consider the adequacy of representation of each
122 county within the judicial circuit.

123 (a) The Executive Office of the Governor shall collect and
124 release annually, on an aggregate statewide and commission-level
125 basis, the demographic data provided by all members of judicial

126 nominating commissions and all applicants to a judicial
127 nominating commission received by the Governor relative to
128 ethnicity, race, disability, veteran status, gender, gender
129 identity, and sexual orientation.

130 (b) The Board of Governors of The Florida Bar shall
131 collect and release annually, on an aggregate statewide and
132 commission-level basis, the demographic data provided by all
133 members of judicial nominating commissions and all applicants to
134 a judicial nominating commission received by the Board of
135 Governors of The Florida Bar relative to ethnicity, race,
136 disability, veteran status, gender, gender identity, and sexual
137 orientation.

138 (c) The judicial nominating commissions shall collect and
139 release annually, on a commission-level basis, the demographic
140 data provided by all members of that judicial nominating
141 commission and all applicants to a judicial nominating
142 commission received by the members of the respective commission
143 relative to ethnicity, race, disability, veteran status, gender,
144 gender identity, and sexual orientation.

145 (d) Demographic data of members of judicial nominating
146 commissions and applicants shall be collected through anonymous
147 surveys and released in the statistical aggregate.

148 (6) A member may not vote on any matter in which he or she
149 has a substantial personal or pecuniary interest. Any member who
150 believes that his or her personal or business relationship to

151 any applicant for a judicial vacancy might prevent the member
152 from fairly and objectively considering the qualifications of
153 that applicant, or might otherwise involve a conflict of
154 interest or create the appearance thereof, shall disclose the
155 circumstances of the actual or apparent conflict to the
156 commission and shall recuse himself or herself from discussing
157 or voting on the nomination of that applicant.

158 (7)-(5) A member of a judicial nominating commission may be
159 suspended for cause by the Governor pursuant to uniform rules of
160 procedure established by the Executive Office of the Governor
161 consistent with s. 7 of Art. IV of the State Constitution.

162 (8)-(6) A quorum of the judicial nominating commission is
163 necessary to take any action or transact any business. For
164 purposes of this section, a quorum consists of a majority of
165 commission members currently appointed.

166 (9) Within the first 6 months of appointment, each member
167 of a judicial nominating commission shall complete an
168 educational course designed to familiarize a member with the
169 rules of procedure of the judicial nominating commission to
170 which the member is appointed. In addition, the educational
171 course must include content on implicit bias in order to educate
172 members about the science surrounding bias and how to develop a
173 nominating process that is as free from bias as possible.

174 (10)-(7) The Executive Office of the Governor shall provide
175 all administrative support for each judicial nominating

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176 | commission.

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