

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; requiring  
13          appointing authorities to collect and release certain  
14          demographic data regarding commission members and  
15          applicants for commission membership; requiring that  
16          such demographic data be collected through anonymous  
17          surveys and released in the statistical aggregate;  
18          specifying circumstances under which a commission  
19          member may not vote on a matter and must disclose a  
20          conflict; requiring a commission member to complete an  
21          educational course after his or her appointment;  
22          prescribing minimum requirements for the course;  
23          providing an effective date.

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25   Be It Enacted by the Legislature of the State of Florida:

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

43.291 Judicial nominating commissions.—

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

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

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

(c) Three members, each of whom is a resident of the

51 territorial jurisdiction served by the commission to which the  
52 member is appointed, who are not members of The Florida Bar and  
53 are not engaged in the practice of law, selected and appointed  
54 by a majority vote of the members of the commission appointed  
55 pursuant to paragraphs (a) and (b).

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57 Not more than five members of each commission may be of the same  
58 political party.

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

60 (a) Concurrently serve as a member of more than one  
61 judicial nominating commission.

62 (b) Concurrently serve as a member of the Judicial  
63 Qualifications Commission and a term of office on a judicial  
64 nominating commission.

65 (c) Concurrently hold any elective or appointive state,  
66 federal, or other political office and serve on a judicial  
67 nominating commission.

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

76 ~~for which that commission has the authority to make nominations.~~

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

79 (4)-(3) Effective July 1, 2021, the terms of all members of  
80 judicial nominating commissions are terminated. In order to  
81 achieve staggered terms, new members to judicial nominating  
82 commissions must be initially appointed in the following manner:

83 (a) One appointment for a term ending July 1, 2022, for  
84 each appointing authority specified in paragraphs (1)(a), (b),  
85 and (c).

86 (b) One appointment for a term ending July 1, 2023, for  
87 each appointing authority specified in paragraphs (1)(a), (b),  
88 and (c).

89 (c) One appointment for a term ending July 1, 2024, for  
90 each appointing authority specified in paragraphs (1)(a), (b),  
91 and (c) Notwithstanding any other provision of this section,  
92 ~~each current member of a judicial nominating commission~~  
93 ~~appointed directly by the Board of Governors of The Florida Bar~~  
94 ~~shall serve the remainder of his or her term, unless removed for~~  
95 ~~cause. The terms of all other members of a judicial nominating~~  
96 ~~commission are hereby terminated, and the Governor shall appoint~~  
97 ~~new members to each judicial nominating commission in the~~  
98 ~~following manner:~~

99 ~~(a) Two appointments for terms ending July 1, 2002, one of~~  
100 ~~which shall be an appointment selected from nominations~~

101 ~~submitted by the Board of Governors of The Florida Bar pursuant~~  
 102 ~~to paragraph (1) (a);~~

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

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

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

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

125 (a) The Executive Office of the Governor shall collect and

126 release annually, on an aggregate statewide and commission-level  
127 basis, the demographic data provided by all members of judicial  
128 nominating commissions and all applicants for membership on a  
129 judicial nominating commission received by the Governor relative  
130 to ethnicity, race, disability, veteran status, gender, gender  
131 identity, and sexual orientation.

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

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

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

150 (6) A member may not vote on any matter in which he or she

151 has a substantial personal or pecuniary interest. Any member who  
152 believes that his or her personal or business relationship to  
153 any applicant for a judicial vacancy might prevent the member  
154 from fairly and objectively considering the qualifications of  
155 that applicant, or might otherwise involve a conflict of  
156 interest or create the appearance thereof, shall disclose the  
157 circumstances of the actual or apparent conflict to the  
158 commission and shall recuse himself or herself from discussing  
159 or voting on the nomination of that applicant.

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

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

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

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176 | possible.

177 |        ~~(10)(7)~~ The Executive Office of the Governor shall provide  
178 | all administrative support for each judicial nominating  
179 | commission.

180 |        Section 2. This act shall take effect July 1, 2021.