

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 on a date  
7           certain; 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          people considered for commission membership; requiring  
16          that such demographic data be collected through  
17          anonymous surveys and released in the statistical  
18          aggregate; specifying circumstances under which a  
19          commission member may not vote on a matter and must  
20          disclose a conflict; requiring a commission member to  
21          complete an educational course after his or her  
22          appointment; prescribing minimum requirements for the  
23          course; 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 appointed by a majority vote of the

51 members of the commission appointed pursuant to paragraphs (a)  
52 and (b), each of whom is a resident of the territorial court or  
53 circuit served by the commission to which the member is  
54 appointed, who is not a member of The Florida Bar, and is not  
55 engaged in the practice of law.

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57 No more than five members of a 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 as a member of a judicial  
64 nominating commission.

65 (c) Concurrently hold an elective or appointive state,  
66 federal, or other political office and serve as a member of a  
67 judicial 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~~

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

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

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

(a) One appointment for a term ending July 1, 2022, for each appointing authority specified in subsection (1).

(b) One appointment for a term ending July 1, 2023, for each appointing authority specified in subsection (1).

(c) One appointment for a term ending July 1, 2024, for each appointing authority specified in subsection (1).

~~Notwithstanding any other provision of this section, each current member of a judicial nominating commission appointed directly by the Board of Governors of The Florida Bar shall serve the remainder of his or her term, unless removed for cause. The terms of all other members of a judicial nominating commission are hereby terminated, and the Governor shall appoint new members to each judicial nominating commission in the following manner:~~

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

101 ~~(b) Two appointments for terms ending July 1, 2003; and~~  
102 ~~(c) Two appointments for terms ending July 1, 2004.~~  
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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 may not  
108 serve more than two full terms on the same commission, which  
109 does not include any balance remaining on an unexpired term if  
110 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 the members of the judicial  
113 nominating commission 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 the members of the judicial nominating  
121 commissions shall also consider the adequacy of representation  
122 of each county within the judicial circuit.

123 (a) The Executive Office of the Governor, the Board of  
124 Governors of The Florida Bar, and the members of the judicial  
125 nominating commissions shall collect and release annually, on an

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

132 (b) Demographic data of members and applicants must be  
133 collected through anonymous surveys and released in the  
134 statistical aggregate.

135 (6) A member may not vote on any matter in which he or she  
136 has a substantial personal or pecuniary interest. A member who  
137 believes that his or her personal or business relationship to  
138 any applicant for a judicial vacancy might prevent the member  
139 from fairly and objectively considering the qualifications of  
140 that applicant, or might otherwise involve a conflict of  
141 interest or create the appearance thereof, shall disclose the  
142 circumstances of the actual or apparent conflict to the  
143 commission and shall recuse himself or herself from discussing  
144 or voting on the nomination of that applicant.

145 (7)-(5) A member of a judicial nominating commission may be  
146 suspended for cause by the Governor pursuant to uniform rules of  
147 procedure established by the Executive Office of the Governor  
148 consistent with s. 7 of Art. IV of the State Constitution.

149 (8)-(6) A quorum of the judicial nominating commission is  
150 necessary to take any action or transact any business. For

151 purposes of this section, a quorum consists of a majority of  
152 ~~commission~~ members currently appointed.

153 (9) Within the first 6 months after his or her  
154 appointment, each member shall complete an educational course  
155 designed to familiarize members with the rules of procedure of  
156 the judicial nominating commission to which they are appointed.  
157 In addition, the educational course must include content on  
158 implicit bias in order to educate members on the science  
159 surrounding bias and how to develop a nominating process that is  
160 as unbiased as possible.

161 (10)-(7) The Executive Office of the Governor shall provide  
162 all administrative support for each judicial nominating  
163 commission.

164 Section 2. This act shall take effect July 1, 2020.