



For March 7, 2001

Judicial Nominating Commissions

Yesterday, March 6, 2001, the House Judicial Oversight Committee met to consider HB 367 by Rep. Fred Brummer (R-Apopka). The bill changes the method of selection of the members of the Judicial Nominating Commissions (JNCs). Under current law, the Governor selects three members, the Florida Bar Board of Governors selects three members, and those six members select three more members. Under HB-367, the Governor selects all nine members. Of the nine, five would have to be "actively practicing" lawyers and the other four lay persons. The bill stipulates that the Governor must make appointments to each JNC. They must include representatives of each of the circuits or districts that comprise the court for which the JNC will make nominations. The bill removes all current JNC members and permits the Governor to select replacements. The bill does not prohibit the Governor from re-appointing the members currently in service. Finally, the bill provides that the terms of the JNC members are concurrent with the term of the Governor. All member terms end at midnight on the evening prior to the inauguration of the Governor following the next general election.

The bill passed out of the committee by a vote of 6 to 4. Two amendments were adopted and are traveling with the bill. Rep. Jerry Melvin (R-Ft. Walton Beach) introduced and won the adoption of one of the amendments that requires none of the four so-called "lay persons" be an attorney or an employee of a law firm. The other amendment related to financial disclosure requirements by Rep. Allan Bense (R-Panama City).

This bill is the first salvo in what will be a number of bills related to court reform in the 2001 session. The issue of court reform hit critical mass among many voters due to Florida Supreme Court decisions made during the presidential election contest. In reality, members of the business community have been long concerned at the sometimes less-than-veiled hostility the courts have reserved for themselves towards issues of keen concern to business. Time and again, the courts have ruled imperiously, demonstrating an almost casual disregard for the intent or limitations rightfully established by the legislature in its adoption of law. While AIF has the greatest respect for the principle of the separation of power distilled in our three branches of government, it appears that the system has become warped and the rightful powers vested in the legislature are actively being undermined. The Judicial Nominating Commission process is established by statute and the legislature certainly has the purview to make changes. We support efforts to evaluate the courts' rightful, but limited role in our democratic process. Any efforts such as this bill merit careful consideration. This bill sets in motion a more accountable process, a process more accountable to the people, whom the Governor, the legislature and courts serve.

Intangible Personal Property Tax Reduction

HB-21 by Rep. Mike Fasano rolled over to third reading on the House floor today. The bill lowers the effective tax rate of the intangible personal property tax on investments. The bill was heard on second reading today and amended. Typically, amendments on second reading are at the behest of the bill sponsor(s) and leadership in an attempt to solidify the bill or clean up any problems to secure its ultimate passage. Analysis of the amendment is unavailable at this time. We will follow-up tomorrow with an in-depth analysis.

Third reading is final consideration by the House. We expect the bill to be passed quickly.

Stay tuned to our daily brief and to our web site at www.fbnet.com as the legislature makes some very important decisions on the state's economy. These decisions will have a major impact on the business community and AIF will be reporting to you everything that happens.

This report was prepared by Curt Leonard, Manager – Governmental Affairs at Associated Industries of Florida (AIF). Please send your comments or suggestions to us at aif@aif.com or call the Governmental Affairs department at (850)224-7173.

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