

11 It is proposed by the Florida Constitution Revision Commission  
12 that:

14                   Section 1. Sections 10 and 11 of Article V of the  
15 Florida Constitution are revised by amending those sections to  
16 read:

19 SECTION 10. Retention; election and terms.--  
20 (a) Any justice or judge of the supreme court or any  
21 judge of a district court of appeal may qualify for retention  
22 by a vote of the electors in the general election next  
23 preceding the expiration of his term in the manner prescribed  
24 by law. If a justice or judge is ineligible or fails to  
25 qualify for retention, a vacancy shall exist in that office  
26 upon the expiration of the term being served by the justice or  
27 judge. When a justice of the supreme court or a judge of a  
28 district court of appeal so qualifies, the ballot shall read  
29 substantially as follows: "Shall Justice (or Judge) ... (name  
30 of justice or judge) ... of the ... (name of the court) ... be  
31 retained in office?" If a majority of the qualified electors

1 voting within the territorial jurisdiction of the court vote  
2 to retain, the justice or judge shall be retained for a term  
3 of six years, except that in the case of a county court judge,  
4 the judge shall serve a term of four years. The term of the  
5 justice or judge retained shall commence commencing on the  
6 first Tuesday after the first Monday in January following the  
7 general election. If a majority of the qualified electors  
8 voting within the territorial jurisdiction of the court vote  
9 to not retain, a vacancy shall exist in that office upon the  
10 expiration of the term being served by the justice or judge.

11 (b)(1) The election of circuit judges shall be  
12 preserved notwithstanding the provisions of subsection (a) and  
13 Article V, Section 11, as amended, unless a majority of those  
14 voting in the jurisdiction of that circuit approve a local  
15 option to select circuit judges by merit selection and  
16 retention rather than by election.

17 (2) The election of county court judges shall be  
18 preserved notwithstanding the provisions of subsection (a) and  
19 Article V, Section 11, as amended, unless a majority of those  
20 voting in the jurisdiction of that county approve a local  
21 option to select county judges by merit selection and  
22 retention rather than by election.

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24 A vote to exercise a local option to select circuit court  
25 judges and county court judges by merit selection and  
26 retention rather than by election shall be held in each  
27 circuit and county at the general election to be held in  
28 November 2000. If a vote to exercise this local option fails  
29 in a vote of the electors, such option shall not again be put  
30 to a vote of the electors of that jurisdiction until the  
31 expiration of at least two years. Any election after the year

1 2000 to exercise the local option to select or elect circuit  
2 court judges by merit selection and retention or election  
3 rather than by election shall be invoked by filing with the  
4 secretary of state a petition signed by the number of electors  
5 equal to at least ten percent of the votes cast in the circuit  
6 in the last preceding election in which presidential electors  
7 were chosen. Any election (after the year 2000) to exercise  
8 the local option to select or elect county court judges by  
9 merit selection and retention or election rather than by  
10 election shall be invoked by filing with the secretary of  
11 state a petition signed by the number of electors equal to at  
12 least ten percent of the votes cast in the county in the last  
13 preceding election in which presidential electors were chosen.  
14 ~~Circuit judges and judges of county courts shall be elected by~~  
15 ~~vote of the qualified electors within the territorial~~  
16 ~~jurisdiction of their respective courts. The terms of circuit~~  
17 ~~judges shall be for six years. The terms of judges of county~~  
18 ~~courts shall be for four years.~~

19 SECTION 11. Vacancies.--

20 (a) Whenever a vacancy occurs in a judicial office to  
21 which election for retention applies, the governor shall fill  
22 the each vacancy on the supreme court or on a district court  
23 of appeal by appointing for a term ending on the first Tuesday  
24 after the first Monday in January of the year following the  
25 next general election occurring at least one year after the  
26 date of appointment, one of not fewer than three persons nor  
27 more than six persons nominated by the appropriate judicial  
28 nominating commission.

29 (b) The governor shall fill each vacancy on a circuit  
30 court or on a county court, wherein the judges are elected by  
31 a majority vote of the electors, by appointing for a term

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1 ending on the first Tuesday after the first Monday in January  
2 of the year following the next primary and general election  
3 occurring at least one year after the date of appointment, one  
4 of not fewer than three persons nor more than six persons  
5 nominated by the appropriate judicial nominating commission.  
6 An election shall be held to fill that judicial office for the  
7 term of the office beginning at the end of the appointed term.

8 (c) The nominations shall be made within thirty days  
9 from the occurrence of a vacancy unless the period is extended  
10 by the governor for a time not to exceed thirty days. The  
11 governor shall make the appointment within sixty days after  
12 the nominations have been certified to him.

13 (d) There shall be a separate judicial nominating  
14 commission as provided by general law for the supreme court,  
15 each district court of appeal, and each judicial circuit for  
16 all trial courts within the circuit. Uniform rules of  
17 procedure shall be established by the judicial nominating  
18 commissions at each level of the court system. Such rules, or  
19 any part thereof, may be repealed by general law enacted by a  
20 majority vote of the membership of each house of the  
21 legislature, or by the supreme court, five justices  
22 concurring. Except for deliberations of the judicial  
23 nominating commissions, the proceedings of the commissions and  
24 their records shall be open to the public.

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