

1 A proposal to revise
2 ARTICLE V, ss. 10 and 11, Fla. Const.;
3 providing for circuit court judges and county
4 court judges to run for reelection unless the
5 electors within the circuit or within the
6 county approve a local option whereby the
7 circuit court judges or the county court judges
8 are selected by merit selection and are subject
9 to a vote of retention; increasing the term of
10 office for county court judges.

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

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

18 ARTICLE V
19 JUDICIARY

20 SECTION 10. Retention; election and terms.--

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

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

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

27 (3)a. A vote to exercise a local option to select
28 circuit court judges and county court judges by merit
29 selection and retention rather than by election shall be held
30 in each circuit and county at the general election in the year
31 2000. If a vote to exercise this local option fails in a vote

1 of the electors, such option shall not again be put to a vote
2 of the electors of that jurisdiction until the expiration of
3 at least two years.

4 b. After the year 2000, a circuit may initiate the
5 local option for merit selection and retention or the election
6 of circuit judges, whichever is applicable, by filing with the
7 secretary of state a petition signed by the number of electors
8 equal to at least ten percent of the votes cast in the circuit
9 in the last preceding election in which presidential electors
10 were chosen.

11 c. After the year 2000, a county may initiate the
12 local option for merit selection and retention or the election
13 of county court judges, whichever is applicable, by filing
14 with the supervisor of elections a petition signed by the
15 number of electors equal to at least ten percent of the votes
16 cast in the county in the last preceding election in which
17 presidential electors were chosen.~~Circuit judges and judges~~
18 ~~of county courts shall be elected by vote of the qualified~~
19 ~~electors within the territorial jurisdiction of their~~
20 ~~respective courts.~~The terms of circuit judges and judges of
21 county courts shall be for six years. ~~The terms of judges of~~
22 ~~county courts shall be for four years.~~

23 SECTION 11. Vacancies.--

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

3 (b) The governor shall fill each vacancy on a circuit
4 court or on a county court, wherein the judges are elected by
5 a majority vote of the electors, by appointing for a term
6 ending on the first Tuesday after the first Monday in January
7 of the year following the next primary and general election
8 occurring at least one year after the date of appointment, one
9 of not fewer than three persons nor more than six persons
10 nominated by the appropriate judicial nominating commission.

11 An election shall be held to fill that judicial office for the
12 term of the office beginning at the end of the appointed term.

13 (c) The nominations shall be made within thirty days
14 from the occurrence of a vacancy unless the period is extended
15 by the governor for a time not to exceed thirty days. The
16 governor shall make the appointment within sixty days after
17 the nominations have been certified to him.

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