

By Commissioner Wetherington

1 A proposal to revise
2 ARTICLE V, ss. 10 and 11, Fla. Const.;
3 providing for circuit and county judges to be
4 subject to a vote of retention rather than
5 running for reelection, if such method of
6 election is approved by the electors within the
7 judicial circuit; providing requirements for
8 placing such a local option before the
9 electors.

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

13
14 Section 1. Sections 10 and 11 of Article V of the
15 Florida Constitution are revised by amending those sections to
16 read:

17 ARTICLE V
18 JUDICIARY

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) The election of circuit and county judges shall be
12 preserved notwithstanding the provisions of subsection (a) and
13 Article V, Section 11, as amended, unless approved by a
14 majority of those voting in the jurisdiction of that circuit.
15 An election to exercise this local option shall be invoked:

16 (1) By the filing with the secretary of state of a
17 petition signed by the number of electors equal to at least
18 ten percent of the votes cast in the circuit in the last
19 preceding election in which presidential electors were chosen;
20 or

21 (2) Upon approval by a majority vote of county
22 commissioners of the number of counties in the circuit in
23 which the sum of the electors in those counties is equal to at
24 least one half of all electors within the judicial circuit as
25 a whole.

26
27 Should a vote to exercise this local option fail in a vote of
28 the electors, then such option shall not again be put to a
29 vote of the electors of that jurisdiction until the expiration
30 of at least two years. ~~Circuit judges and judges of county~~
31 ~~courts shall be elected by vote of the qualified electors~~

1 ~~within the territorial jurisdiction of their respective~~
2 ~~courts. The terms of circuit judges shall be for six years.~~
3 ~~The terms of judges of county courts shall be for four years.~~

4 SECTION 11. Vacancies.--

5 (a) Whenever a vacancy occurs in a judicial office to
6 which election for retention applies,the governor shall fill
7 the ~~each~~ vacancy ~~on the supreme court or on a district court~~
8 ~~of appeal~~ by appointing for a term ending on the first Tuesday
9 after the first Monday in January of the year following the
10 next general election occurring at least one year after the
11 date of appointment, one of not fewer than three persons nor
12 more than six persons nominated by the appropriate judicial
13 nominating commission.

14 (b) The governor shall fill each vacancy on a circuit
15 court or on a county court, wherein the judges are elected by
16 a majority vote of the electors,by appointing for a term
17 ending on the first Tuesday after the first Monday in January
18 of the year following the next primary and general election
19 occurring at least one year after the date of appointment, one
20 of not fewer than three persons nor more than six persons
21 nominated by the appropriate judicial nominating commission.
22 An election shall be held to fill that judicial office for the
23 term of the office beginning at the end of the appointed term.

24 (c) The nominations shall be made within thirty days
25 from the occurrence of a vacancy unless the period is extended
26 by the governor for a time not to exceed thirty days. The
27 governor shall make the appointment within sixty days after
28 the nominations have been certified to him.

29 (d) There shall be a separate judicial nominating
30 commission as provided by general law for the supreme court,
31 each district court of appeal, and each judicial circuit for

1 all trial courts within the circuit. Uniform rules of
2 procedure shall be established by the judicial nominating
3 commissions at each level of the court system. Such rules, or
4 any part thereof, may be repealed by general law enacted by a
5 majority vote of the membership of each house of the
6 legislature, or by the supreme court, five justices
7 concurring. Except for deliberations of the judicial
8 nominating commissions, the proceedings of the commissions and
9 their records shall be open to the public.