

By Commissioner Evans

1 A proposal to revise
2 ARTICLE V, s. 10, Fla. Const.; providing that
3 candidates for judicial office may not be
4 precluded from taking a public position on
5 issues.

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7 It is proposed by the Florida Constitution Revision Commission
8 that:

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10 Section 1. Section 10 of Article V of the Florida
11 Constitution is revised by amending that section to read:

12 ARTICLE V

13 JUDICIARY

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

15 (a) Any justice of the supreme court or any judge of a
16 district court of appeal may qualify for retention by a vote
17 of the electors in the general election next preceding the
18 expiration of his term in the manner prescribed by law. If a
19 justice or judge is ineligible or fails to qualify for
20 retention, a vacancy shall exist in that office upon the
21 expiration of the term being served by the justice or judge.
22 When a justice of the supreme court or a judge of a district
23 court of appeal so qualifies, the ballot shall read
24 substantially as follows: "Shall Justice (or Judge) ...(name
25 of justice or judge)... of the ...(name of the court)... be
26 retained in office?" If a majority of the qualified electors
27 voting within the territorial jurisdiction of the court vote
28 to retain, the justice or judge shall be retained for a term
29 of six years commencing on the first Tuesday after the first
30 Monday in January following the general election. If a
31 majority of the qualified electors voting within the

1 territorial jurisdiction of the court vote to not retain, a
2 vacancy shall exist in that office upon the expiration of the
3 term being served by the justice or judge.

4 (b) Circuit judges and judges of county courts shall
5 be elected by vote of the qualified electors within the
6 territorial jurisdiction of their respective courts. The
7 terms of circuit judges shall be for six years. The terms of
8 judges of county courts shall be for four years.

9 (c) A candidate for any judicial office may not be
10 precluded from taking a public position on issues.