

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.

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

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

13 ARTICLE V

14 JUDICIARY

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

1 justice or judge retained shall commence ~~commencing~~ on the
 2 first Tuesday after the first Monday in January following the
 3 general election. If a majority of the qualified electors
 4 voting within the territorial jurisdiction of the court vote
 5 to not retain, a vacancy shall exist in that office upon the
 6 expiration of the term being served by the justice or judge.

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

12 SECTION 11. Vacancies.--

13 (a) Whenever a vacancy occurs in a judicial office,
 14 the governor shall fill the ~~each~~ vacancy ~~on the supreme court~~
 15 ~~or on a district court of appeal~~ by appointing, for a term
 16 ending on the first Tuesday after the first Monday in January
 17 of the year following the next general election occurring at
 18 least one year after the date of appointment, one of not fewer
 19 than three persons nor more than six persons nominated by the
 20 appropriate judicial nominating commission.

21 ~~(b) The governor shall fill each vacancy on a circuit~~
 22 ~~court or on a county court by appointing for a term ending on~~
 23 ~~the first Tuesday after the first Monday in January of the~~
 24 ~~year following the next primary and general election occurring~~
 25 ~~at least one year after the date of appointment, one of not~~
 26 ~~fewer than three persons nor more than six persons nominated~~
 27 ~~by the appropriate judicial nominating commission. An~~
 28 ~~election shall be held to fill that judicial office for the~~
 29 ~~term of the office beginning at the end of the appointed term.~~

30 (b)(c) The nominations shall be made within thirty
 31 days from the occurrence of a vacancy unless the period is

1 extended by the governor for a time not to exceed thirty days.
2 The governor shall make the appointment within sixty days
3 after the nominations have been certified to him.

4 (c)~~(d)~~ There shall be a separate judicial nominating
5 commission as provided by general law for the supreme court,
6 each district court of appeal, and each judicial circuit for
7 all trial courts within the circuit. Uniform rules of
8 procedure shall be established by the judicial nominating
9 commissions at each level of the court system. Such rules, or
10 any part thereof, may be repealed by general law enacted by a
11 majority vote of the membership of each house of the
12 legislature, or by the supreme court, five justices
13 concurring. Except for deliberations of the judicial
14 nominating commissions, the proceedings of the commissions and
15 their records shall be open to the public.

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