

**Constitution Revision Commission  
Judicial Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 58

Relating to: JUDICIARY, Eligibility; Retention; election and terms of office; Vacancies

Introducer(s): Commissioner Kruppenbacher

Article/Section affected:

Date: January 8, 2018

	REFERENCE	ACTION
1.	JU	<b>Pre-meeting</b>
2.	EE	

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**I. SUMMARY:**

The proposal amends sections 8, 10, and 11 of Article V to end the election of county and circuit judges and require that all judges be subject to gubernatorial appointment and subsequent merit retention like Supreme Court Justices and District Court of Appeal Judges.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

Florida's current system of retention of some of the judges began with amendments to Article V of the Florida Constitution adopted in 1972 and 1976.<sup>1</sup> As it currently reads, the Constitution requires that county and circuit court judges are selected by nonpartisan elections.<sup>2</sup> If there is a vacancy during a term the governor selects a candidate from a list provided by the particular judicial nominating commission for that county or circuit.<sup>3</sup>

**B. EFFECT OF PROPOSED CHANGES:**

This proposed amendment requires all county and circuit judgeships to be filled through the judicial nominating process. The proposal eliminates elections for circuit and county

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<sup>1</sup>Talbot D'Alemberte, *The Florida State Constitution*, 175-79 (2nd ed. 2017).

<sup>2</sup> Art. V, § 10, Fla. Const. Fla. Stat. § 105.071

<sup>3</sup> Art. V, § 11, Fla. Const.

judges but requires circuit and county judges to face a merit retention election after six years.

Article V, Section 10(b), Florida Constitution is deleted. That section allows county and circuit voters the option of selecting trial judges by merit selection and retention instead of election. The deletion of that specific local option is not likely to have any effect because no jurisdiction has adopted the local option.<sup>4</sup>

The proposed amendment will likely increase the workload of the judicial nominating commissions for the county and circuit courts by some measure.

**C. FISCAL IMPACT:**

None.

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.

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<sup>4</sup> Office of the State Court Administrator Analysis (on file with CRC staff).