

By Commissioner Kruppenbacher

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1 A proposal to amend
2 Sections 8, 10, and 11 of Article V of the State
3 Constitution to remove authority for the election of
4 circuit judges and county court judges and to make
5 such judicial offices subject to merit retention.

6
7 Be It Proposed by the Constitution Revision Commission of
8 Florida:

9
10 Sections 8, 10, and 11 of Article V of the State
11 Constitution are amended to read:

12 ARTICLE V

13 JUDICIARY

14 SECTION 8. Eligibility.—No person shall be eligible for
15 office of justice or judge of any court unless the person is an
16 elector of the state and resides in the territorial jurisdiction
17 of the court. No justice or judge shall serve after attaining
18 the age of seventy years except upon temporary assignment or to
19 complete a term, one-half of which has been served. No person is
20 eligible for the office of justice of the supreme court or judge
21 of a district court of appeal unless the person is, and has been
22 for the preceding ten years, a member of the bar of Florida. No
23 person is eligible for the office of circuit judge unless the
24 person is, and has been for the preceding five years, a member
25 of the bar of Florida. Unless otherwise provided by general law,
26 no person is eligible for the office of county court judge
27 unless the person is, and has been for the preceding five years,
28 a member of the bar of Florida. Unless otherwise provided by
29 general law, a person is ~~shall be~~ eligible for ~~election or~~
30 ~~appointment to~~ the office of county court judge in a county
31 having a population of 40,000 or less if the person is a member
32 in good standing of the bar of Florida.

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SECTION 10. Retention; ~~election~~ and terms of office.-

~~(a) All justices and judges shall~~ Any justice or judge may qualify for retention by a vote of the electors in the general election next preceding the expiration of the justice's or judge's term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a justice or judge so qualifies, the ballot shall read substantially as follows: "Shall Justice (or Judge) ...(name of justice or judge)... of the ...(name of the court)... be retained in office?" If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years. The term of the justice or judge retained shall commence on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

~~(b)~~

~~(1) The election of circuit judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that circuit approves a local option to select circuit judges by merit selection and retention rather than by election. The election of circuit judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.~~

~~(2) The election of county court judges shall be preserved~~

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62 ~~notwithstanding the provisions of subsection (a) unless a~~
63 ~~majority of those voting in the jurisdiction of that county~~
64 ~~approves a local option to select county judges by merit~~
65 ~~selection and retention rather than by election. The election of~~
66 ~~county court judges shall be by a vote of the qualified electors~~
67 ~~within the territorial jurisdiction of the court.~~

68 ~~(3)~~

69 ~~a. A vote to exercise a local option to select circuit~~
70 ~~court judges and county court judges by merit selection and~~
71 ~~retention rather than by election shall be held in each circuit~~
72 ~~and county at the general election in the year 2000. If a vote~~
73 ~~to exercise this local option fails in a vote of the electors,~~
74 ~~such option shall not again be put to a vote of the electors of~~
75 ~~that jurisdiction until the expiration of at least two years.~~

76 ~~b. After the year 2000, a circuit may initiate the local~~
77 ~~option for merit selection and retention or the election of~~
78 ~~circuit judges, whichever is applicable, by filing with the~~
79 ~~eustodian of state records a petition signed by the number of~~
80 ~~electors equal to at least ten percent of the votes cast in the~~
81 ~~circuit in the last preceding election in which presidential~~
82 ~~electors were chosen.~~

83 ~~e. After the year 2000, a county may initiate the local~~
84 ~~option for merit selection and retention or the election of~~
85 ~~county court judges, whichever is applicable, by filing with the~~
86 ~~supervisor of elections a petition signed by the number of~~
87 ~~electors equal to at least ten percent of the votes cast in the~~
88 ~~county in the last preceding election in which presidential~~
89 ~~electors were chosen. The terms of circuit judges and judges of~~
90 ~~county courts shall be for six years.~~

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91 SECTION 11. Vacancies.—

92 (a) Whenever a vacancy occurs in a judicial office ~~to which~~
93 ~~election for retention applies~~, the governor shall fill the
94 vacancy by appointing for a term ending on the first Tuesday
95 after the first Monday in January of the year following the next
96 general election occurring at least one year after the date of
97 appointment, one of not fewer than three persons nor more than
98 six persons nominated by the appropriate judicial nominating
99 commission.

100 ~~(b) The governor shall fill each vacancy on a circuit court~~
101 ~~or on a county court, wherein the judges are elected by a~~
102 ~~majority vote of the electors, by appointing for a term ending~~
103 ~~on the first Tuesday after the first Monday in January of the~~
104 ~~year following the next primary and general election occurring~~
105 ~~at least one year after the date of appointment, one of not~~
106 ~~fewer than three persons nor more than six persons nominated by~~
107 ~~the appropriate judicial nominating commission. An election~~
108 ~~shall be held to fill that judicial office for the term of the~~
109 ~~office beginning at the end of the appointed term.~~

110 (b)~~(e)~~ The nominations shall be made within thirty days
111 from the occurrence of a vacancy unless the period is extended
112 by the governor for a time not to exceed thirty days. The
113 governor shall make the appointment within sixty days after the
114 nominations have been certified to the governor.

115 (c)~~(d)~~ There shall be a separate judicial nominating
116 commission as provided by general law for the supreme court,
117 each district court of appeal, and each judicial circuit for all
118 trial courts within the circuit. Uniform rules of procedure
119 shall be established by the judicial nominating commissions at

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120 each level of the court system. Such rules, or any part thereof,
121 may be repealed by general law enacted by a majority vote of the
122 membership of each house of the legislature, or by the supreme
123 court, five justices concurring. Except for deliberations of the
124 judicial nominating commissions, the proceedings of the
125 commissions and their records shall be open to the public.