

By Commissioner Smith

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1 A proposal to amend
2 Sections 10 and 11 of Article V of the State
3 Constitution to provide that circuit judges and county
4 court judges must qualify for retention for any terms
5 of office that are subsequent to the term of office
6 that a judge initially assumes by election.

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

10
11 Sections 10 and 11 of Article V of the State Constitution
12 are amended to read:

13 ARTICLE V

14 JUDICIARY

15 SECTION 10. Retention; election and terms.-

16 (a) Any justice or judge may qualify for retention by a
17 vote of the electors in the general election next preceding the
18 expiration of the justice's or judge's term in the manner
19 prescribed by law. If a justice or judge is ineligible or fails
20 to qualify for retention, a vacancy shall exist in that office
21 upon the expiration of the term being served by the justice or
22 judge. When a justice or judge so qualifies, the ballot shall
23 read substantially as follows: "Shall Justice (or Judge)
24 ... (name of justice or judge) ... of the ... (name of the
25 court) ... be retained in office?" If a majority of the qualified
26 electors voting within the territorial jurisdiction of the court
27 vote to retain, the justice or judge shall be retained for a
28 term of six years. The term of the justice or judge retained
29 shall commence on the first Tuesday after the first Monday in
30 January following the general election. If a majority of the
31 qualified electors voting within the territorial jurisdiction of
32 the court vote to not retain, a vacancy shall exist in that

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33 office upon the expiration of the term being served by the
34 justice or judge.

35 ~~(b)(1)~~ The terms of circuit judges and county court judges
36 shall be for six years. The initial election of circuit judges
37 and county court judges is shall be preserved notwithstanding
38 the provisions of subsection (a). However, if a circuit judge or
39 a county court judge chooses to serve additional terms in the
40 same office following the conclusion of the term that he or she
41 initially assumed by election, the judge must qualify for
42 retention in accordance with subsection (a). ~~unless a majority~~
43 ~~of those voting in the jurisdiction of that circuit approves a~~
44 ~~local option to select circuit judges by merit selection and~~
45 ~~retention rather than by election. The election of circuit~~
46 ~~judges shall be by a vote of the qualified electors within the~~
47 ~~territorial jurisdiction of the court.~~

48 ~~(2)~~ ~~The election of county court judges shall be preserved~~
49 ~~notwithstanding the provisions of subsection (a) unless a~~
50 ~~majority of those voting in the jurisdiction of that county~~
51 ~~approves a local option to select county judges by merit~~
52 ~~selection and retention rather than by election. The election of~~
53 ~~county court judges shall be by a vote of the qualified electors~~
54 ~~within the territorial jurisdiction of the court.~~

55 ~~(3)~~

56 ~~a.~~ ~~A vote to exercise a local option to select circuit~~
57 ~~court judges and county court judges by merit selection and~~
58 ~~retention rather than by election shall be held in each circuit~~
59 ~~and county at the general election in the year 2000. If a vote~~
60 ~~to exercise this local option fails in a vote of the electors,~~
61 ~~such option shall not again be put to a vote of the electors of~~

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62 ~~that jurisdiction until the expiration of at least two years.~~

63 ~~b. After the year 2000, a circuit may initiate the local~~
64 ~~option for merit selection and retention or the election of~~
65 ~~circuit judges, whichever is applicable, by filing with the~~
66 ~~custodian of state records a petition signed by the number of~~
67 ~~electors equal to at least ten percent of the votes cast in the~~
68 ~~circuit in the last preceding election in which presidential~~
69 ~~electors were chosen.~~

70 ~~e. After the year 2000, a county may initiate the local~~
71 ~~option for merit selection and retention or the election of~~
72 ~~county court judges, whichever is applicable, by filing with the~~
73 ~~supervisor of elections a petition signed by the number of~~
74 ~~electors equal to at least ten percent of the votes cast in the~~
75 ~~county in the last preceding election in which presidential~~
76 ~~electors were chosen. The terms of circuit judges and judges of~~
77 ~~county courts shall be for six years.~~

78 SECTION 11. Vacancies.-

79 (a) ~~Whenever a vacancy occurs in a judicial office to which~~
80 ~~election for retention applies,~~ The governor shall fill each the
81 vacancy on the supreme court or on a district court of appeal by
82 appointing for a term ending on the first Tuesday after the
83 first Monday in January of the year following the next general
84 election occurring at least one year after the date of
85 appointment, one of not fewer than three persons nor more than
86 six persons nominated by the appropriate judicial nominating
87 commission.

88 (b) The governor shall fill each vacancy on a circuit court
89 or on a county court, ~~wherein the judges are elected by a~~
90 ~~majority vote of the electors,~~ by appointing for a term ending

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91 on the first Tuesday after the first Monday in January of the
92 year following the next primary and general election occurring
93 at least one year after the date of appointment, one of not
94 fewer than three persons nor more than six persons nominated by
95 the appropriate judicial nominating commission. An election
96 shall be held to fill that judicial office for the term of the
97 office beginning at the end of the appointed term.

98 (c) The nominations shall be made within thirty days from
99 the occurrence of a vacancy unless the period is extended by the
100 governor for a time not to exceed thirty days. The governor
101 shall make the appointment within sixty days after the
102 nominations have been certified to the governor.

103 (d) There shall be a separate judicial nominating
104 commission as provided by general law for the supreme court,
105 each district court of appeal, and each judicial circuit for all
106 trial courts within the circuit. Uniform rules of procedure
107 shall be established by the judicial nominating commissions at
108 each level of the court system. Such rules, or any part thereof,
109 may be repealed by general law enacted by a majority vote of the
110 membership of each house of the legislature, or by the supreme
111 court, five justices concurring. Except for deliberations of the
112 judicial nominating commissions, the proceedings of the
113 commissions and their records shall be open to the public.