A proposal to revise

Article V, ss. 10 and 11, Fla. Const.;

providing for circuit and county judges to be

subject to a vote of retention rather than

running for reelection.

It is proposed by the Florida Constitution Revision Commission

that:

Section 1. Sections 10 and 11 of Article V of the

Florida Constitution are revised by amending those sections to

read:

ARTICLE V

JUDICIARY

SECTION 10. Retention; election and terms.--

(a) Any justice or judge of the supreme court or any

judge of a district court of appeal may qualify for retention

by a vote of the electors in the general election next

preceding the expiration of his 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 of the supreme court or a judge of a

district court of appeal 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, except that in the case of a county court judge,

the judge shall serve a term of four years. The term of the

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justice or judge retained shall commence commencing 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) Circuit judges and judges of county courts shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts. The terms of circuit judges shall be for six years. The terms of judges of county courts shall be for four years.

SECTION 11. Vacancies.--

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

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

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

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

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