A proposal to revise
ARTICLE V, ss. 10 and 11, Fla. Const.;
providing for circuit court and county court
drivers to be subject to a vote of retention
rather than running for reelection, if such
method of election is approved by the electors
within the judicial circuit or within the
county; providing requirements for placing such
a local option before the electors.

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
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

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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
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)(1) The election of circuit judges shall be
preserved notwithstanding the provisions of subsection (a) and
Article V, Section 11, as amended, unless approved by a
majority of those voting in the jurisdiction of that circuit.
An election to exercise this local option shall be invoked:

   a. By the filing with the secretary of state of a
petition signed by the number of electors equal to at least
ten percent of the votes cast in the circuit in the last
preceding election in which presidential electors were chosen;
or

   b. Upon approval by a majority vote of county
commissioners of the number of counties in the circuit in
which the sum of the electors in those counties is equal to at
least one half of all electors within the judicial circuit as
a whole.

(2) The election of county court judges shall be
preserved notwithstanding the provisions of subsection (a) and
Article V, Section 11, as amended, unless approved by a
majority of those voting in the jurisdiction of that county.
An election to exercise this local option shall be invoked:
a. By the filing with the secretary of state of a petition signed by the number of electors equal to at least 10 percent of the votes cast in the county in the last preceding election in which presidential electors were chosen; or

b. Upon approval by a majority vote of the county commissioners.

A vote to exercise this local option shall be held in each circuit and county at the general election to be held in November 2004. If a vote to exercise this local option fails in a vote of the electors, such option shall not again be put to a vote of the electors of that jurisdiction until the expiration of at least two years.

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 to which election for retention applies, 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, wherein the judges are elected by a majority vote of the electors, by appointing for a term

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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.

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

    (d) 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.

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