A proposal to revise

ARTICLE V, ss. 10 and 11, Fla. Const.;
providing for circuit court judges and county
court judges to run for reelection unless the
electors within the circuit or within the
county approve a local option whereby the
circuit court judges or the county court judges
are selected by merit selection and are subject
to a vote of retention.

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

CODING: Words stricken are deletions; words underlined are additions.
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 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 a majority of those
voting in the jurisdiction of that circuit approve a local
option to select circuit judges by merit selection and
retention rather than by election.

(2) The election of county court judges shall be
preserved notwithstanding the provisions of subsection (a) and
Article V, Section 11, as amended, unless a majority of those
voting in the jurisdiction of that county approve a local
option to select county judges by merit selection and
retention rather than by election.

A vote to exercise a local option to select circuit court
district court judges and county court judges by merit selection and
retention rather than by election shall be held in each
circuit and county at the general election to be held in
November 2000. 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. Any election after the year

CODING:Words **stricken** are deletions; words *underlined* are additions.
2000 to exercise the local option to select or elect circuit
court judges by merit selection and retention or election
rather than by election shall be invoked by filing with the
secretary of state 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. Any election (after the year 2000) to exercise
the local option to select or elect county court judges by
merit selection and retention or election rather than by
election shall be invoked by filing with the secretary of
state a petition signed by the number of electors equal to at
least ten percent of the votes cast in the county in the last
preceding election in which presidential electors were chosen.
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
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.