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; increasing the term of
office for county court judges.

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
preceeding 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
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) 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. 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 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. The election of county court judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.

(3)a. A vote to exercise a local option to select circuit 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 in the year 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.

b. After the year 2000, a circuit may initiate the
local option for merit selection and retention or the election
of circuit judges, whichever is applicable, 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.

c. After the year 2000, a county may initiate the
local option for merit selection and retention or the election
of county court judges, whichever is applicable, by filing
with the supervisor of elections 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 and judges of
county courts 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

CODING: Words stricken are deletions; words underlined are additions.
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.