

By the Committees on Budget; and Judiciary; and Senator Ring

576-05138-11

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 8 of Article V and the creation of Section 32 of Article XII of the State Constitution to increase the period of time that a person must be a member of The Florida Bar before becoming eligible for the office of circuit court or county court judge, to provide an effective date, and to provide that judges qualified to hold office and in office on that effective date may remain in office and run for reelection, notwithstanding the increase.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 8 of Article V and the creation of Section 32 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE V

JUDICIARY

SECTION 8. Eligibility.—No person shall be eligible for office of justice or judge of any court unless the person is an elector of the state and resides in the territorial jurisdiction of the court. No justice or judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served. No person is eligible for the office of justice of the supreme court or judge

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30 of a district court of appeal unless the person is, and has been
31 for the preceding ten years, a member of the bar of Florida. No
32 person is eligible for the office of circuit judge unless the
33 person is, and has been for the preceding eight ~~five~~ years, a
34 member of the bar of Florida. Unless otherwise provided by
35 general law, no person is eligible for the office of county
36 court judge unless the person is, and has been for the preceding
37 eight ~~five~~ years, a member of the bar of Florida. Unless
38 otherwise provided by general law, a person shall be eligible
39 for election or appointment to the office of county court judge
40 in a county having a population of 40,000 or less if the person
41 is a member in good standing of the bar of Florida.

ARTICLE

SCHEDULE XII

44 SECTION 32. Qualifications of circuit and county court
45 judges.—The amendment to Section 8 of Article V changing the
46 qualifications of circuit judges and county court judges shall
47 take effect January 9, 2013. The amendment does not affect any
48 judge in office on the effective date of the amendment. Any
49 judge qualified to hold office and in office on January 8, 2013,
50 may remain in office and seek reelection to that office
51 regardless of whether the judge has been a member of the bar of
52 Florida for the previous eight years.

53 BE IT FURTHER RESOLVED that the following statement be
54 placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTION 8

ARTICLE XII, SECTION 32

INCREASING THE QUALIFICATIONS FOR THE OFFICES OF CIRCUIT

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59 COURT AND COUNTY COURT JUDGES.—The State Constitution currently
60 prohibits a person from serving as a circuit court judge unless
61 the person is, and has been for the proceeding 5 years, a member
62 of The Florida Bar. This same prohibition applies to county
63 court judges, except in counties having a population of 40,000
64 or fewer, where a person need only be a member in good standing
65 of The Florida Bar. This proposed amendment increases to 8 years
66 the period of time that a person must be a member of The Florida
67 Bar before serving as a circuit court judge or a county court
68 judge in any county, to take effect January 1, 2013. The
69 increased qualifications do not apply to county court or circuit
70 court judges qualified to hold office and in office on January
71 8, 2013, or to persons seeking to be elected to the office of
72 county court or circuit court judge during the November 2012
73 general election or any special election held prior to such
74 general election.