

By Senator Ostalkiewicz

12-840-98

See HJR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Senate Joint Resolution No. ____

A joint resolution proposing an amendment to
Section 10 of Article V of the State
Constitution relating to terms of justices and
judges.

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

That the amendment to Section 10 of Article V of the
State Constitution set forth below is agreed to and shall be
submitted to the electors of Florida for approval or rejection
at the general election to be held in November 1998:

SECTION 10. Retention; election and terms.--

(a) Any justice 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 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

1 vacancy shall exist in that office upon the expiration of the
2 term being served by the justice or judge.

3 (b) Circuit judges and judges of county courts shall
4 be elected by vote of the qualified electors within the
5 territorial jurisdiction of their respective courts. The
6 terms of circuit judges shall be for six years. The terms of
7 judges of county courts shall be for four years.

8 (c) Supreme court justices, district court of appeal
9 judges, and circuit judges shall serve no more than two
10 consecutive terms of six years each. For the purpose of this
11 subsection, service to fill a vacancy in office by appointment
12 to a term that includes any portion of more than four separate
13 calendar years shall be considered a term served. The term
14 served by appointment shall be deemed to have commenced on the
15 date the vacancy in office occurs.

16 (d) County court judges shall serve no more than three
17 consecutive terms of four years each. For the purpose of this
18 subsection, service to fill a vacancy in office by appointment
19 to a term that includes any portion of more than three
20 separate calendar years shall be considered a term served. The
21 term served by appointment shall be deemed to have commenced
22 on the date the vacancy in office occurs.

23 BE IT FURTHER RESOLVED that in accordance with the
24 requirements of section 101.161, Florida Statutes, the title
25 and substance of the amendment proposed herein shall appear on
26 the ballot as follows:

27 TERMS OF JUSTICES AND JUDGES

28 Limits supreme court justices, district court of appeal
29 judges, and circuit judges to no more than 2 consecutive
30 6-year terms, and county court judges to no more than 3
31 consecutive 4-year terms.