

By Representative Bainter

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House Joint Resolution

A joint resolution proposing amendments to Sections 3 and 10 of Article V of the State Constitution relating to election of Supreme Court justices and judges of appellate courts, judicial terms and term limits, and the right of judicial candidates to campaign on issues.

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

That the amendments to Sections 3 and 10 of Article V of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the next general election to be held in November 1998 or at an earlier special election specifically authorized by law for that purpose:

SECTION 3. Supreme court.--

(a) ORGANIZATION.--The supreme court shall consist of seven justices elected from single-justice districts, established by general law. ~~Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of his original appointment or election.~~ Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.

(b) JURISDICTION.--The supreme court:

1 (1) Shall hear appeals from final judgments of trial
2 courts imposing the death penalty and from decisions of
3 district courts of appeal declaring invalid a state statute or
4 a provision of the state constitution.

5 (2) When provided by general law, shall hear appeals
6 from final judgments entered in proceedings for the validation
7 of bonds or certificates of indebtedness and shall review
8 action of statewide agencies relating to rates or service of
9 utilities providing electric, gas, or telephone service.

10 (3) May review any decision of a district court of
11 appeal that expressly declares valid a state statute, or that
12 expressly construes a provision of the state or federal
13 constitution, or that expressly affects a class of
14 constitutional or state officers, or that expressly and
15 directly conflicts with a decision of another district court
16 of appeal or of the supreme court on the same question of law.

17 (4) May review any decision of a district court of
18 appeal that passes upon a question certified by it to be of
19 great public importance, or that is certified by it to be in
20 direct conflict with a decision of another district court of
21 appeal.

22 (5) May review any order or judgment of a trial court
23 certified by the district court of appeal in which an appeal
24 is pending to be of great public importance, or to have a
25 great effect on the proper administration of justice
26 throughout the state, and certified to require immediate
27 resolution by the supreme court.

28 (6) May review a question of law certified by the
29 Supreme Court of the United States or a United States Court of
30 Appeals which is determinative of the cause and for which
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1 there is no controlling precedent of the supreme court of
2 Florida.

3 (7) May issue writs of prohibition to courts and all
4 writs necessary to the complete exercise of its jurisdiction.

5 (8) May issue writs of mandamus and quo warranto to
6 state officers and state agencies.

7 (9) May, or any justice may, issue writs of habeas
8 corpus returnable before the supreme court or any justice, a
9 district court of appeal or any judge thereof, or any circuit
10 judge.

11 (10) Shall, when requested by the attorney general
12 pursuant to the provisions of Section 10 of Article IV, render
13 an advisory opinion of the justices, addressing issues as
14 provided by general law.

15 (c) CLERK AND MARSHAL.--The supreme court shall
16 appoint a clerk and a marshal who shall hold office during the
17 pleasure of the court and perform such duties as the court
18 directs. Their compensation shall be fixed by general law.
19 The marshal shall have the power to execute the process of the
20 court throughout the state, and in any county may deputize the
21 sheriff or a deputy sheriff for such purpose.

22 SECTION 10. Election;retention; election and terms.--

23 (a) Supreme court justices shall be elected for a term
24 of eight years by vote of the qualified electors within
25 single-justice supreme court election districts. The
26 territorial limits of such districts shall be prescribed by
27 law. Each supreme court justice shall exercise jurisdiction
28 throughout the state, without regard to the election district
29 from which he or she was elected.~~Any justice of the supreme~~
30 ~~court or any judge of a district court of appeal may qualify~~
31 ~~for retention by a vote of the electors in the general~~

1 ~~election next preceding the expiration of his term in the~~
2 ~~manner prescribed by law. If a justice or judge is ineligible~~
3 ~~or fails to qualify for retention, a vacancy shall exist in~~
4 ~~that office upon the expiration of the term being served by~~
5 ~~the justice or judge. When a justice of the supreme court or~~
6 ~~a judge of a district court of appeal so qualifies, the ballot~~
7 ~~shall read substantially as follows: "Shall Justice (or Judge)~~
8 ~~...(name of justice or judge)... of the ...(name of the~~
9 ~~court)... be retained in office?" If a majority of the~~
10 ~~qualified electors voting within the territorial jurisdiction~~
11 ~~of the court vote to retain, the justice or judge shall be~~
12 ~~retained for a term of six years commencing on the first~~
13 ~~Tuesday after the first Monday in January following the~~
14 ~~general election. If a majority of the qualified electors~~
15 ~~voting within the territorial jurisdiction of the court vote~~
16 ~~to not retain, a vacancy shall exist in that office upon the~~
17 ~~expiration of the term being served by the justice or judge.~~

18 (b) Judges of a district court of appeal, circuit
19 judges, and judges of county courts shall be elected by vote
20 of the qualified electors within single-judge districts
21 established by general law within the territorial jurisdiction
22 of their respective courts. Each judge of a district court of
23 appeal, circuit judge, or judge of a county court shall
24 exercise jurisdiction throughout the territorial limits of the
25 court on which such judge serves.The terms of judges of a
26 district court of appeal, circuit judges, and ~~shall be for six~~
27 ~~years.~~ The terms of judges of county courts shall be for
28 eight ~~four~~ years.

29 (c) Supreme court justices, district court of appeal
30 judges, circuit judges, and judges of county courts shall
31 serve no more than one term of eight years from the same

1 single-justice or single-judge district. For the purpose of
2 this subsection, service to fill a vacancy in office by
3 appointment to a term that includes any portion of more than
4 four separate calendar years shall be considered a term
5 served. The term served by appointment shall be deemed to have
6 commenced on the date the vacancy in office occurs.

7 (d) A candidate for any judicial office may not be
8 precluded from taking a public position on issues.

9 BE IT FURTHER RESOLVED that in accordance with the
10 requirements of section 101.161, Florida Statutes, the title
11 and substance of the amendment proposed herein shall appear on
12 the ballot as follows:

13 ELECTION OF JUSTICES, APPELLATE JUDGES;

14 JUDICIAL ELECTIONS, TERMS, TERM LIMITS;

15 RIGHT TO CAMPAIGN ON ISSUES

16 Substitutes single-member district election of
17 appellate judges for merit selection and retention of such
18 judges. Requires trial court judges to run from single-member
19 districts. Increases terms of all judges to 8 years. Limits
20 all justices or judges to one term from the same single-member
21 district. Guarantees judicial candidates' right to address
22 issues. Provides for redistricting of all courts by general
23 law. Permits exercise of jurisdiction throughout its
24 territorial limits by all judges of a court.

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