

By Senator Horne

6-772-98

See HJR

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Senate Joint Resolution No. \_\_\_\_

A joint resolution proposing amendments to  
Section 10 of Article V and Section 4 of  
Article VI of the State Constitution relating  
to judicial terms and term limitations.

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

That the following amendments to Section 10 of Article  
V and Section 4 of Article VI 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 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

1 of four ~~six~~ years commencing on the first Tuesday after the  
2 first Monday in January following the general election. If a  
3 majority of the qualified electors voting within the  
4 territorial jurisdiction of the court vote to not retain, a  
5 vacancy shall exist in that office upon the expiration of the  
6 term being served by the justice or judge.

7 (b) Circuit judges and judges of county courts shall  
8 be elected by vote of the qualified electors within the  
9 territorial jurisdiction of their respective courts. The  
10 terms of circuit judges shall be for six years. The terms of  
11 judges of county courts shall be for four years.

12 ARTICLE VI

13 SUFFRAGE AND ELECTIONS

14 SECTION 4. Disqualifications.--

15 (a) No person convicted of a felony, or adjudicated in  
16 this or any other state to be mentally incompetent, shall be  
17 qualified to vote or hold office until restoration of civil  
18 rights or removal of disability.

19 (b) No person may appear on the ballot for re-election  
20 or retention to any of the following offices:

- 21 (1) Florida representative,  
22 (2) Florida senator,  
23 (3) Florida Lieutenant governor,  
24 (4) any office of the Florida cabinet,  
25 (5) U.S. Representative from Florida, ~~or~~  
26 (6) U.S. Senator from Florida,  
27 (7) justice of the supreme court, or  
28 (8) judge of a district court of appeal

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1 if, by the end of the current term of office, the person will  
2 have served (or, but for resignation, would have served) in  
3 that office for eight consecutive years.

4 BE IT FURTHER RESOLVED that in accordance with the  
5 requirements of section 101.161, Florida Statutes, the title  
6 and substance of the amendment proposed herein shall appear on  
7 the ballot as follows:

8 LIMITATION ON TERMS OF  
9 APPELLATE JUSTICES AND JUDGES

10 Proposing amendments to Section 10 of Article V and  
11 Section 4 of Article VI of the State Constitution shortening  
12 the terms of supreme court justices and district courts of  
13 appeal judges from six to four years and prohibiting a supreme  
14 court justice or a judge of a district court of appeal from  
15 seeking retention in office if he or she will have served  
16 eight consecutive years in that judicial office when the new  
17 term begins.

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