

By Representative Brummer

1 House Joint Resolution

2 A joint resolution proposing an amendment to
3 Section 10 of Article V of the State
4 Constitution relating to the judiciary.

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

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8 That the amendment to Section 10 of Article V of the
9 State Constitution set forth below is agreed to and shall be
10 submitted to the electors of Florida for approval or rejection
11 at the general election to be held in November 2000:

12 SECTION 10. Retention; election and terms.--

13 (a) Any justice or judge may qualify for retention by
14 a vote of the electors in the general election next preceding
15 the expiration of the justice's or judge's term in the manner
16 prescribed by law. If a justice or judge is ineligible or
17 fails to qualify for retention, a vacancy shall exist in that
18 office upon the expiration of the term being served by the
19 justice or judge. When a justice or judge so qualifies, the
20 ballot shall read substantially as follows: "Shall Justice (or
21 Judge) ...(name of justice or judge)... of the ...(name of the
22 court)... be retained in office?" If a majority of the
23 qualified electors voting within the territorial jurisdiction
24 of the court vote to retain, the justice or judge shall be
25 retained for a term of six years. The term of the justice or
26 judge retained shall commence on the first Tuesday after the
27 first Monday in January following the general election. If a
28 majority of the qualified electors voting within the
29 territorial jurisdiction of the court vote to not retain, a
30 vacancy shall exist in that office upon the expiration of the
31 term being served by the justice or judge.

1 (b)

2 (1) The election of circuit judges shall be preserved
3 notwithstanding the provisions of subsection (a) unless a
4 majority of those voting in the jurisdiction of that circuit
5 approves a local option to select circuit judges by merit
6 selection and retention rather than by election. The election
7 of circuit judges shall be by a vote of the qualified electors
8 within the territorial jurisdiction of the court.

9 (2) The election of county court judges shall be
10 preserved notwithstanding the provisions of subsection (a)
11 unless a majority of those voting in the jurisdiction of that
12 county approves a local option to select county judges by
13 merit selection and retention rather than by election. The
14 election of county court judges shall be by a vote of the
15 qualified electors within the territorial jurisdiction of the
16 court.

17 (3)

18 a. A vote to exercise a local option to select circuit
19 court judges and county court judges by merit selection and
20 retention rather than by election shall be held in each
21 circuit and county at the general election in the year 2000.
22 If a vote to exercise this local option fails in a vote of the
23 electors, such option shall not again be put to a vote of the
24 electors of that jurisdiction until the expiration of at least
25 two years.

26 b. After the year 2000, a circuit may initiate the
27 local option for merit selection and retention or the election
28 of circuit judges, whichever is applicable, by filing with the
29 secretary of state a petition signed by the number of electors
30 equal to at least ten percent of the votes cast in the circuit
31

1 in the last preceding election in which presidential electors
2 were chosen.

3 c. After the year 2000, a county may initiate the
4 local option for merit selection and retention or the election
5 of county court judges, whichever is applicable, by filing
6 with the supervisor of elections a petition signed by the
7 number of electors equal to at least ten percent of the votes
8 cast in the county in the last preceding election in which
9 presidential electors were chosen. The terms of circuit judges
10 and judges of county courts shall be for six years.

11 (c) A candidate for election to, or retention in, any
12 judicial office shall not be precluded from taking a public
13 position on issues.

14 BE IT FURTHER RESOLVED that in accordance with the
15 requirements of section 101.161, Florida Statutes, the title
16 and substance of the amendment proposed herein shall appear on
17 the ballot as follows:

18 ALLOWS JUDICIAL CANDIDATES TO TAKE

19 A PUBLIC POSITION ON ISSUES

20 Provides that candidates for election to or retention
21 in judicial office may take a public position on issues.

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