



328736

LEGISLATIVE ACTION

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|------------|---|-------|
| Senate     | . | House |
| Comm: RCS  | . |       |
| 04/27/2011 | . |       |
|            | . |       |
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The Committee on Budget (Richter) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the resolving clause  
and insert:

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



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14 office of justice or judge of any court unless the person is an  
15 elector of the state and resides in the territorial jurisdiction  
16 of the court. No justice or judge shall serve after attaining  
17 the age of seventy years except upon temporary assignment or to  
18 complete a term, one-half of which has been served. No person is  
19 eligible for the office of justice of the supreme court or judge  
20 of a district court of appeal unless the person is, and has been  
21 for the preceding ten years, a member of the bar of Florida. No  
22 person is eligible for the office of circuit judge unless the  
23 person is, and has been for the preceding eight ~~five~~ years, a  
24 member of the bar of Florida. Unless otherwise provided by  
25 general law, no person is eligible for the office of county  
26 court judge unless the person is, and has been for the preceding  
27 eight ~~five~~ years, a member of the bar of Florida. Unless  
28 otherwise provided by general law, a person shall be eligible  
29 for election or appointment to the office of county court judge  
30 in a county having a population of 40,000 or less if the person  
31 is a member in good standing of the bar of Florida.

32 ARTICLE

33 SCHEDULE XII

34 SECTION 32. Qualifications of circuit and county court  
35 judges.-The amendment to Section 8 of Article V changing the  
36 qualifications of circuit judges and county court judges shall  
37 take effect January 9, 2013. The amendment does not affect any  
38 judge in office on the effective date of the amendment. Any  
39 judge qualified to hold office and in office on January 8, 2013,  
40 may remain in office and seek reelection to that office  
41 regardless of whether the judge has been a member of the bar of  
42 Florida for the previous eight years.



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43 BE IT FURTHER RESOLVED that the following statement be  
44 placed on the ballot:

45 CONSTITUTIONAL AMENDMENT

46 ARTICLE V, SECTION 8

47 ARTICLE XII, SECTION 32

48 INCREASING THE QUALIFICATIONS FOR THE OFFICES OF CIRCUIT COURT  
49 AND COUNTY COURT JUDGES.—The State Constitution currently  
50 prohibits a person from serving as a circuit court judge unless  
51 the person is, and has been for the proceeding 5 years, a member  
52 of The Florida Bar. This same prohibition applies to county  
53 court judges, except in counties having a population of 40,000  
54 or fewer, where a person need only be a member in good standing  
55 of The Florida Bar. This proposed amendment increases to 8 years  
56 the period of time that a person must be a member of The Florida  
57 Bar before serving as a circuit court judge or a county court  
58 judge in any county, to take effect January 1, 2013. The  
59 increased qualifications do not apply to county court or circuit  
60 court judges qualified to hold office and in office on January  
61 8, 2013, or to persons seeking to be elected to the office of  
62 county court or circuit court judge during the November 2012  
63 general election or any special election held prior to such  
64 general election.

65  
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete everything before the resolving clause  
69 and insert:

70 Senate Joint Resolution

71 A joint resolution proposing an amendment to Section 8



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72 of Article V and the creation of Section 32 of Article  
73 XII of the State Constitution to increase the period  
74 of time that a person must be a member of The Florida  
75 Bar before becoming eligible for the office of circuit  
76 court or county court judge, to provide an effective  
77 date, and to provide that judges qualified to hold  
78 office and in office on that effective date may remain  
79 in office and run for reelection, notwithstanding the  
80 increase.