

House Joint Resolution

A joint resolution proposing an amendment to Section 8 of Article V and the creation of a new section to Article XII of the State Constitution to increase the age after which a justice or judge may no longer serve in a judicial office, to provide for the amendment to apply to justices and judges appointed on or after a specified date, and to provide an effective date.

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

That the following amendment to Section 8 of Article V and the creation of a new section in 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.—A ~~No~~ person is not ~~shall be~~ eligible for the office of justice or judge of any court unless the person is an elector of the state and resides in the territorial jurisdiction of the court. A ~~No~~ justice or judge may not ~~shall~~ serve after attaining the age of seventy-five ~~seventy~~ years except upon temporary assignment or to complete a term, one-half of which has been served. A ~~No~~ person is not eligible for the office of justice of the supreme court or judge of a district court of appeal unless the person is, and has been for

29 | the preceding ten years, a member of the bar of Florida. ~~A No~~
 30 | person is not eligible for the office of circuit judge unless
 31 | the person is, and has been for the preceding five years, a
 32 | member of the bar of Florida. Unless otherwise provided by
 33 | general law, ~~a no~~ person is not eligible for the office of
 34 | county court judge unless the person is, and has been for the
 35 | preceding five years, a member of the bar of Florida. Unless
 36 | otherwise provided by general law, a person is ~~shall be~~ eligible
 37 | for election or appointment to the office of county court judge
 38 | in a county having a population of 40,000 or fewer ~~less~~ if the
 39 | person is a member in good standing of the bar of Florida.

40 | ARTICLE XII

41 | SCHEDULE

42 | Eligibility of justices and judges.—The amendment to
 43 | Section 8 of Article V changing the age after which a justice or
 44 | judge is no longer eligible for the office of justice or judge
 45 | of any court except upon temporary assignment or to complete a
 46 | term and this section shall take effect January 1, 2014, and
 47 | apply to justices and judges elected or appointed on or after
 48 | that date.

49 | BE IT FURTHER RESOLVED that the following statement be
 50 | placed on the ballot:

51 | CONSTITUTIONAL AMENDMENT

52 | ARTICLE V, SECTION 8

53 | REVISING AGE LIMITS FOR JUSTICES AND JUDGES.—The State
 54 | Constitution currently prohibits a justice or judge from serving
 55 | in a judicial office after attaining the age of 70 years except
 56 | upon temporary assignment or to complete a judicial term if one-

HJR 747

2013

57 | half of the term has been served. This proposed amendment
58 | increases the age after which a justice or judge may no longer
59 | serve to 75 years of age. However, a justice or judge who has
60 | attained the age of 75 years may continue to serve upon
61 | temporary assignment or to complete a judicial term. The
62 | proposed amendment takes effect January 1, 2014, and applies to
63 | justices or judges elected or appointed on or after that date.