

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Moskowitz offered the following:

Amendment (with ballot and title amendments)

Remove lines 11-87 and insert:

That the following amendments to Section 10 and 11 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

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14 SECTION 10. Retention; election and terms.—

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

34 (b) (1) The election of circuit judges shall be preserved
35 notwithstanding the provisions of subsection (a) unless a
36 majority of those voting in the jurisdiction of that circuit
37 approves a local option to select circuit judges by merit
38 selection and retention rather than by election. The election of

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39 circuit judges shall be by a vote of the qualified electors
40 within the territorial jurisdiction of the court.

41 (2) The election of county court judges shall be preserved
42 notwithstanding the provisions of subsection (a) unless a
43 majority of those voting in the jurisdiction of that county
44 approves a local option to select county judges by merit
45 selection and retention rather than by election. The election of
46 county court judges shall be by a vote of the qualified electors
47 within the territorial jurisdiction of the court.

48 (3)a. A vote to exercise a local option to select circuit
49 court judges and county court judges by merit selection and
50 retention rather than by election shall be held in each circuit
51 and county at the general election in the year 2000. If a vote
52 to exercise this local option fails in a vote of the electors,
53 such option shall not again be put to a vote of the electors of
54 that jurisdiction until the expiration of at least two years.

55 b. After the year 2000, a circuit may initiate the local
56 option for merit selection and retention or the election of
57 circuit judges, whichever is applicable, by filing with the
58 custodian of state records a petition signed by the number of
59 electors equal to at least ten percent of the votes cast in the
60 circuit in the last preceding election in which presidential
61 electors were chosen.

62 c. After the year 2000, a county may initiate the local
63 option for merit selection and retention or the election of

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64 county court judges, whichever is applicable, by filing with the
65 supervisor of elections a petition signed by the number of
66 electors equal to at least ten percent of the votes cast in the
67 county in the last preceding election in which presidential
68 electors were chosen. The terms of circuit judges and judges of
69 county courts shall be for six years.

70 (c) The name of a justice of the supreme court or judge of
71 a district court of appeal may not appear on the ballot for
72 retention if, by the end of his or her current term of office,
73 the justice or judge will have served in that office for twelve
74 consecutive years. A justice who is ineligible for retention
75 under this subsection or who resigns from office may not be
76 appointed to fill a vacancy on the supreme court for at least
77 one year after the last date the justice served on the supreme
78 court. A judge who is ineligible for retention under this
79 subsection or who resigns from office may not be appointed to
80 fill a vacancy on any district court of appeal for at least one
81 year after the last date the judge served on the district court.

82 SECTION 11. Vacancies.—

83 (a) Whenever a vacancy occurs in a judicial circuit for
84 all trial courts within each circuit ~~judicial office to which~~
85 ~~election for retention applies~~, the governor shall fill the
86 vacancy by appointing for a term ending on the first Tuesday
87 after the first Monday in January of the year following the next
88 general election occurring at least one year after the date of

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89 appointment, one of not fewer than three persons nor more than
90 six persons nominated by the appropriate judicial nominating
91 commission.

92 (d) There shall be a separate judicial nominating
93 commission as provided by general law for ~~the supreme court,~~
94 ~~each district court of appeal,~~ and each judicial circuit for all
95 trial courts within the circuit. Uniform rules of procedure
96 shall be established by the judicial nominating commissions at
97 each level of the court system. Such rules, or any part thereof,
98 may be repealed by general law enacted by a majority vote of the
99 membership of each house of the legislature, or by the supreme
100 court, five justices concurring. Except for deliberations of the
101 judicial nominating commissions, the proceedings of the
102 commissions and their records shall be open to the public.

103 (e) The Governor shall fill each vacancy on the supreme
104 court or a district court of appeal by appointing one person for
105 a term ending on the first Tuesday after the first Monday in
106 January of the year following the next general election
107 occurring at least one year after the date of appointment. The
108 membership of each house of the legislature must affirmatively
109 approve the appointment by a 2/3 vote during the next regular or
110 special session for the person to be confirmed.

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112 -----
113 **B A L L O T A M E N D M E N T**

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114 Remove lines 107-113 and insert:

115 TERM LIMITS AND APOINTMENTS FOR JUSTICES AND JUDGES.—
116 Prohibiting the name of a supreme court justice or district
117 court of appeal judge who has served more than 12 consecutive
118 years in the office from appearing on a ballot for retention;
119 prohibiting reappointment of a justice or judge for 1 year after
120 leaving office; and requiring the Governor to appoint and
121 Legislature to confirm justices and district court judges. This
122 applies to justices and judges in office on January
123

124 -----

125 **T I T L E A M E N D M E N T**

126 Remove line 6 and insert:
127 district courts of appeal; requiring the Governor to appoint and
128 each house of the Legislature to confirm justices of the Supreme
129 Court and judges to district court of appeals; providing an
130 effective

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