

House Joint Resolution

A joint resolution proposing an amendment to Section 10 of Article V and creation of a new section in Article XII of the State Constitution to create term limits for Supreme Court justices and judges of the district courts of appeal; providing an effective date; providing applicability.

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

That the following amendment to Section 10 of Article V and the creation of a new section in Article XII of the State Constitution is 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 or judge may qualify for retention by a vote of the electors in the general election next preceding the expiration of the justice's or judge's 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

26 | judge. When a justice or judge so qualifies, the ballot shall  
27 | read substantially as follows: "Shall Justice (or Judge)  
28 | ...(name of justice or judge)... of the ...(name of the  
29 | court)... be retained in office?" If a majority of the qualified  
30 | electors voting within the territorial jurisdiction of the court  
31 | vote to retain, the justice or judge shall be retained for a  
32 | term of six years. The term of the justice or judge retained  
33 | shall commence on the first Tuesday after the first Monday in  
34 | January following the general election. If a majority of the  
35 | qualified electors voting within the territorial jurisdiction of  
36 | the court vote to not retain, a vacancy shall exist in that  
37 | office upon the expiration of the term being served by the  
38 | justice or judge.

39 | (b) (1) The election of circuit judges shall be preserved  
40 | notwithstanding the provisions of subsection (a) unless a  
41 | majority of those voting in the jurisdiction of that circuit  
42 | approves a local option to select circuit judges by merit  
43 | selection and retention rather than by election. The election of  
44 | circuit judges shall be by a vote of the qualified electors  
45 | within the territorial jurisdiction of the court.

46 | (2) The election of county court judges shall be preserved  
47 | notwithstanding the provisions of subsection (a) unless a  
48 | majority of those voting in the jurisdiction of that county  
49 | approves a local option to select county judges by merit  
50 | selection and retention rather than by election. The election of

51 county court judges shall be by a vote of the qualified electors  
52 within the territorial jurisdiction of the court.

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

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

67 c. After the year 2000, a county may initiate the local  
68 option for merit selection and retention or the election of  
69 county court judges, whichever is applicable, by filing with the  
70 supervisor of elections a petition signed by the number of  
71 electors equal to at least ten percent of the votes cast in the  
72 county in the last preceding election in which presidential  
73 electors were chosen. The terms of circuit judges and judges of  
74 county courts shall be for six years.

75 (c) The name of a justice of the supreme court or judge of

76 | a district court of appeal may not appear on the ballot for  
77 | retention if, by the end of his or her current term of office,  
78 | the justice or judge will have served in that office for twelve  
79 | consecutive years. A justice who is ineligible for retention  
80 | under this subsection or who resigns from office may not be  
81 | appointed to fill a vacancy on the supreme court for at least  
82 | one year following the last date the justice served on the  
83 | supreme court. A judge who is ineligible for retention under  
84 | this subsection or who resigns from office may not be appointed  
85 | to fill a vacancy on any district court of appeal for at least  
86 | one year following the last date the judge served on the  
87 | district court.

## ARTICLE XII

## SCHEDULE

90 | Applicability of limitations on the terms of justices and  
91 | judges.— The amendment to Section 10 of Article V takes effect  
92 | on January 9, 2019, and applies to each justice and district  
93 | court judge in office on that date and to each justice and  
94 | district court judge who assumes office thereafter. When  
95 | determining whether a justice or district court judge in office  
96 | on January 9, 2019, may appear on the ballot for retention, time  
97 | served by the justice or district court judge in that office  
98 | prior to January 9, 2019, shall not be included in the  
99 | calculation of the total number of consecutive years served in  
100 | that office.

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102 BE IT FURTHER RESOLVED that the following statement be placed on  
103 the ballot:

104 CONSTITUTIONAL AMENDMENT

105 ARTICLE V, SECTION 10

106 ARTICLE XII

107 TERM LIMITS FOR JUSTICES AND JUDGES.—Proposing an amendment  
108 to the State Constitution to prohibit the name of a supreme  
109 court justice or district court of appeal judge from appearing  
110 on a ballot for retention if he or she has served more than 12  
111 consecutive years in the same office and prohibit reappointment  
112 of a justice or judge for one year after leaving office. The  
113 term limit applies to justices and judges in office on January  
114 9, 2019, and future appointees.