

By Senator Hutson

7-00481-17

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 8 of Article V and the creation of a new section in Article XII of the State Constitution to create a minimum age requirement and term limits for Supreme Court Justices and judges of the district courts of appeal and require 1 year of prior service as a judge for appointment as Supreme Court Justice.

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 shall be eligible for 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. No person shall be eligible for the office of justice of the supreme court or judge of a district court of appeal before attaining the age of fifty years. No justice or judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served.

(b) No person is 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 the preceding ten years, a member of

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33 the bar of Florida. No person is eligible for the office of  
34 circuit 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, no person is eligible for the  
37 office of county court judge unless the person is, and has been  
38 for the preceding five years, a member of the bar of Florida.  
39 Unless otherwise provided by general law, a person shall be  
40 eligible for election or appointment to the office of county  
41 court judge in a county having a population of 40,000 or less if  
42 the person is a member in good standing of the bar of Florida.

43 (c) No person is eligible for the office of justice of the  
44 supreme court unless the person is, or has been, a judge for at  
45 least one year.

46 (d) No person may appear on the ballot for retention to the  
47 office of justice of the supreme court if, by the end of the  
48 current term of office, the person has ever served or, but for  
49 resignation, would have served in that office for two  
50 consecutive full terms. No person may appear on the ballot for  
51 retention to the office of judge of a district court of appeal  
52 if, by the end of the current term of office, the person has  
53 ever served or, but for resignation, would have served in that  
54 office for three consecutive full terms.

55 ARTICLE XII

56 SCHEDULE

57 Applicability of eligibility requirements for appointment  
58 or retention of justices and appellate judges.—The amendment to  
59 Section 8 of Article V which specifies term limits and a minimum  
60 age requirement for justices of the supreme court and judges of  
61 the district courts of appeal, and requires a minimum one year

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62 of service as a judge for a person to be appointed to the office  
 63 of justice, takes effect January 1, 2019. The limitations of the  
 64 amendment on the terms of justices and judges apply to justices  
 65 and judges in office on the effective date of this amendment.

66 BE IT FURTHER RESOLVED that the following statement be  
 67 placed on the ballot:

68 CONSTITUTIONAL AMENDMENT

69 ARTICLE V, SECTION 8

70 ARTICLE XII

71 ELIGIBILITY FOR APPOINTMENT AND RETENTION OF OFFICE OF  
 72 JUSTICE OR JUDGE.—Amendment imposes a 2-term limit for supreme  
 73 court justices, 3-term limit for district courts of appeal  
 74 judges, and 50-year age minimum for both; requires 1-year  
 75 service as judge to serve as justice. Currently, both serve  
 76 unlimited terms, if retained, until age 70, or older if less  
 77 than one-half term remains at 70; there is no age minimum or  
 78 service requirement. The term limits do not include partial  
 79 terms and apply to current justices and judges.

80 BE IT FURTHER RESOLVED that the following statement be  
 81 placed on the ballot if a court declares the preceding statement  
 82 defective and the decision of the court is not reversed:

83 CONSTITUTIONAL AMENDMENT

84 ARTICLE V, SECTION 8

85 ARTICLE XII

86 ELIGIBILITY FOR APPOINTMENT AND RETENTION OF OFFICE OF  
 87 JUSTICE OR JUDGE.—Proposing an amendment to the State  
 88 Constitution to limit the terms of justices of the Supreme Court  
 89 to two full terms and judges of the district courts of appeal to  
 90 three full terms; to require persons to attain the minimum age

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91 of 50 to be appointed to such offices; and to require 1 year of  
92 service as a judge for a person to be appointed a justice.  
93 Currently, there are no minimum age or service requirements to  
94 serve as justice or judge, and both now serve unlimited 6-year  
95 terms, if retained, until age 70, or older if less than one-half  
96 of a term remains at age 70. A partial term would not count  
97 toward the limit, which applies to current justices and judges.