

By Commissioner Gaetz

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1 A proposal to amend
2 Sections 8 and 11 of Article V of the State
3 Constitution to increase the age after which a justice
4 or judge may no longer serve in a judicial office and
5 to require Senate confirmation of appointments to the
6 offices of justice of the Supreme Court and judge of a
7 district court of appeal.

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9 Be It Proposed by the Constitution Revision Commission of
10 Florida:

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12 Sections 8 and 11 of Article V of the State Constitution
13 are amended to read:

14 ARTICLE V

15 JUDICIARY

16 SECTION 8. Eligibility.—No person shall be eligible for
17 office of justice or judge of any court unless the person is an
18 elector of the state and resides in the territorial jurisdiction
19 of the court. No justice or judge shall serve after attaining
20 the age of seventy-five ~~seventy~~ years except upon temporary
21 assignment ~~or to complete a term, one-half of which has been~~
22 ~~served~~. No person is eligible for the office of justice of the
23 supreme court or judge of a district court of appeal unless the
24 person is, and has been for the preceding ten years, a member of
25 the bar of Florida. No person is eligible for the office of
26 circuit judge unless the person is, and has been for the
27 preceding five years, a member of the bar of Florida. Unless
28 otherwise provided by general law, no person is eligible for the
29 office of county court judge unless the person is, and has been
30 for the preceding five years, a member of the bar of Florida.
31 Unless otherwise provided by general law, a person shall be
32 eligible for election or appointment to the office of county

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33 court judge in a county having a population of 40,000 or less if
34 the person is a member in good standing of the bar of Florida.

35 SECTION 11. Vacancies.-

36 (a) Whenever a vacancy occurs in a judicial office to which
37 election for retention applies, the governor shall fill the
38 vacancy by appointing for a term ending on the first Tuesday
39 after the first Monday in January of the year following the next
40 general election occurring at least one year after the date of
41 appointment, one of not fewer than three persons nor more than
42 six persons nominated by the appropriate judicial nominating
43 commission.

44 (b) The governor shall fill each vacancy on a circuit court
45 or on a county court, wherein the judges are elected by a
46 majority vote of the electors, by appointing for a term ending
47 on the first Tuesday after the first Monday in January of the
48 year following the next primary and general election occurring
49 at least one year after the date of appointment, one of not
50 fewer than three persons nor more than six persons nominated by
51 the appropriate judicial nominating commission. An election
52 shall be held to fill that judicial office for the term of the
53 office beginning at the end of the appointed term.

54 (c) The nominations shall be made within thirty days from
55 the occurrence of a vacancy unless the period is extended by the
56 governor for a time not to exceed thirty days. The governor
57 shall make the appointment within sixty days after the
58 nominations have been certified to the governor.

59 (d) Each appointment of a justice of the supreme court or a
60 judge of a district court of appeal is subject to confirmation
61 by the senate. If the senate votes to not confirm the

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62 appointment, the appropriate judicial nominating commission
63 shall reconvene as though a new vacancy had occurred. The
64 commission may not renominate any person whose prior appointment
65 to fill the same vacancy was not confirmed by the senate. The
66 appointment of a justice or judge is effective on the date of
67 confirmation by the senate.

68 (e) ~~(d)~~ There shall be a separate judicial nominating
69 commission as provided by general law for the supreme court,
70 each district court of appeal, and each judicial circuit for all
71 trial courts within the circuit. Uniform rules of procedure
72 shall be established by the judicial nominating commissions at
73 each level of the court system. Such rules, or any part thereof,
74 may be repealed by general law enacted by a majority vote of the
75 membership of each house of the legislature, or by the supreme
76 court, five justices concurring. Except for deliberations of the
77 judicial nominating commissions, the proceedings of the
78 commissions and their records shall be open to the public.