

1 House Joint Resolution

2 A joint resolution proposing an amendment to Section 10 of  
 3 Article V of the State Constitution to increase the  
 4 threshold for retention elections.

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

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 8 That the following amendment to Section 10 of Article V of  
 9 the State Constitution is agreed to and shall be submitted to  
 10 the electors of this state for approval or rejection at the next  
 11 general election or at an earlier special election specifically  
 12 authorized by law for that purpose:

13 ARTICLE V

14 Judiciary

15 SECTION 10. Retention; election and terms.-

16 (a) Any justice or judge may qualify for retention by a  
 17 vote of the electors in the general election next preceding the  
 18 expiration of the justice's or judge's term in the manner  
 19 prescribed by law. If a justice or judge is ineligible or fails  
 20 to qualify for retention, a vacancy shall exist in that office  
 21 upon the expiration of the term being served by the justice or  
 22 judge. When a justice or judge so qualifies, the ballot shall  
 23 read substantially as follows: "Shall Justice (or Judge) (name  
 24 of justice or judge) of the (name of the court) be  
 25 retained in office?" If at least sixty percent ~~a majority~~ of the  
 26 qualified electors voting within the territorial jurisdiction of  
 27 the court vote to retain, the justice or judge shall be retained  
 28 for a term of six years. The term of the justice or judge

29 retained shall commence on the first Tuesday after the first  
 30 Monday in January following the general election. If more than  
 31 forty percent ~~a majority~~ of the qualified electors voting within  
 32 the territorial jurisdiction of the court vote to not retain, a  
 33 vacancy shall exist in that office upon the expiration of the  
 34 term being served by the justice or judge.

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

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

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

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

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

71  
 72           BE IT FURTHER RESOLVED that the following statement be  
 73 placed on the ballot:

74                                   CONSTITUTIONAL AMENDMENT

75                                   ARTICLE V, SECTION 10

76           INCREASING THE THRESHOLD REQUIRED TO RETAIN JUSTICES AND  
 77 JUDGES.—Proposing an amendment to the State Constitution to  
 78 increase the threshold required to retain justices and judges.  
 79 Under current law, a justice or judge appears on the ballot at  
 80 the end of each term of office for a retention election. If a  
 81 majority of the votes are cast for retention, the justice or  
 82 judge continues in office, but if a majority votes not to retain  
 83 the justice or judge is removed from office at the end of the

PCB CVJS 11-04

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84 term of office. This amendment changes the threshold to 60%;  
85 that is, 60% or more of the votes cast would have to vote to  
86 retain in order for a justice or judge to remain in office for  
87 another term. This provision will apply to all state court  
88 appellate justices and judges, but will only apply to trial  
89 court judges in your judicial circuit or your county if your  
90 circuit or county has approved merit selection and retention;  
91 otherwise, this proposed amendment will not affect your circuit  
92 court judges or county court judges, respectively.