

CS/HJR 47

2011

House Joint Resolution

A joint resolution proposing an amendment to Section 8 of Article V and the creation of Section 32 of Article XII of the State Constitution to increase the period of time that a person must be a member of The Florida Bar before becoming eligible for the office of circuit court or county court judge, to provide an effective date, and to provide that judges qualified to hold office and in office on that effective date may remain in office and run for reelection, notwithstanding the increase.

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 Section 32 of 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.—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 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. No person is eligible for the office of justice of the supreme court or judge

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

ARTICLE

SCHEDULE XII

43 SECTION 32. Qualifications of circuit and county court
44 judges.—The amendment to Section 8 of Article V changing the
45 qualifications of circuit judges and county court judges shall
46 take effect January 9, 2013. The amendment does not affect any
47 judge in office on the effective date of the amendment. Any
48 judge qualified to hold office and in office on January 8, 2013,
49 may remain in office and seek reelection to that office
50 regardless of whether the judge has been a member of the bar of
51 Florida for the previous eight years.

52 BE IT FURTHER RESOLVED that the following statement be
53 placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTION 8

ARTICLE XII, SECTION 32

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57 INCREASING THE QUALIFICATIONS FOR THE OFFICES OF CIRCUIT
58 COURT AND COUNTY COURT JUDGES.—The State Constitution currently
59 prohibits a person from serving as a circuit court judge unless
60 the person is, and has been for the proceeding 5 years, a member
61 of The Florida Bar. This same prohibition applies to county
62 court judges, except in counties having a population of 40,000
63 or fewer, where a person need only be a member in good standing
64 of The Florida Bar. This proposed amendment increases to 8 years
65 the period of time that a person must be a member of The Florida
66 Bar before serving as a circuit court judge or a county court
67 judge in any county, to take effect January 1, 2013. The
68 increased qualifications do not apply to county court or circuit
69 court judges qualified to hold office and in office on January
70 8, 2013, or to persons seeking to be elected to the office of
71 county court or circuit court judge during the November 2012
72 general election or any special election held prior to such
73 general election.