

**Reference:**

Article V, Sections 10 and 11(a) and (b)

**Ballot Title:**

Judiciary (Selection and Retention of Circuit and County Judges)

**Ballot Summary:**

Proposing a revision of the Florida Constitution to provide that circuit and county court judges submit themselves for retention or rejection by the electors in a general election every six years; to provide that the governor shall fill vacancies occurring by rejection or otherwise from a list of at least three names submitted by the appropriate nominating commission; and to increase the terms of county court judges from four to six years.

**Full Text:**

**ARTICLE V**

**JUDICIARY**

**SECTION 10. Retention; election and terms.-**

~~(a)~~ Any justice of the supreme court or any judge of a district court of appeal, circuit court, or county court may qualify for retention by a vote of the electors in the general election next preceding the expiration of his 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 judge. When a justice of the supreme court or a judge of a district court of appeal, circuit court, or county court so qualifies, the ballot shall read substantially as follows: "Shall Justice (or Judge) (name of justice or judge) ... of the (name of the court) be retained in office?" If a majority of the qualified electors voting on the question of retention within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years commencing on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting on the question of retention within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

~~(b) Circuit judges and judges of county courts shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts. The terms of circuit judges shall be for six years. The terms of judges of county courts shall be for four years.~~

**SECTION 11. Vacancies.-**

(a) The governor shall fill each vacancy on the supreme court, ~~or~~ on a district court of appeal, on a circuit court, or on a county court by appointing, for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of not fewer than three persons nominated by the appropriate judicial nominating commission.

~~(b) The governor shall fill each vacancy on a circuit court or on a county court by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election, one of not fewer than three persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.~~

~~(e)~~(b) The nominations shall be made within thirty days from the occurrence of a vacancy or from the acceptance of a resignation by the governor, whichever is sooner, unless the period is extended by the governor for a time not to exceed thirty days. The governor shall make the appointment within sixty days after the nominations have been certified to him.