A joint resolution proposing an amendment to Section 10 of Article V and creation of a new section in Article XII of the State Constitution to create term limits for Supreme Court justices and judges of the district courts of appeal; providing an effective date; providing applicability.

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

That the following amendment to Section 10 of Article V and the creation of a new section in Article XII of the State Constitution is 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 10. Retention; election and terms.—

(a) Any justice or judge may qualify for retention by a vote of the electors in the general election next preceding the expiration of the justice's or judge's 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.
judge. When a justice or judge 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 within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years. The term of the justice or judge retained shall commence on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting 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)(1) The election of circuit judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that circuit approves a local option to select circuit judges by merit selection and retention rather than by election. The election of circuit judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.

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

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

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

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

(c) The name of a justice of the supreme court or judge of
a district court of appeal may not appear on the ballot for retention if, by the end of his or her current term of office, the justice or judge will have served in that office for twelve consecutive years. A justice who is ineligible for retention under this subsection or who resigns from office may not be appointed to fill a vacancy on the supreme court for at least one year following the last date the justice served on the supreme court. A judge who is ineligible for retention under this subsection or who resigns from office may not be appointed to fill a vacancy on any district court of appeal for at least one year following the last date the judge served on the district court.

ARTICLE XII

SCHEDULE

Applicability of limitations on the terms of justices and judges.—The amendment to Section 10 of Article V takes effect on January 9, 2019, and applies to each justice and district court judge in office on that date and to each justice and district court judge who assumes office thereafter. When determining whether a justice or district court judge in office on January 9, 2019, may appear on the ballot for retention, time served by the justice or district court judge in that office prior to January 9, 2019, shall not be included in the calculation of the total number of consecutive years served in that office.
BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTION 10

ARTICLE XII

TERM LIMITS FOR JUSTICES AND JUDGES.—Proposing an amendment to the State Constitution to prohibit the name of a supreme court justice or district court of appeal judge from appearing on a ballot for retention if he or she has served more than 12 consecutive years in the same office and prohibit reappointment of a justice or judge for one year after leaving office. The term limit applies to justices and judges in office on January 9, 2019, and future appointees.