

>> ALL RISE.

>> THE COURT IS NOW IN SESSION.  
PLEASE BE SEATED.

WE NOW PROCEED THE THIRD AND  
FINAL CASE ON TODAY'S DOCKET  
ORANGE COUNTY VERSUS SINGH.

>> MY NAME IS GREGORY T. STEWART  
WITH NABORS, GIBLIN & NICKERSON  
REPRESENTING ORANGE COUNTY.

ORANGE COUNTY MADE THE AMENDMENT  
FOR NONPARTISAN ELECTIONS FOR  
COUNTY OFFICERS AS DEFINED UNDER  
ARTICLE A SECTION 1 D UNDER THE  
FLORIDA CONSTITUTION.

THE CHARTER COUNTY IS RENTED  
BROAD HOME WORLD POWERS.

>> BEFORE YOU GO TO YOUR  
ARGUMENT, CAN YOU ADDRESS WHY  
THE AMENDMENT TO THAT PROVISION  
IN THE CONSTITUTION WOULD NOT  
MOVE THIS CASE.

>> YES, SIR.

THE AMENDMENT 10, LET ME ADDRESS  
JUSTICE LAWSON, INITIALLY WHAT  
IT DID DO AND WHAT IT DID NOT  
DO.

WHAT IT DID DO IS A PROHIBITED  
THE ABOLITION OF THOSE OFFICES.  
THEY HAD BEEN PERMITTED UNDER A  
PRIOR CONSTITUTION PROVISION.  
IT WOULD PROHIBIT THE TRANSFER  
OF THE POWERS TO ANOTHER OFFICE.  
IT WOULD ELIMINATE THE ABILITY  
TO CHANGE THE LENGTH OF TERM OF  
OFFICE AND IT REQUIRED THAT THE  
ONLY MANNER THAT THEY COULD BE  
SELECTED WOULD BE BY ELECTION.  
WHAT IT DID NOT DO, IT DID NOT  
ELIMINATE THE ABILITY OF A  
CHARTER GOVERNMENT TO IMPOSE  
TERM LIMITS.

>> DIDN'T IT DO ONE OTHER THING?  
IT ELIMINATED THE LANGUAGE THAT  
YOU WERE RELYING ON AS A BASIS  
FOR YOUR ARGUMENT THAT COUNTIES  
COULD DO THE THINGS THAT YOU'RE  
ABOUT TO DESCRIBE.

>> IN FACT, IT DID ELIMINATE  
THAT LANGUAGE.  
IT REPLACE IT WITH LANGUAGE THAT

IS ACTUALLY CLEARER GUIDANCE, AS TO THE ABILITY OF A CHARTER COUNTY TO PROVIDE FOR NONPARTISAN'S.

IN THE LANGUAGE ITSELF, AT THE VARIOUS ENDING OF THE AMENDMENT LANGUAGE, IT PROVIDES THAT CERTAIN PROHIBITIONS, THE THINGS THAT CANNOT BE DONE, THE LANGUAGES CHANGE THE LENGTH OF THE FOUR-YEAR TERM OF OFFICE OR ESTABLISH ANY MANNER OF SELECTION OTHER THAN BY ELECTION BY THE ELECTORS OF THE COUNTY. THE LANGUAGE, THE CONSTITUTIONAL AMENDMENT RECOGNIZES THAT THE POWER TO AMEND THE MANNER IS STILL IN EXISTENCE.

THE DISTANCES, AND WHERE IT CONFLICTS WITH THE ARGUMENT OF APPELLEES IS THEIR POSITION HAS BEEN, THE ELECTION CAN NEVER BE ALTERED.

BUT, IF YOU HAVE THE ABOLITION, THEN YOU COULD HAVE A VARIETY OF APPROACHES.

THIS LANGUAGE MAKES IT CLEAR THAT THE POWER TO CHANGE THE MANNER EXISTS AND CONTINUES TO EXIST.

IT IS NOW LIMITED TO THE MANNER THAT IT IS ELECTED.

I WOULD SUGGEST TO THE COURT THAT THAT LEADS TO THE CONCLUSION THAT THAT MANNER IS PARTISAN --

>> I'M LOOKING AT THE SUPPLEMENTAL AUTHORITY. WHAT IS THE LANGUAGE YOU'RE TALKING ABOUT?

>> THE VERY LAST LINE, AMENDMENT 10, NOTWITHSTANDING, THEY CANNOT ABOLISH THE OFFICE.

>> THAT IS CORRECT.

>> THE LANGUAGE AT THE END WAS ESTABLISH ANY MANNER OR SELECTION OTHER THAN ELECTION BY THE ELECTORS OF THE COUNTY. THAT IS THE NEW LANGUAGE. IT HAS BEEN ADDED.

RECOGNIZES THERE BE NO NEED TO DISCUSS MANNER OF SELECTION IF THAT HAD NOW BEEN DEPRIVED FROM CHARTER COUNTS.

>> IT DOES NOT RESTRICT WHAT THE LEGISLATURE MAY DO.

>> ANY CHARTER COUNTY IS LIMITED BY, IT CANNOT BE INCONSISTENT WITH GENERAL LAW OR BY SPECIAL ACT APPROVED BY THE VOTERS.

IN TERMS OF WHETHER THE CHARTER HAS EXPRESSED AUTHORITY TO ADDRESS THE MANNER OF SELECTION.

>> I AM JUST NOT FOLLOWING THIS. THAT NEW LANGUAGE IS ABOUT WHAT THE CHARTER MAY NOT DO.

IT MAY NOT ESTABLISH ANY MANNER OF SELECTION OTHER THAN BY ELECTION OF THE ELECTORS OF THE COUNTY.

AM I CORRECT IN THAT?

>> IT IS PART OF THE LIMITATION OF THE AMENDMENT.

>> I AM READING IT RIGHT.

THE CHARTER MAY NOT ESTABLISH ANY MATTER OF SELECTION OTHER THAN BY ELECTION OF THE ELECTORS.

>> THE QUESTION IS, DOES THAT, BY INDICATING, YOU CANNOT BY ANY OTHER MANNER OF SELECTION OTHER THEREBY ELECTION ELIMINATE THE ABILITY TO IN FACT MAKE AMENDMENTS TO THE ELECTION PROCESS.

>> YOU WERE RELYING ON LANGUAGE THAT SAID CHARTER MAY CHOOSE ANOTHER MANNER.

>> WHAT WOULD BE THE RATIONALE FOR HAVING THAT LANGUAGE?

IT INDICATES THOSE OFFICES WOULD BE ELECTED THIS LANGUAGE BECOMES IRRELEVANT UNLESS IT IS IN THE CONTEXT OF THE POWER TO AMEND THE MANNER OF THE SELECTION.

>> I REALLY WANT TO UNDERSTAND YOUR ARGUMENT.

I AM NOT FOLLOWING THE LOGIC. YOUR WHOLE ARGUMENT WAS BASED ON THE FACT THAT YOU THOUGHT

ARTICLE EIGHT, SECTION 1 D, THE LANGUAGE AT IS NOW STRICKEN SAYING THAT YOU COULD ESTABLISH ANOTHER MANNER SOMEHOW OVERRODE THE ELECTION LAWS THAT CLEARLY EXPRESSLY PREEMPT THE MANNER OF ELECTIONS.

NOW, WE HAVE THAT LANGUAGE GONE AND LANGUAGE THAT SAID THEY CANNOT ESTABLISH ANY MANNER OF ELECTION AND I CANNOT SEE THE LOGIC OF HOW YOU COULD VIEW THAT AS AN AUTHORIZATION TO EXEMPT YOURSELF FROM THE ELECTION CODE.

>> THE ISSUE IS DOES THAT LANGUAGE STILL GIVE AUTHORITY TO A CHARTER GOVERNMENT -- THE MANNER THAT THE ELECTION, IT IS CLEAR AT THIS POINT THAT WITH THE AMENDMENT ONCE IT BECOMES EFFECTIVE, IT HAS TO BE AN ELECTIVE OFFICE.

>> WHAT THIS LANGUAGE REALLY MEANS, MAYBE I HAVE INTERPRETED IT WRONG, THESE OFFICERS HAVE TO BE ELECTED, THEY CANNOT BE APPOINTED.

IT DOES NOT SAY WHAT KIND OF AN ELECTION TAKES PLACE.

>> EXACTLY.

THAT IS THE POINT.

THERE IS NO QUESTION UNDER THE PRIOR LANGUAGE THERE WAS AN OPTION.

THERE WAS A ELECTIVE OPTION.

THE ABILITY TO ABOLISH THE OFFICE AND SELECT THAT POSITION BY A VARIETY OF MEANS.

COUNTY COMMISSION APPOINTED --

>> IN THE CONTEXT OF THE ARGUMENT, AS I UNDERSTOOD IT ON THE OTHER SIDE WAS THAT MANNER OF ELECTION WHEN IT GRANTED BY AUTHORITY BY CHARTER TO DO SOMETHING DIFFERENT MEANT WHAT YOU ARE NOW SAYING IT MEANS.

YOUR COUNTER WAS NO, NO --

>> WHAT I AM SAYING AT POINT IN TIME IS THIS NEW LANGUAGE RECOGNIZES THERE IS NOT BEEN AN

ABOLITION TO ADDRESS THE MANNER OF ELECTION.

>> WHERE IS THE GRANT OF AUTHORITY TO DO IT?

>> I WOULD SUGGEST THAT THIS PARTICULAR LANGUAGE DOES GRANT AUTHORITY.

>> I AM LOOKING AT THE NEW LANGUAGE AND I ACTUALLY HAVE -- I DON'T KNOW WHAT I VOTED ON WHEN I VOTED AS TO WHAT WE WERE DOING, TO ME, THE INTENT OF THAT AMENDMENT WAS TO ENSURE THAT THESE POSITIONS ARE ELECTED AS OPPOSED TO APPOINTED.

THEY CANNOT MAKE IT SHORTER THAN A FOUR-YEAR TERM.

IT CAN ESTABLISH ANY MANNER OF SELECTION OTHER THAN BY ELECTION.

THE FLORIDA CONSTITUTION AND THE FLORIDA ELECTION CODE DOES NOT DEFINE ELECTIONS AS BEING PARTISAN OR NONPARTISAN.

HOW IN THE WORLD WOULD THE VOTERS HAVE KNOWN THAT JUST PASSED THIS THAT THEY WERE ABOUT TO ELIMINATE IN THOSE COUNTIES THAT HAVE NONPARTISAN ELECTIONS FOR THESE POSITIONS A HOME RULE THAT THEY WERE GIVING UP, LIKE IN LYON COUNTY, THEIR ABILITY TO HAVE NONPARTISAN CONSTITUTIONAL OFFICERS.

YOU ARE THE ELECTION LAW SPECIALIST, I GUESS, THAT TO ME SEEMS IT WOULD HAVE BEEN DECEPTIVE TO THE VOTERS IF THEY THOUGHT THEY WERE ELIMINATING THE ABILITY, THE VERY IMPORTANT ABILITY TO HAVE THESE OFFICERS BE NONPARTISAN.

>> WE DO NEED TO GO BACK TO THE FUNDAMENTAL AUTHORITY OF CHARTER COUNTIES.

THEY HAVE ALL POWERS NOT INCONSISTENT WITH GENERAL LAW OR SPECIAL LAW.

WHETHER THERE IS AN EXPRESS AUTHORIZATION --

>> ISN'T THAT THE PROBLEM.  
GENERAL LAW SPECIFIES THE MANNER  
OF ELECTIONS, IN FLORIDA.

>> IT DOES NOT SPECIFY.  
WHAT THIS COURT HAS SAID, THERE  
IS A DISTINCTION BETWEEN THE  
MANNER THAT A POSITION HAS  
SELECTED.

THE ELECTION PROCESS.  
THE METHOD, THE TIMING, THE  
CONTROLS FOR THAT.

THE ELECTION PROCESS--

>> WAS THAT IN THE PREEMPTION?  
BEFORE THERE WAS AN EXPRESS  
PREEMPTION.

>> THE CASE YOU'RE TALKING ABOUT  
WAS INTERPRETING.

>> THAT WAS AFTER THE PREEMPTION  
LANGUAGE.

THIS COURT IN THE DECISION MADE  
IT CLEAR BETWEEN THOSE AREAS  
THAT WOULD FALL WITHIN THE  
PURVIEW OF THE PREEMPTION.  
THOSE WHICH DEAL WITH THE  
MANNER, AND, ULTIMATELY, IN  
ADOPTING THE DISSENT FROM THE  
COOK CASE, THIS COURT DETERMINED  
THAT TERM LIMITS IN THAT  
PARTICULAR CASE WAS MORE IN THE  
MANNER OF SELECTION, AS OPPOSED  
TO THE PROCESS.

I USE PROCESS TO KIND OF  
DISTINGUISH.

IF YOU LOOK AT THE PREEMPTED  
STATUTES 97-105, THERE IS NO  
GENERAL LAW INCONSISTENCY THAT  
REQUIRES THESE OFFICES TO BE  
PARTISAN ELECTIONS.

I WOULD SUGGEST THAT THE  
LANGUAGE IN THE CONSTITUTION  
DOES NOT CHANGE THE AUTHORITY  
INHERENT TO THE CHARTER COUNTY.  
THAT IT MAY DO ANY ACT NOT  
INCONSISTENT --.

>> WE HAVE AN ELECTION CALL THAT  
THAT'S ALL ELECTIONS IN FLORIDA  
WILL GO THIS WAY.

IT PROVIDES ONLY FOR PARTISAN  
ELECTIONS.

>> THAT IS NOT CORRECT.

CHAPTER 105 SPECIFICALLY DEALS WITH THE ISSUE OF NONPARTISAN ELECTIONS.

SETS OUT A PROCESS.

IT IS CLEAR AND LOOKING AT THE ELECTION CODE THAT IT IS CONTEMPLATED THAT THE SCOPE IS FAR BROADER THAN JUST JUDICIARY OR SCHOOL BOARD.

THIS IS NOT A FIRST IMPRESSION ISSUE FOR THIS COURT.

BACK IN THE SCHOOL BOARD VERSUS WINCHESTER CASE AND QUINN VERSUS VOLUSIA COUNTY, WHICH I THINK WAS IN THE '90s, BOTH OF THOSE CASES DEALT WITH CHARTER AMENDMENTS AND PALM BEACH AND VOLUSIA TO REQUIRE NONPARTISAN ELECTIONS FOR SCHOOL BOARD FOLKS.

THOSE CASES PRIOR TO THE 1998 CONSTITUTIONAL AMENDMENT, WHICH IN FACT MADE ALL SCHOOL BOARD RACES NONPARTISAN.

AT THAT TIME, THIS COURT ADDRESSES ISSUES AND CLEARLY DETERMINED THAT THAT WITHIN THE SCOPE OF AUTHORITY FOR CHARTER COUNTY.

NOW, APPELLEES HAVE SUGGESTED THAT THE DISTINCTION, AT LEAST IN THE WINCHESTER CASE WHICH IS PALM BEACH, IS THAT THAT AMENDMENT TO THE CHARTER WAS DONE BY SPECIAL ACT.

THERE IS A WIDE FRIDAY OF WAYS AND METHODS TO AMEND A CHARTER. BY ORDINANCE, CHARTER REVIEW REVISION COMMISSION, SPECIAL ACT, THEY'RE ALL BOUND BY SPECIAL AUTHORITY.

THE VOLUSIA CASE WAS ADOPTED BY ORDINANCE BY THE COUNTY NOT BY SPECIAL ACT.

THIS IS AN ISSUE THAT HAS BEEN ADDRESSED.

DEALING WITH THE ISSUE, THE LEGISLATURE CLEARLY RECOGNIZES THAT OTHER OFFICERS SHOULD IN FACT BE SELECTED BY NONPARTISAN

MEANS MAY HAVE A PROCEDURE TO ACCOMMODATE THOSE.

>> WHERE IN THE ELECTION CODE DOES IT SAY THAT THESE OFFICES MAY BE NONPARTISAN?

>> IT DOES NOT SPECIFICALLY IDENTIFY THE FOUR OR THE COUNTY OFFICES AND SAYING THAT THEY CAN BE NONPARTISAN.

AGAIN, I SUGGEST THAT THE ISSUE IS WHETHER THERE IS A PROVISION IN THE STATUTE WHICH EXPRESSLY PROHIBITS.

>> IT DOES SAY 100.051 THAT CANDIDATES ON THE BALLOT WILL EITHER BE NOMINATED BY THEIR POLITICAL PARTIES OR HAVE OTHERWISE OBTAINED A POSITION ON THE GENERAL ELECTION BALLOT IN COMPLIANCE WITH REQUIREMENTS OF THIS CODE.

THAT, TO ME, WE HAVE TO BE PUT ON THERE BY YOUR PARTY OR GO THROUGH THIS ELECTION CODE AND WHAT YOU ARE SUGGESTING IS SOME MEANS BY WHICH THEY COULD GET THEIR OUTSIDE OF THAT CODE WHICH I DO NOT SEE PERMISSIBLE.

>> LET'S TALK ABOUT SCHOOL BOARDS.

UNDER CHAPTER 105, THE NONPARTISAN ELECTION PROVISIONS, SCHOOL BOARD MEMBERS, THEY ARE PLACED ON THE PRIMARY ELECTION. THEY WOULD GENERALLY BE DECIDED AT THAT TIME.

THEY ARE DEEMED UNDER THAT STATUTE TO BE ELECTED AT THE GENERAL ELECTION EVEN THOUGH THEY'RE NOT ACTUALLY ON THE BALLOT.

THAT IS THE SAME PROCESS THAT IS AVAILABLE FOR THESE.

THE QUESTION REALLY IS WHETHER THE ELECTION CODE PROHIBITS THOSE OFFICES FROM BEING SELECTED IN ANY OTHER MANNER THAN ANY OTHER BIPARTISAN ELECTIONS.

>> COUNTY HAVE NONPARTISAN



ELECTION OF THEIR CONSTITUTIONAL OFFICERS?

>> FOR THE ASSOCIATION OF COUNTIES, I THINK THERE WERE EIGHT.

>> IF WE AGREE WITH THE FIFTH DISTRICT, ALL EIGHT OF THOSE COUNTIES WOULD BE PROHIBITED? THAT HAS NEVER BEEN CHALLENGED. WOULD BE PROHIBITED FROM HAVING THEIR OFFICES THAT THEY HAVE HAD AS NONPARTISAN FOR SOME.

BE NONPARTISAN?

IS THAT CORRECT?

>> POTENTIALLY, THAT IS CORRECT.

>> HOW IS IT NOT?

IF YOU CAN'T DO IT, HOW COULD COULD ANYONE ELSE?

>> WE HAVE HAD PRESIDENT IN THE PAST THAT HAVE ADDRESSED THIS ISSUE AND UPHELD IT.

THERE IS NO DIFFERENCE.

THE PREEMPTION WAS ADDED AFTER THOSE CASES, I BELIEVE.

>> THE ISSUE AND WHAT THEY WERE PREEMPTING, MAKING SURE COUNTIES DO NOT HAVE DIFFERENT WAYS OF COUNTING VOTES, YOU KNOW, CERTAINLY THE INTEREST IS IN STATE WIDE ELECTIONS.

THE STATE INTEREST IN PREEMPTION, THAT IS WHAT WAS AT ISSUE IN SARASOTA RELIANCE.

YOU ARE IN YOUR REBUTTAL AND I'M JUST SORT OF --

>> IT ADDS TO THAT POINT THAT THEY HAVE BEEN OPERATING UNDER THE PROCESS THAT IS IN THE ELECTION CODE.

THOSE EIGHT COUNTIES.

THERE HAS NOT BEEN PROBLEMS.

THERE HAS NOT BEEN

INCONSISTENCIES.

THE ELECTION CODE READ IN ITS ENTIRETY.

>> THEY HAVE NOT BEEN NOTIFIED BY THE SECRETARY OF STATE THAT THEY ARE IN VIOLATION OF THE ELECTION CODE?

>> THEY HAVE NOT.

I WILL GIVE UP MY TIME.

>> EXCUSE ME.

GOOD MORNING.

MAY I PLEASE THE COURT.

MY NAME IS JACK PELZER.

I WILL BE PRESENTING ORAL  
ARGUMENT ON BEHALF OF ALL THE  
RESPONDENTS.

THE FUNDAMENTAL QUESTION IS  
WHETHER A COUNTY MAY ALTER THE  
METHOD, IT MEANS AND TIMING OF  
AN ELECTION OF CONSTITUTIONAL  
OFFICERS BY MAKING THEM  
NONPARTISAN.

THERE HAS BEEN A FALSE  
DISTINCTION MADE HERE, I THINK,  
WHICH MEANS AND PROCEDURES.  
MEANS AND PROCEDURES ARE  
SYNONYMOUS IN THIS CONTEXT.  
DICHOTOMY BETWEEN MEANS AND  
PROCEDURES ON ONE HAND AND  
QUALIFICATIONS FOR OFFICE ON THE  
OTHER.

THIS COURT'S CASES MAKE THAT  
VERY CLEAR THE THOMAS CASE, DCA  
A OPINIONS ONE CASE THAT WAS  
ESSENTIALLY BRIEFED.

THE YOUNG DEMOCRATS CASE MADE IT  
VERY CLEAR THAT WHETHER AN  
OFFICE IS PARTISAN OR  
NONPARTISAN, THOSE ARE MATTERS  
THAT ARE PREEMPTED TO THE  
LEGISLATURE.

>> IS YOUR ARGUMENT ALSO, I KNOW  
YOU'RE ARGUING ONLY FOR YOUR  
CLIENTS, BUT THE EIGHT COUNTIES  
THAT NOW HAVE NONPARTISAN  
ELECTIONS WOULD HAVE TO GO TO  
PARTISAN?

>> NOT NECESSARILY, YOUR HONOR.  
THERE IS A WHOLE ANOTHER ARTICLE  
IN THE CONSTITUTION.

SPECIFICALLY ALLOWING THE  
LEGISLATURE TO AN ACT SPECIAL  
ACTS THAT AFFECT ELECTIONS IN  
CHARTER COUNTIES.

THAT IS EXACTLY WHAT HAPPENED IN  
THE WINCHESTER CASE AND QUINN  
CASE.

THERE WERE ACTS IN THE

CONSTITUTION AFFECTED ELECTIONS WITH THE MOST CHARTER COUNTIES. THAT MAY VERY WELL BE THE CASE IN LYON COUNTY AND THE OTHER COUNTIES AS WELL.

>> NOT BECAUSE OF THIS AMENDMENT, BECAUSE OF WHATEVER PROCEEDED IT, THERE WERE MANY YEARS IN WHICH THOSE ELECTIONS WHO WERE ESSENTIALLY OUTSIDE OF THE ELECTION CODE, IN VIOLATION OF THE ELECTION CODE.

>> NO, YOUR HONOR.

>> THEY HAVE SPECIAL ACTS FOR THOSE?

>> POSSIBLY.

WE DO NOT KNOW.

>> WERE THOSE NONPARTISAN PARTISAN CASES?

>> YES, THEY WERE.

>> THE PREEMPTION STATUTE IS SOMEWHAT NEW.

>> THAT IS RIGHT.

THAT WAS IN REACTION TO THE BROWNING CASE.

TO THE EXTENT THAT THERE WAS EVER ANY VESTIGIAL AUTHORITY IN A CHARTER COUNTY TO MAKE AN OFFICE NONPARTISAN, THAT STATUE CLEARLY TOOK IT AWAY.

>> WHAT IS THE STATE INTEREST IN HAVING COUNTY OFFICES THAT ARE THERE TO SERVE THE PEOPLE AND BY NATURE, NOT POLITICAL?

WE HOPE THEY HAVE OUR RECORDS.

WHAT IS THE COURT'S RECORDS?

WHAT IS THE STATE INTEREST IN HAVING THOSE POSITIONS BE POLITICAL?

BE PARTISAN.

>> WELL, THE EXISTENCE OR SPECULATION ON OUR PART, THE WHOLE POINT IN THIS INSTANCE AND MAKING THE OFFICES, ELECTED OFFICES IN THE FIRST PLACE IS TO MAKE THEM RESPONSIBLE TO THE PEOPLE.

VERY DANGEROUS, IN MY OPINION. ONE BODY THAT SETS THE MILLAGE RATE, SETS TAX ASSESSMENTS AND

THEN COLLECT THE TAXES.

>> WAS THERE ANYTHING THAT WOULD ELIMINATE THE ABILITY OF COUNTIES THAT ARE HOME RULE CHARTER TO HAVE THESE ELECTED OFFICIALS RESPOND TO THE PEOPLE? THE NONPARTISAN?

I THINK MOST OF THE PEOPLE IN THE STATE ARE SO TIRED OF THIS PARTISANSHIP.

IF THAT WAS THERE, IT MAY NOT HAVE PASSED.

I AM STILL CONCERNED THAT WE ARE SAYING, YES, ELECTED BY THE PEOPLE IS ONE THING, BUT ELECTED IN A PARTISAN POLITICAL MANNER FOR THOSE HAVING TO DO, NOT THE WILL OF THE PEOPLE, BUT CARRY OUT THEIR DUTIES IN ACCORDANCE WITH THE APPLICABLE STATUTES AND CONSTITUTION.

>> I DO NOT RECALL THERE BEING ANYTHING IN THE BALLOT SUMMARY AT ALL ABOUT THE PARTISAN VERSUS NONPARTISAN ASPECT.

>> THE IMPACT OF AMENDMENT 10 REALLY WAS NOT DESIGNED TO AFFECT THIS CASE.

THE LANGUAGE WAS THE PREDICATE FOR THE COUNTY'S ARGUMENT THAT THE TRIAL COURT IN DISTRICT COURT LEVEL AND EVEN UP UNTIL TWO DAYS AGO THAT WAS A GROUNDING OF THE COUNTY'S ARGUMENT AS BEING THE SOURCE OF ITS AUTHORITY.

NOW THAT SOURCE OF AUTHORITY IS GONE.

WHETHER THAT WAS INTENTIONAL TO AFFECT THE PARTISAN ELECTIONS ARE TO AFFECT THIS CASE, THE LANGUAGE IS STILL GONE.

THE ONLY POTENTIAL SOURCE OF AUTHORITY IS AN ARTICLE 81 G. THE GENERAL LANGUAGE FOR EMPOWERING CHARTER COUNTIES. IT IS ALSO CONTRARY TO GENERAL LAW.

CONTRARY TO ARTICLE SIX SECTION ONE.

GIVING THE LEGISLATURE THE POWER, NOT JUST THE POWER, BUT THE RESPONSIBILITY TO REGULATE ELECTIONS.

ELECTION SHALL BE REGULATED BY LAW, WHICH WE KNOW LONG PASSED BY THE LEGISLATURE.

>> CAN YOU ADDRESS THE AGREEMENT ABOUT THE ANALOGY TO THE SCHOOL BOARD ELECTIONS?

>> THE SCHOOL BOARD ELECTION SPECIFICALLY PROVIDED IN SECTION 105, CHAPTER 105.

THAT IS BECAUSE THE SCHOOL BOARD, OFFICE CREATED BY THE CONSTITUTION, WAS ALSO MADE NONPARTISAN BY THE CONSTITUTION IN THE AMENDMENT IN 1998.

WHEN YOU HAVE AN OFFICER CREATED BY THE CONSTITUTION, IF YOU MAKE IT NONPARTISAN, IT SHOULD BE IN THE CONSTITUTION.

NO OTHER CONSTITUTIONAL OFFICES MADE BY THE CONSTITUTION THAT ARE NONPARTISAN BY THE STATUTE OR CHARTER.

THAT WOULD BE AN INAPPROPRIATE METHOD.

IN THE VERY SAME CONSTITUTIONAL AMENDMENT IN 1998 THAT MADE SCHOOL BOARDS NONPARTISAN, ALSO ADDED THE LANGUAGE IN ARTICLE FIVE SECTION ONE WHICH TALKS ABOUT PRIMARY AND GENERAL ELECTIONS.

GOVERNING MANY OFFICES INCLUDING COUNTY CONSTITUTIONAL OFFICERS.

IT PRESUPPOSES AN ELECTION.

SUBSECTION B AND 51 SAYS ONLY ONE PARTY PUTS FORTH THE CANDIDATE.

THE PRIMARY IS OPEN.

IT DOES NOT SAY OR IF THE COUNTY CHOOSES TO MAKE AN OFFICE NONPARTISAN THEN WE WILL OPEN UP THE PRIMARY AS WELL.

THE CONSTITUTION PRESUPPOSES THAT THESE OFFICES ARE GOING TO BE ELECTED ON A PARTISAN BASIS. IF WE WERE TO CHANGE ANY OF THE

OFFICES COVERED BY ARTICLE FIVE SECTION ONE, TO NONPARTISAN, THIS WHOLE MECHANISM NO LONGER FUNCTIONS.

IT IS A FOUNDATIONAL FUNCTION. IT SIMPLY IS NOT CONSISTENT WITH GENERAL LAW.

OF COURSE WE COULD HAVE THE EXPRESS PREEMPTION OF 97.0115 WHICH DOES NOT ALLOW ANY AUTHORIZATION OR ANY AUTHORIZATION OF THE ELECTION CODE PRESUMABLY.

>> LET ME ASK YOU TO CONFIRM WHETHER OR NOT I AM REMEMBERING AND UNDERSTANDING ARTICLES MADE CORRECTLY.

WHEN IT CAME TO 81 D, IT WAS MY RECOLLECTION AND UNDERSTANDING THAT THE COUNTY WAS ARGUING THAT WHEN IT SAID THAT THE CHARTER COULD PROVIDE FOR ANOTHER MANNER, THAT MEANT ANOTHER MANNER OF ELECTION.

YOUR ARGUMENT WAS THAT WAS INCORRECT.

IT WAS SUPPORTED BY CASE LAW. A MANNER OTHER THAN ELECTION. THE ARGUMENT WAS BECAUSE IT EXPRESSLY SAID THEY COULD PROVIDE, THIS WAS A COUNTIES ARGUMENT, ANOTHER MANNER OF ELECTION, WHICH YOU DISAGREED WITH, THAT WAS THE ARGUMENT.

THE NEW ARGUMENT IS NOW REVERSED.

THEY ARE NOW ARGUING BECAUSE THE NEW LANGUAGE SAYS THAT THEY CANNOT PROVIDE FOR ANOTHER MANNER BY CHARTER.

THEY ARE NOW SAYING, AM I CORRECT --

>> I AM NOT ENTIRELY SURE I UNDERSTOOD THE ARGUMENT. ALL OF US HEARD IT FOR THE FIRST TIME TODAY.

WE MIGHT DO NEED TO HAVE A SUPPLEMENTAL BRIEFING?

IT SEEMS CLEAR TO ME THAT WHAT

VOTERS DID IN THIS CASE, THEY  
AFFECTED THE OUTCOME.

>> ANY ADDITIONAL BRIEFING THAT  
THE COURT THINKS IS NECESSARY.  
THERE IS NOTHING IN THAT  
LANGUAGE THAT WAS ADDED.  
IT TOOK WHAT WAS AN ALLOWANCE  
AND TURNED IT INTO A  
PROHIBITION.

THERE IS NOTHING THAT IMPLIES  
THAT THE ENTIRE ELECTION  
PROCESS, WHICH INCLUDES A  
PARTISAN NATURE IN THE  
OFFICE, IS NOW SUDDENLY WIDE  
OPEN.

THE REASON FOR THAT IS BECAUSE  
OF ALL THESE OTHER THINGS THAT  
ARE ALSO STILL IN THE  
CONSTITUTION.

THAT METHOD OF DETERMINING  
ELECTION IS RESERVED TO THE  
LEGISLATURE.

THESE OFFICES WILL BE PARTISAN.  
ALSO, JUST THE FACT THAT THE  
ELECTION CODED HEALTH  
PRESUPPOSES THAT THESE ARE  
PARTISAN ELECTIONS.

ANY ATTEMPT BY THE COUNTY TO  
CHANGE THAT WOULD BE  
INCONSISTENT WITH GENERAL LAW  
AND THEREFORE BE ON THE  
AUTHORITY OF A CHARTER COUNTY  
UNDER SECTION 81 G.

JUSTICE POLSTIN TALKED ABOUT  
SOME OF THIS.

MANY OTHER POINTS IN THE  
ELECTION CODE WHERE THESE  
OFFICES ARE TREATED AS ARTISAN  
ELECTIONS.

NOMINATED BY PARTY.  
THEY ARE CHOSEN.

ALL THE WAY BACK TO  
QUALIFICATION.

THEY ARE QUALIFIED ON A PARTISAN  
BASIS UNDER 96.0162.

THEY ARE CHOSEN FROM NOMINEES AT  
A PARTISAN PRIMARY AT THE  
GENERAL ELECTION UNDER 104.01.

EVEN THE VERY DESIGN OF THE  
BALLOT DEPENDS ON THE PARTY

AFFILIATION OF THE CANDIDATES  
FOR THESE OFFICES.

JUSTICE POLSTIN READ.

101.153 A.

WE ALSO HAD THE SUPERVISORS  
BRIEF IN THIS CASE.

ELIMINATING ANY DEBATE ABOUT  
WHETHER OR NOT MAKING AN OFFICE  
PARTISAN OR NONPARTISAN AFFECTS  
THE FUNCTIONING UNDER THE  
ELECTION CODE.

THERE IS, YOU KNOW, THERE ARE  
MANY CIRCUMSTANCES WHERE A  
SUPPOSE IT IMPLIED GRANT OF  
AUTHORITY, WHETHER UNDER  
AMENDMENT 10 OR UNDER THE  
LANGUAGE THAT WAS ELIMINATED BY  
AMENDMENT 10, IT WOULD BE  
CONTRARY TO BOTH THE  
CONSTITUTION AND CONTRARY TO  
GENERAL LAW.

CHAPTER 105 DOES NOT PROVIDE A  
CATCHALL FOR COUNTIES TO THROW  
IN THEIR OFFICES AND MAKE IT  
NONPARTISAN.

THERE IS NOT A SINGLE OFFICE  
THAT IS ELECTED PURSUANT TO  
CHAPTER 105 THAT WAS NOT MADE  
NONPARTISAN ARE PUT INTO 105,  
NOT PUT INTO 105 BY THE  
LEGISLATURE.

>> NOTWITHSTANDING THE  
CONSTITUTION, THE LEGISLATURE  
COULD, IF ADDRESSED BY THE  
COUNTY TO WANT TO KEEP THEIR OR  
WANT NONPARTISAN OFFICES, COULD  
REQUEST SPECIAL LAWS FOR THEIR  
COUNTIES TO THAT?

>> YES, YOUR HONOR.

>> THE FACT THAT THERE WOULD BE  
AN ISSUE OF LACK OF UNIFORMITY  
IN COUNTIES THAT HAVE PARTISAN  
AND NONPARTISAN, WOULD THAT BE  
SUPERSEDE WHAT THE LEGISLATURE  
WOULD DO?

>> THAT IS A MATTER OF JUDGMENT  
FOR THE LEGISLATURE.

>> CAN YOU ADVANCE, FOR OUR  
PURPOSES, WHAT THE STATE  
INTEREST WOULD BE IN REQUIRING



PARTISAN CONSTITUTIONAL OFFICES.

>> OTHER THAN THE GENERAL RESPONSE WHICH WE ALREADY DISCUSSED.

>> AS FAR AS THE ELECTION PROCESS ITSELF, HAVING THEM IN A PARTISAN BASIS, AS OPPOSED TO CHAPTER 105 IS A SIGNIFICANT DIFFERENCE BECAUSE ELECTING AT THE PRIMARY ELECTION IS MUCH EARLIER IN THE YEAR.

LONG BEFORE THE VOTERS ARE ENGAGED.

HISTORICALLY, WE HAVE MUCH LOWER TURNOUTS FOR PRIMARY ELECTIONS THESE INDIVIDUALS WHO ARE ELECTED TO THESE OFFICES WOULD BE SIGNIFICANTLY LESS RESPONSIVE TO THE ELECTORATE.

IT'S NOT IN THE RECORD, BUT THERE ARE ACADEMIC STUDIES REGARDING THE IMPACT OF SPECIAL INTEREST GROUPS WHEN THERE IS LOW TURNOUT.

THE PRINCIPAL IMPACT OF THIS AMENDMENT--

>> WE SHOULD WORRY ABOUT THAT FOR ELECTING JUDGES.

>> SO, GIVEN THAT THE OTHER SIDE HAS COME TO YOUR POSITION TO WHAT ANOTHER MANNER MEANS, BOTH SIDES AGREE THAT IT MEANS ANOTHER MANNER OTHER THAN ELECTION.

UNDER THE NEW LANGUAGE, THERE WOULD BE NOTHING IN THE CONSTITUTION THAT WOULD PROHIBIT EVEN BY GENERAL LAW THE LEGISLATURE FROM MAKING ALL THESE COUNTY OFFICES NONPARTISAN.

IS THAT CORRECT?

>> IF IT IS GOING TO HAPPEN, IT WILL HAPPEN AT THE END OF LEGISLATURE.

>> SPECIFICALLY AUTHORIZED OR GIVEN THE WAY YOU HAVE INTERPRETED THE LANGUAGE AND WE HAVE BEEN TALKING ABOUT, IT COULD BE BY GENERAL LAW.

>> THAT IT'S PURSUANT UNDER  
THEIR AUTHORITY ARTICLE SIX  
SECTION ONE AND ARTICLE THREE  
SECTION 11 A1.

THEY CAN REGULATE ELECTIONS AND  
THEY COULD DO IT BY SPECIAL LAW  
WITHIN A CHARTER COUNTY.

THAT IS THE PREROGATIVE OF THE  
LEGISLATURE.

NOT THE PREROGATIVE OF ORANGE  
COUNTY.

>> OR AS JUSTICE LAWSON SAID,  
CHAPTER 105, APPLICABLE FOR  
EVERYONE.

>> PRESUMABLY, YES.

THE REASON IS BECAUSE WE DO NOT  
PARTICULARLY LIKE HAVING JUDGES  
THAT ARE THAT RESPONSIVE.

THEY'RE SUPPOSED TO BE  
INDEPENDENT.

WITH THE TIME I HAVE REMAINING,  
I WOULD LIKE TO ADDRESS --

>> WHAT YOU ARE TALKING ABOUT  
WAS THE SETTING IN THE PRIMARY.  
NO REASON YOU CANNOT HAVE JUDGES  
ELECTED IN THE GENERAL ELECTION.

>> CORRECT.

>> WHAT YOU SAID WAS CONCERNING.  
PRIMARIES ARE BREEDING GROUNDS  
FOR SPECIAL INTEREST.

THAT IS WHAT I WAS RESPONDING  
TO.

>> A SIMPLE ACT OF THE  
LEGISLATURE IF THEY CHOSE TO  
TAKE WHAT IS NORMALLY A PARTISAN  
PRIMARY AND WHERE THEY ARE  
HAVING THE CHAPTER 105  
NONPARTISAN ELECTIONS.

WE WILL HAVE OUR CHAPTER 105  
ELECTIONS ON THE FIRST TUESDAY  
AFTER THE FIRST MONDAY IN  
NOVEMBER.

IT WOULD ILLUMINATE THAT ISSUE.  
I WOULD LIKE TO ADDRESS THE  
LOGROLLING ASPECT OF THE CHARTER  
AMENDMENT IN THIS CASE AND THE  
ORDINANCE THAT PROPOSE THAT  
CHARTER AMENDMENT.

THIS IS NOT A BASIS ON THE  
JURISDICTION, BUT I THINK IT'S

AN IMPORTANT ISSUE ON THIS CASE.  
IT IS ALSO IMPORTANT IN THIS  
CASE BECAUSE IT GOES TO THE  
VALIDITY OF THE OTHER ASPECT OF  
THIS AMENDMENT WHICH WAS  
IMPOSING TERM LIMIT ON THESE  
OFFICERS.

THE COUNTY ADMITTED IN THIS CASE  
THAT THEY WERE REQUIRED TO  
OPPOSE THIS AMENDMENT BY AN  
ORDINANCE.

SECTION 125 SPECIFIES THAT ALL  
ORDINANCES MUST ADDRESS A SINGLE  
SUBJECT.

IT DOES NOT SAY EXCEPT CHARTER  
SUBJECTS.

THERE ARE TWO CASES THAT THE  
COUNTY HAS REPORTED IN THE LOWER  
COURT.

SUGGESTING THAT THERE IS  
SOMETHING DIFFERENT ABOUT  
ORDINANCES THAT ARE PROPOSED  
CHARTER AMENDMENTS.

CRC VERSUS SCOTT CASE.

I WOULD POINT OUT THAT IT WAS  
NOT A CASE IN WHICH THE CHARTER  
AMENDMENT WAS PROPOSED BY  
ORDINANCE.

IT WAS PROPOSED BY HR REVISION  
COMMISSION WHICH IS UNDER  
ENTIRELY DIFFERENT ROLES.  
THE CONSTITUTIONAL REVISION  
COMMISSION.

THEY ARE ALLOWED TO LOG ROLL.

THEY DO NOT HAVE THE SAME  
PREROGATIVE TO NOT LOG ROLL.

I THINK MISCITED FOR THIS  
PROPOSITION.

THE DCA IN THAT CASE DISAGREED  
WITH THE TRIAL COURT AND FOUND  
THAT THERE WAS BUT ONE SUBJECT.  
THERE WAS ONE BUT SUBJECTS, THE  
LOGROLLING ASPECT FELL OUT OF  
THE CASE BEFORE THAT DECISION.  
THE RULES IN THIS INSTANCE WITH  
ORDINANCE PROPOSED, THIS  
REFERENDUM WAS SUBJECT TO THE  
ANTI-LOGROLLING PROVISIONS.  
AND THE ORDINANCE CLEARLY WAS  
LOGROLLING.

ACTIONS REALLY SPEAK LOUDER THAN WORDS.

ONE FOR THE TERM LIMITS AND ONE FOR THE NONPARTISAN ELECTION. IT WAS ONLY AFTER THOSE ORDINANCES WERE ALREADY PAST THAT THEY WENT BACK AND REPEALED THOSE ORDINANCES PRIOR TO THE ELECTION AND PASS THE NEW ORDINANCE TO PUT THE TWO OF THEM TOGETHER.

NONE OF THEM HAD THE OPPORTUNITY TO VOTE YES AND NO ONE TERM LIMITS AND VICE VERSA.

THAT IS CLASSIC LOGROLLING. THAT IS REASON ENOUGH TO VALIDATE THE ENTIRE ORDINANCE WITHOUT GETTING INTO THE ISSUE OF WHETHER THERE IS CONSTITUTIONAL AUTHORITY FOR CHARTER COUNTIES TO MAKE THESE OFFICES NONPARTISAN.

FOR THOSE REASONS WE ASK YOU TO AFFIRM IN THIS CASE, BOTH ON THE GROUNDS OF LACK OF COUNTIES AUTHORITY, AS WELL AS ON THE ANTI-LOGROLLING PROVISIONS. NO OTHER QUESTIONS.

THANK YOU.

>> LET ME ADDRESS A COUPLE OF MATTERS THAT CAME UP IN THE ARGUMENT.

THE LEGISLATURE HAS IN FACT ADDRESSED THE CONCEPT OF OTHER OFFICERS NONPARTISAN.

THEY HAVE AMENDED THE ELECTION CODE TO RECOGNIZE THAT.

THERE IS A DISCUSSION THAT THE ELECTION CODE SETS FORTH THE EXCLUSIVE OFFICES THAT IMPACT MAY BE SUBJECT TO NONPARTISAN ELECTIONS.

THAT IS SIMPLY NOT TRUE.

FIRST OF ALL, IN THE ELECTION CODE UNDER CHAPTER 97, THE DEFINITION OF NONPARTISAN OFFICE IS AN OPEN-ENDED DEPOSITION. ANY OFFICE THAT IS SELECTED ON A NONPARTISAN BASIS.

AS TO ANY PARTICULAR OFFICE.

IN CHAPTER 105.

THE LEGISLATURE IN 2005 AMENDED SECTION 105.041 WHICH DEALS WITH THE FORM OF THE BALLOT.

FOR NONPARTISAN ELECTIONS.

IN PRIOR TO THE AMENDMENT, THAT PARTICULAR STATUTE WAS SPECIFIC THAT ONLY THIS TALENT APPLIED TO JUDICIAL AND SCHOOL BOARD RACES. 2005 THE LEGISLATURE AMENDED THAT.

ELIMINATED THE SPECIFIC REFERENCE AND MADE IT FOR ALL NONPARTISAN.

THE LEGISLATURE HAS MADE NUMEROUS OFFICES WITHOUT SPECIFYING WITHIN THE ELECTION CODE THAT IN FACT WILL BE SELECTED ON A NONPARTISAN BASIS. THE IDEA THAT THE ELECTION CODE IS THE BE-ALL END-ALL, IN TERMS OF THOSE OFFICES THAT CAN BE NONPARTISAN, AS OPPOSED TO THOSE THAT WILL BE PARTISAN IS SIMPLY NOT TRUE.

IT HAS PROVIDED ACCOMMODATIONS OF ITS PROCESS IN ORDER TO ADDRESS ANY NONPARTISAN OFFICE REGARDLESS OF THE SOURCES. WHETHER CAME FROM A LEGISLATURE OR UNDER THE AUTHORITY OF A CHARTERED GOVERNMENT.

THE OTHER ISSUE THAT WAS RAISE IS THE RELIANCE ON ARTICLE SIX SECTION ONE.

THE GENERAL PROVISION, THIS COURT HAS INTERPRETED THAT PROVISION, THAT IS A DIRECTION TO THE LEGISLATURE TO IN FACT AN ACT THE ELECTION CODE.

TO ADDRESS THE METHOD, THE TIMING AND THE CONTROLS FOR THE ELECTION.

THAT, IN FACT, IS SUFFICIENT. THAT IS ALL IT IS DOING.

IT IS NO WAY A LIMITATION ON THE ABILITY TO HAVE NONPARTISAN RACES.

NOW, AGAIN, THE ISSUE HERE IS, AND I THINK IT DOES GO BACK TO

ARTICLE EIGHT SECTION 1 G WHICH  
DEALS WITH THE FUNDAMENTAL  
AUTHORITY OF CHARTER  
GOVERNMENTS.

AGAIN, THE TEST IS NOT WHETHER  
THERE IS AUTHORIZATION.

INCONSISTENT WITH ESTABLISHED  
GENERAL LAW AND THEY CANNOT  
COEXIST.

I WOULD SUGGEST WHEN ALL THE  
ISSUES, CONCERNING THE PROCESS  
THAT IS IN PLACE, FOR HANDLING  
THE ELECTIONS, FOR NONPARTISAN  
BASIS, THE FACT THAT THERE ARE  
NUMEROUS CHARTER CREATED  
NONPARTISAN OFFICES THAT HAVE IN  
FACT BEEN OPERATING UNDER THAT  
FOR YEARS, DEMONSTRATES THAT THE  
ELECTION CODE IS MEANT TO  
PROVIDE THAT FLEXIBILITY.  
THERE IS NO INCONSISTENCY.  
THAT IS A PROBLEM WE ARE DEALING  
WITH.

BY THE ARGUMENT THAT I'VE BEEN  
MADE AND ACCEPTED BY THE FIFTH  
DISTRICT, IT REQUIRED EXPRESS  
AUTHORITY THAT YOU HAVE THE  
ABILITY TO MAKE THESE OFFICES  
NONPARTISAN.

THAT IS CONTRARY TO WHAT THE  
CONSTITUTION GRANTS TO CHARTER  
COUNTIES.

CHARTER COUNTIES HAVE THE  
AUTHORITY TO PROVIDE ANYTHING  
AND EXPRESS CLEARLY STATED  
INCONSISTENT GENERAL LAW OR  
SPECIAL ACT.

>> YOU ARE NOW OVER.

I WILL GIVE YOU 30 SECONDS.

I ALMOST SAID 30 MINUTES.

[LAUGHTER]

I WOULD HAVE BEEN CALLED TO  
ACCOUNT FOR THAT.

[LAUGHTER]

>> AS TO THE ARGUMENTS  
CONCERNING THE SINGLE SUBJECT IN  
THE LOGROLLING WE WILL RELY ON  
OUR BRIEF.

WE BELIEVE THIS IS A FUNDAMENTAL  
RIGHT AND POWER UNDER CHARTER

GOVERNMENT.

WE WOULD ASK THAT YOU REVERSE  
THE DECISION OF THE FIFTH  
DISTRICT IF I MET NONPARTISAN  
ELECTIONS ARE WITHIN THE  
AUTHORITY OF ORANGE COUNTY TO  
INCORPORATE THE CHARGES.  
THANK YOU.

>> TAKE YOU BOTH FOR YOUR  
ARGUMENTS.

THAT IS THE LAST CASE ON TODAY'S  
DOCKET.

BEFORE THE COURT RECESSES TODAY,  
I BELIEVE IT IS APPROPRIATE FOR  
THE COURT TO RECOGNIZE THAT THIS  
IS A SIGNIFICANT DAY IN THE LIFE  
AND HISTORY OF OUR COURT.

THIS IS THE LAST ORAL ARGUMENT,  
THE LAST REGULARLY SCHEDULED  
ORAL ARGUMENT AT WHICH THREE OF  
OUR COLLEAGUES WILL PARTICIPATE.  
AS MEMBERS OF THIS COURT.

THIS IS REALLY A WATERSHED IN  
THE LIFE OF OUR COURT.

JUSTICE QUINCE HAS BEEN HERE FOR  
ABOUT 20 YEARS.

PRIOR TO THAT SHE SERVED ON THE  
SECOND DISTRICT COURT FOR SIX  
YEARS.

THAT GIVES HER ABOUT 26 YEARS OF  
JUDICIAL SERVICE.

JUSTICE PARIENTE HAS BEEN HERE  
ABOUT 21 YEARS.

PRIOR TO THAT SHE SERVED ON THE  
FOURTH DISTRICT COURT FOR AROUND  
FOUR YEARS.

SHE HAS ABOUT 25 YEARS OF  
JUDICIAL SERVICE.

JUSTICE LEWIS CAME TO THE COURT  
IN 1998 AND HAS BEEN HERE ABOUT  
20 YEARS.

COLLECTIVELY, THE THREE RETIRING  
JUSTICES HAVE SERVED ON OUR  
COURT FOR 61 YEARS.

I DON'T KNOW IF I HAVE THE MATH  
OF RIGHT ON THAT.

THEY ARE 71 YEARS, COLLECTIVELY,  
OF JUDICIAL SERVICES.

I WANT TO BRIEFLY SAY SOMETHING  
ABOUT THEM COLLECTIVELY AND THEN

A LITTLE BIT ABOUT THEM  
INDIVIDUALLY.  
THESE THREE JUSTICES ARE PEOPLE  
WHO LOVE THIS COURT.  
AND THEY LOVE OUR PROFESSION.  
THEY HAVE ALWAYS SOUGHT TO  
STRENGTHEN THE COURT SYSTEM AND  
TO IMPROVE THE LEGAL PROFESSION.  
THEY HAVE DEDICATED THEIR LIVES  
TO PUBLIC SERVICE.  
I THINK IT IS KNOWN TO MOST  
PEOPLE THAT WE SOMETIMES  
DISAGREE.  
I THINK WE ALL AGREE THAT THEY  
HAVE SOUGHT TO DO THE VERY BEST  
THAT THEY COULD FOR THE PEOPLE  
OF FLORIDA AS THEY HAVE SERVED  
HERE.  
ON A PERSONAL NOTE, I EXPRESS MY  
PERSONAL GRATITUDE FOR THE  
KINDNESS TO ME IN MY FAMILY AND  
VARIOUS CIRCUMSTANCES.  
I WILL NOT GO THROUGH THE  
DETAILS OF THEIR DO VISUAL  
BIOGRAPHIES, BUT THERE IS ONE  
THING I WANT TO ACKNOWLEDGE  
ABOUT EACH OF THEM.  
I WILL BEGIN WITH JUSTICE  
PARIENTE WHO WAS THE DEAN OF THE  
COURT.  
NOW, WHAT I WILL SAY ABOUT HER  
IS TRUE OF EVERYBODY.  
THE THINGS THAT I SAY ABOUT THE  
JUSTICES INDIVIDUALLY I THINK  
ARE TRUE ABOUT EVERYBODY ELSE  
AND 1 DEGREE OR ANOTHER.  
SHE REALLY STANDS OUT IN ONE  
REGARD.  
ALL OF US WORK HARD AND WE TAKE  
OUR JOB SERIOUSLY.  
BUT IN THE CATEGORY OF ZEALOUS  
APPLICATION TO THE WORK OF THE  
JUSTICE, JUSTICE PARIENTE SETS  
THE STANDARD FOR US ALL.  
JUSTICE PARIENTE IS ALWAYS  
WORKING AND I THINK IT IS FAIR  
TO SAY THAT JUSTICE PARIENTE  
NEVER GIVES UP.  
SHE IS A PERSON WHO BRINGS GREAT  
DEDICATION AND GREAT ENERGY TO



THE WORK SHE HAS DONE.  
THAT IS TRUE ALL THE TIME.  
I THINK IT IS APPROPRIATE TO  
ACKNOWLEDGE.  
JUSTICE LEWIS HAS MANY GREAT  
QUALITIES I COULD TALK ABOUT.  
THE THING I WANT TO FOCUS ON  
HERE TODAY IS JUSTICE LEWIS  
PASSION FOR CIVIC EDUCATION.  
HIS CAREER HERE AT THE COURT,  
HIS TIME AT THE COURT HAS BEEN  
MARKED BY AN UNENDING COMMITMENT  
TO CIVIC EDUCATION.  
A PASSION FOR EDUCATING  
FLORIDA'S CHILDREN CONCERNING  
OUR LEGAL SYSTEM.  
JUSTICE LEWIS FOUNDED JUSTICE  
TEACHING.  
IT HAS HAD A BROAD IMPACT ON THE  
CHILDREN OF OUR STATE.  
HE HAS BEEN NATIONALLY  
RECOGNIZED FOR HIS EFFORTS IN  
THIS ARENA.  
JUSTICE LEWIS EXEMPLIFIES IN  
THIS HIS COMMITMENT TO OUR  
PROFESSION, AS WELL AS THE  
VISION FOR THE FUTURE.  
THE IMPACT HE HAS HAD IN THAT  
REGARD WILL LAST LONG BEYOND HIS  
SERVICE.  
ON THIS COURT.  
FINALLY, JUSTICE QUINCE.  
JUSTICE QUINCE WAS CHIEF JUSTICE  
WHEN I BECAME A MEMBER OF THIS  
COURT.  
I SUCCEEDED HER THE FIRST TIME I  
WAS CHIEF JUSTICE.  
HAVING A VERY GOOD TRANSITION.  
I APPRECIATE THAT.  
WHAT I WANT TO SAY ABOUT JUSTICE  
QUINCE IS THIS.  
I HAVE NEVER SEEN AND ANYONE A  
GREATER SENSE OF GRATITUDE FOR  
THE OPPORTUNITY FOR PUBLIC  
SERVICE THAN I HAVE SEEN IN  
JUSTICE QUINCE.  
AT THE BAR CONVENTION LAST YEAR  
SHE SPOKE ABOUT IT.  
I WAS MOVED.  
BUT WHAT SHE SAID THEY ARE ABOUT

HOW SHE APPRECIATED THE OPPORTUNITY TO SERVE ON THIS COURT IS SOMETHING I'VE SEEN EXEMPLIFIED IN THE WAY SHE GOES ABOUT HER WORK IN THE WAY SHE CONDUCTS HERSELF.

IT IS REALLY, I WOULD HAVE TO SAY, HAS BEEN AN INSPIRATION TO ME.

I AM GRATEFUL FOR IT.

WITH THAT, I ACKNOWLEDGE THAT ALL OF US WHO ARE HERE HAVE MUCH TO BE GRATEFUL FOR.

IT IS A GREAT PRIVILEGE TO SERVE ON THIS COURT, TO SERVE THE PEOPLE OF THIS WONDERFUL STATE, ON THEIR SUPREME COURT.

ALL OF US ARE ONLY GOING TO BE HERE A LITTLE WHILE.

IT IS A PRECIOUS OPPORTUNITY. THREE OF US ARE LEAVING SOON. THE REST OF US WILL NOT BE FAR BEHIND.

NOT TOO MANY YEARS FROM NOW WE WILL ALL BE GOING.

WHILE WE ARE HERE, WE ACKNOWLEDGE WITH GRATITUDE TO THE PEOPLE OF FLORIDA AT THE PRIVILEGE IF GIVEN US TO SERVE THEM.

THREE OF OUR COLLEAGUES GO FOR TWO OTHER THINGS, WE WISH YOU THE VERY BEST.

WE KNOW THAT YOU WILL CONTINUE TO MAKE CONTRIBUTIONS TO OUR STATE AND TO OUR PROFESSION. GOD BLESS YOU AND WE APPRECIATE YOUR FRIENDSHIP AND WE APPRECIATE YOUR SERVICE TO THE PEOPLE OF FLORIDA.

IF YOU WOULD LIKE TO SAY SOMETHING NOW.

>> WELL, YOU KNOW I COULD NEVER RESIST A RESPONSE.

I DO WANT TO MAKE SURE EVERYONE UNDERSTANDS THAT SINCE THIS IS PUBLIC, THE DEAN OF THE COURT ONLY MEANS I HAVE BEEN HERE THE LONGEST.

DOES NOT MEAN I AM THE OLDEST.

IT HAS TRULY, HAVING BEEN ON THIS COURT FOR A LITTLE LESS THAN 21 YEARS, I CAN SAY THAT THE COLLEGIALITY ON THE CURRENT COURT AND THE FRIENDSHIPS WITH ALL OF YOU AND YOUR KINDNESS IN SO MANY DIFFERENT WAYS HAS BEEN WITHOUT EQUAL.

I THINK THAT THAT IS IMPORTANT AS WE GO FORTH TO UNDERSTAND HOW IMPORTANT COLLEGIALITY IS AND RESPECT FOR EVERYBODY'S POINT OF VIEW IN THE DECISION-MAKING PROCESS.

I FIND IT IRONIC TODAY THAT WE END WITH THREE CASES THAT HAVE CONSTITUTIONAL SIGNIFICANCE. THE VETERANS OF BUSH BEAT GORE. WE REMEMBER A TIME WHEN THE COURT WAS EMBROILED IN A SIX WEEK PERIOD WITH DECIDING SOME OF THE MOST IMPORTANT ISSUES THAT WE COULD FACE.

EVERY DAY AND WHAT WE DO ON THIS COURT, WE UNDERSTAND THAT WE ARE SERVING THE PEOPLE OF THE STATE OF FLORIDA AND WE ARE SERVING IN THE CAPACITY OF THE JUDICIARY NOT ONLY DOING WHAT IS POPULAR OR WHAT SPECIAL INTEREST WANT, BUT WHAT EITHER THE CONSTITUTION, THE FACTS AND LAW DEMANDS.

I AM SURE THAT ALTHOUGH WE MAY HAVE DIFFERENT VIEWS OF WHAT A TERM MEANS AT TIMES, WE ALL UNDERSTAND THAT IS OUR FIRST OBLIGATION.

THANK YOU CHIEF JUSTICE KENNEDY. I THINK THE THREE OF US DECIDED WE ARE NOT GOING TO HAVE RETIREMENT CEREMONIES HERE TO BURDEN YOU ALL AND OUR FRIENDS, BUT I FOR ONE AM SO GRATEFUL FOR MY TIME HERE.

I AM NOT GOING TO GET CHOKED UP. UNDERSTAND IT IS COMING TO AN END.

I LOOK FORWARD TO WATCHING GREAT THINGS FROM THIS GREAT COURT.

>> I PROBABLY HAVE SAID TOO MUCH  
ALREADY IN THE LAST 20 YEARS.  
I AM JUST GETTING READY TO GO  
OUT TO THE FIELD AND GET BACK IN  
THE TRENCHES AND HAVE A WHOLE  
LOT OF FUN.

I AM JUST VERY THANKFUL FOR THE  
OPPORTUNITY TO HAVE BEEN HERE.

>> I WOULD JUST LIKE TO ALSO SAY  
THANK YOU.

NOT ONLY TO THE GOVERNORS WHO  
GAVE ME THE FIRST OPPORTUNITY TO  
BE ON THIS COURT, BUT TO THE  
PEOPLE OF THE STATE OF FLORIDA  
WHO IN THREE DIFFERENT RETENTION  
ELECTIONS VOTED TO KEEP ME ON  
THIS COURT.

I AM VERY APPRECIATIVE TO ALL OF  
THE PEOPLE OF THIS STATE.

TO MY COLLEAGUES.

DEDICATED IN INTERESTING  
SERVICE.

I LOOK FORWARD TO SERVING THE  
PEOPLE OF THE STATE IN ANOTHER  
CAPACITY IN THE COMING YEARS.

>> THE COURT WILL NOW STAND IN  
RECESS.