

By Senators Dudley and Burt

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Senate Joint Resolution No. ____

A joint resolution proposing an amendment to
Section 2 of Article V of the State
Constitution, relating to rules of practice and
procedure.

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

That the following amendment to Section 2 of Article V
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 2. Administration; practice and procedure.--

(a) The supreme court shall adopt rules for the
practice and procedure in all courts including the time for
seeking appellate review, the administrative supervision of
all courts, the transfer to the court having jurisdiction of
any proceeding when the jurisdiction of another court has been
improvidently invoked, and a requirement that no cause shall
be dismissed because an improper remedy has been sought.
These rules may be repealed by general law enacted by
two-thirds vote of the membership of each house of the
legislature, except for rules of criminal procedure. Any rule
or provision of a rule of criminal procedure adopted by the
supreme court may be repealed by general law enacted by a
majority vote of the membership of each house of the
legislature. Notwithstanding any other provision of this
constitution, the legislature may, by a majority vote of the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 membership of each house of the legislature, enact a law
2 relating to and governing criminal procedure, and that law
3 prevails over any conflicting rule of criminal procedure or
4 provision of such a rule.

5 (b) The chief justice of the supreme court shall be
6 chosen by a majority of the members of the court. He shall be
7 the chief administrative officer of the judicial system. He
8 shall have the power to assign justices or judges, including
9 consenting retired justices or judges, to temporary duty in
10 any court for which the judge is qualified and to delegate to
11 a chief judge of a judicial circuit the power to assign judges
12 for duty in his respective circuit.

13 (c) A chief judge for each district court of appeal
14 shall be chosen by a majority of the judges thereof or, if
15 there is no majority, by the chief justice. The chief judge
16 shall be responsible for the administrative supervision of the
17 court.

18 (d) A chief judge in each circuit shall be chosen from
19 among the circuit judges as provided by supreme court rule.
20 The chief judge shall be responsible for the administrative
21 supervision of the circuit courts and county courts in his
22 circuit.

23
24 BE IT FURTHER RESOLVED that the following statement be placed
25 on the ballot:

26 CONSTITUTIONAL AMENDMENT

27 ARTICLE V, SECTION 2

28 RULES OF CRIMINAL PROCEDURE.--Proposing an amendment to
29 the State Constitution to allow the Legislature to repeal, by
30 general law enacted by a majority vote of the membership of
31 each house, rules of criminal procedure adopted by the State

1 Supreme Court and to provide that a law enacted by the
2 Legislature governing criminal procedure prevails over any
3 conflicting Supreme Court rule.
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