

By the Committee on Judiciary and Representatives Crist, Ball, Futch, Feeney, Byrd, Trovillion, Bense, Melvin, Peaden, Brummer, Fasano, Wise, Farkas, Bainter, Littlefield, Argenio, Kelly, Maygarden, Andrews, Sorensen, Murman and Flanagan

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House Joint Resolution

A joint resolution proposing an amendment to Section 2 of Article V of the State Constitution relating to administration of the Supreme Court.

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

That the amendment to Section 2 of Article V of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2000:

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.

Nothing in this section shall limit the authority of the legislature to enact by general law limitations on actions or requirements for expediting particular classes of cases.

Nothing in this constitution shall be construed to limit the authority of the legislature to limit by general law the time within which persons sentenced to death may challenge their convictions and sentences in state courts. Rules adopted by the supreme court shall not be in conflict with general law.

The supreme court shall adopt rules to allow the court and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed

1 Forces for an advisory opinion. Rules of court may be  
2 repealed or modified by general law enacted by ~~two-thirds vote~~  
3 ~~of the membership of each house of~~ the legislature.

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

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

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

22 BE IT FURTHER RESOLVED that in accordance with the  
23 requirements of section 101.161, Florida Statutes, the title  
24 and substance of the amendment proposed herein shall appear on  
25 the ballot as follows:

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RULES OF COURT

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SUBJECT TO GENERAL LAW

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Proposes that the Legislature may enact limitations on  
actions or requirements for expediting particular classes of  
cases and may limit the time within which persons sentenced to

1 death may challenge their convictions and sentences. Proposes  
2 that rules adopted by the court shall not be in conflict with,  
3 and may be repealed or modified by, general law. Deletes  
4 requirement of two-thirds vote of the Legislature for repeal  
5 of court rules.  
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