

By Senator Campbell

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Senate Joint Resolution No. ____

A joint resolution proposing an amendment to Sections 2 and 3 of Article V of the State Constitution; authorizing the Governor to appoint the Chief Justice of the Supreme Court; creating a term of office; providing for vacancies; specifying duties; and increasing the number of justices; providing an effective date.

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

That the following amendments to Sections 2 and 3 of Article V of the State Constitution are 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. 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

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

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2 repealed by general law enacted by two-thirds vote of the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

4 (b) The chief justice of the supreme court shall be
5 appointed from ~~chosen by a majority of~~ the members of the
6 court by the Governor, subject to confirmation by the Senate.
7 Subject to the provisions of Section 10 of Article V, the
8 chief justice shall serve for a term of six years. When a
9 vacancy occurs in the office of the chief justice, the most
10 senior in length of time in office of the other justices shall
11 perform the duties of the chief justice until a successor is
12 appointed. The chief justice~~shall be the chief~~
13 ~~administrative officer of the judicial system.~~The chief
14 justice shall be responsible for maintaining the integrity and
15 efficiency of all Article V courts,and shall have the power
16 to assign justices or judges, including consenting retired
17 justices or judges, to temporary duty in any court for which
18 the judge is qualified and to delegate to a chief judge of a
19 judicial circuit the power to assign judges for duty in that
20 circuit.

21 (c) A chief judge for each district court of appeal
22 shall be chosen by a majority of the judges thereof or, if
23 there is no majority, by the chief justice. The chief judge
24 shall be responsible for the administrative supervision of the
25 court.

26 (d) A chief judge in each circuit shall be chosen from
27 among the circuit judges as provided by supreme court rule.
28 The chief judge shall be responsible for the administrative
29 supervision of the circuit courts and county courts in that
30 ~~his~~ circuit.

31 SECTION 3. Supreme court.--

1 (a) ORGANIZATION.--The supreme court shall consist of
2 nine ~~seven~~ justices. Of the nine ~~seven~~ justices, each
3 appellate district shall have at least one justice elected or
4 appointed from the district to the supreme court who is a
5 resident of the district at the time of the original
6 appointment or election. Five justices shall constitute a
7 quorum. The concurrence of a majority of justices hearing a
8 case, but never less than four justices shall be needed
9 necessary to reach a decision. When recusals for cause would
10 prohibit the court from convening because of the requirements
11 of this section, judges assigned to temporary duty may be
12 substituted for justices.

13 (b) JURISDICTION.--The supreme court:

14 (1) Shall hear appeals from final judgments of trial
15 courts imposing the death penalty and from decisions of
16 district courts of appeal declaring invalid a state statute or
17 a provision of the state constitution.

18 (2) When provided by general law, shall hear appeals
19 from final judgments entered in proceedings for the validation
20 of bonds or certificates of indebtedness and shall review
21 action of statewide agencies relating to rates or service of
22 utilities providing electric, gas, or telephone service.

23 (3) May review any decision of a district court of
24 appeal that expressly declares valid a state statute, or that
25 expressly construes a provision of the state or federal
26 constitution, or that expressly affects a class of
27 constitutional or state officers, or that expressly and
28 directly conflicts with a decision of another district court
29 of appeal or of the supreme court on the same question of law.

30 (4) May review any decision of a district court of
31 appeal that passes upon a question certified by it to be of

1 great public importance, or that is certified by it to be in
2 direct conflict with a decision of another district court of
3 appeal.

4 (5) May review any order or judgment of a trial court
5 certified by the district court of appeal in which an appeal
6 is pending to be of great public importance, or to have a
7 great effect on the proper administration of justice
8 throughout the state, and certified to require immediate
9 resolution by the supreme court.

10 (6) May review a question of law certified by the
11 Supreme Court of the United States or a United States Court of
12 Appeals which is determinative of the cause and for which
13 there is no controlling precedent of the supreme court of
14 Florida.

15 (7) May issue writs of prohibition to courts and all
16 writs necessary to the complete exercise of its jurisdiction.

17 (8) May issue writs of mandamus and quo warranto to
18 state officers and state agencies.

19 (9) May, or any justice may, issue writs of habeas
20 corpus returnable before the supreme court or any justice, a
21 district court of appeal or any judge thereof, or any circuit
22 judge.

23 (10) Shall, when requested by the attorney general
24 pursuant to the provisions of Section 10 of Article IV, render
25 an advisory opinion of the justices, addressing issues as
26 provided by general law.

27 (c) CLERK AND MARSHAL.--The supreme court shall
28 appoint a clerk and a marshal who shall hold office during the
29 pleasure of the court and perform such duties as the court
30 directs. Their compensation shall be fixed by general law.
31 The marshal shall have the power to execute the process of the

1 court throughout the state, and in any county may deputize the
2 sheriff or a deputy sheriff for such purpose.

3 BE IT FURTHER RESOLVED that the following statement be
4 placed on the ballot:

5 CONSTITUTIONAL AMENDMENT

6 ARTICLE V, SECTIONS 2 and 3

7 THE OFFICE OF CHIEF JUSTICE AND ORGANIZATION OF THE
8 SUPREME COURT.--Proposing an amendment to the State
9 Constitution to authorize the Governor to appoint the Chief
10 Justice for a 6-year term; to require the justice with the
11 greatest seniority to perform the functions of Chief Justice
12 during vacancies and absences; to prescribe the
13 responsibilities of the chief justice; and to increase the
14 number of justices from seven to nine.

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