

By Senator Burt

16-1269-00

See HJR 1031

1                   Senate Joint Resolution No. \_\_\_\_  
 2           A joint resolution proposing an amendment to  
 3           Section 2 of Article V of the State  
 4           Constitution relating to administration of the  
 5           Supreme Court.

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

9 That the following amendment to Section 2 of Article V of the  
 10 State Constitution is agreed to and shall be submitted to the  
 11 electors of this state for approval or rejection at the next  
 12 general election or at an earlier special election  
 13 specifically authorized by law for that purpose:

14                   ARTICLE V

15                   JUDICIARY

16           SECTION 2. Administration; practice and procedure.--

17           (a) The supreme court shall adopt rules for the  
 18 practice and procedure in all courts including the time for  
 19 seeking appellate review, the administrative supervision of  
 20 all courts, the transfer to the court having jurisdiction of  
 21 any proceeding when the jurisdiction of another court has been  
 22 improvidently invoked, and a requirement that no cause shall  
 23 be dismissed because an improper remedy has been sought.

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

27 Nothing in this constitution shall be construed to limit the  
 28 authority of the legislature to limit by general law the time  
 29 within which persons sentenced to death may challenge their  
 30 convictions and sentences in state courts. Rules adopted by  
 31 the supreme court shall be consistent with general law.The

1 supreme court shall adopt rules to allow the court and the  
2 district courts of appeal to submit questions relating to  
3 military law to the federal Court of Appeals for the Armed  
4 Forces for an advisory opinion. Rules of court may be  
5 repealed or modified by general law enacted by ~~two-thirds vote~~  
6 ~~of the membership of each house of the legislature.~~

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

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

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

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

27  
28 CONSTITUTIONAL AMENDMENT

29 ARTICLE V, SECTION 2

30 RULES OF COURT SUBJECT TO GENERAL LAW.--Proposing an  
31 amendment to the State Constitution to allow the Legislature

1 to enact limitations on actions or requirements for expediting  
2 particular classes of cases and limit the time within which  
3 persons sentenced to death may challenge their convictions and  
4 sentences; to require court rules to be consistent with, and  
5 allow them to be repealed or modified by, general law; and to  
6 eliminate the two-thirds-vote requirement for the Legislature  
7 to repeal court rules.

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