

By Representative Kyle

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House Joint Resolution

A joint resolution proposing a revision of Article V of the State Constitution, relating to the judiciary.

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

That the revision 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 2002:

ARTICLE V

JUDICIARY

SECTION 1. Courts.--

(a) The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. Subject to any additional limitations established in this constitution, the jurisdiction of such courts shall extend only to actual cases in law, equity, admiralty and maritime jurisdiction, and to actual controversies arising under the constitution and the laws of the State of Florida and of the United States. No other courts may be established by the state, any political subdivision or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines, except that a district court of appeal may have geographical jurisdiction up to and including the entire state respecting any subject matter granted within such jurisdiction exclusively to that court by general law. Commissions established by law, or administrative officers or bodies may

1 be granted quasi-judicial power in matters connected with the  
2 functions of their offices. The legislature may establish by  
3 general law a civil traffic hearing officer system for the  
4 purpose of hearing civil traffic infractions. The legislature  
5 may, by general law, authorize a military court-martial to be  
6 conducted by military judges of the Florida National Guard,  
7 with direct appeal of a decision to the District Court of  
8 Appeal, First District.

9 (b) The power granted in this article to issue any  
10 writ does not in and of itself grant a court jurisdiction over  
11 a case or controversy. Some legal or equitable claim otherwise  
12 cognizable by such court is required to establish the  
13 jurisdictional basis for the issuance of a writ. The power to  
14 issue a writ of quo warranto does not establish power to  
15 review any right, power, or duty of a public official other  
16 than the right to hold the particular office claimed by such  
17 official, and the writ of quo warranto shall not be used for  
18 any purpose except to test a person's authority to continue  
19 holding an office when challenged by competing claimant to  
20 such office. All writs except those directed to judicial  
21 officers shall be subject to statutes of limitation as  
22 provided by general law.

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

24 (a) The supreme court may ~~shall~~ adopt rules for the  
25 practice and procedure in all courts including the time for  
26 seeking appellate review, the administrative supervision of  
27 all courts, the transfer to the court having jurisdiction of  
28 any proceeding when the jurisdiction of another court has been  
29 improvidently invoked, and a requirement that no cause shall  
30 be dismissed because an improper remedy has been sought. The  
31 supreme court shall adopt rules to allow the court and the

1 district courts of appeal to submit questions relating to  
2 military law to the federal Court of Appeals for the Armed  
3 Forces for an advisory opinion. Rules of court may not be  
4 inconsistent with statutes in place at the time of adoption of  
5 such rules, shall be revised to conform to subsequently  
6 adopted statutes that regulate substantive rights, and may be  
7 repealed by general law enacted by two-thirds vote of the  
8 membership of each house of the legislature. Rules adopted  
9 pursuant to this section shall neither abridge, enlarge, nor  
10 modify the substantive rights of any litigant, but additional  
11 rulemaking power may be expressly delegated to courts by  
12 general law.

13 (b) The chief justice of the supreme court shall be  
14 chosen by a majority of the members of the court; shall be the  
15 chief administrative officer of the courts established by this  
16 constitution ~~judicial system~~; and shall have the power to  
17 assign justices or judges, including consenting retired  
18 justices or judges, to temporary duty in any court for which  
19 the judge is qualified and to delegate to a chief judge of a  
20 judicial circuit the power to assign judges for duty in that  
21 circuit.

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

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

1           SECTION 3. Supreme court.--

2           (a) ORGANIZATION.--The supreme court shall consist of  
3 seven justices. Of the seven justices, each appellate district  
4 shall have at least one justice elected or appointed from the  
5 district to the supreme court who is a resident of the  
6 district at the time of the original appointment or election.  
7 Five justices shall constitute a quorum. The concurrence of  
8 four justices shall be necessary to a decision. When recusals  
9 for cause would prohibit the court from convening because of  
10 the requirements of this section, judges assigned to temporary  
11 duty may be substituted for justices.

12           (b) JURISDICTION.--Subject to the limitations provided  
13 in Section 1 of this Article,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. When a case is certified as  
10 requiring immediate resolution by the supreme court, the  
11 district court's jurisdiction shall be retained unless and  
12 until the supreme court issues an order accepting  
13 jurisdiction.

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

19 (7) May issue writs of prohibition to courts and all  
20 writs necessary to the complete exercise of its jurisdiction,  
21 provided that "all writs" does not grant jurisdiction in any  
22 case or controversy not otherwise within the court's  
23 jurisdiction under paragraphs (1) through (5) of this  
24 subsection.

25 (8) May issue writs of mandamus and quo warranto to  
26 state officers and state agencies in cases or controversies  
27 otherwise properly before the court.

28 (9) May, or any justice may, issue writs of habeas  
29 corpus returnable before the supreme court or any justice, a  
30 district court of appeal or any judge thereof, or any circuit  
31 judge, provided that such writs are subject to statutes of

1 limitation of not shorter than two years from the final  
2 judgment or mandate on direct appeal in a criminal case.

3 (10) Shall, when requested by the attorney general  
4 pursuant to the provisions of Section 10 of Article IV, render  
5 an advisory opinion of the justices, addressing issues as  
6 provided by general law. This provision constitutes an  
7 exception to the case and controversy limitation provided in  
8 Section 1 of this Article and such opinion shall be binding  
9 upon all citizens of this state.

10 (11) Shall, when requested by the governor pursuant to  
11 the provisions of Article IV, Section 1(c), render an advisory  
12 opinion of the justices as therein provided. This provision  
13 constitutes an exception to the case and controversy  
14 limitation provided in Section 1 of this Article; however,  
15 such opinion shall not be binding upon any party not  
16 voluntarily participating in such proceeding.

17 (12) Shall not have jurisdiction to hear original  
18 proceedings unless instituted against or relating to a  
19 judicial officer or officer of the court pursuant to paragraph  
20 (7) of this subsection, or sections 12 and 15 of this article,  
21 including claims ancillary to such case or controversy, or  
22 unless instituted pursuant to paragraph (2), paragraph (6),  
23 paragraph (9), paragraph (10) or paragraph (11) of this  
24 subsection.

25 (c) CLERK AND MARSHAL.--The supreme court shall  
26 appoint a clerk and a marshal who shall hold office during the  
27 pleasure of the court and perform such duties as the court  
28 directs. Their compensation shall be fixed by general law.  
29 The marshal shall have the power to execute the process of the  
30 court throughout the state, and in any county may deputize the  
31 sheriff or a deputy sheriff for such purpose.

1 SECTION 4. District courts of appeal.--

2 (a) ORGANIZATION.--There shall be a district court of  
3 appeal serving each appellate district. Each district court  
4 of appeal shall consist of at least three judges. Three judges  
5 shall consider each case and the concurrence of two shall be  
6 necessary to a decision.

7 (b) JURISDICTION.--

8 (1) Unless the subject matter of the case is assigned  
9 by general law to another district court of appeal, and unless  
10 otherwise limited by general law, district courts of appeal  
11 shall have jurisdiction to hear appeals, that may be taken as  
12 a matter of right, from final judgments or orders of trial  
13 courts, including those entered on review of administrative  
14 action, not directly appealable to the supreme court or a  
15 circuit court. They may review interlocutory orders in such  
16 cases to the extent provided by rules adopted by the supreme  
17 court.

18 (2) District courts of appeal shall have the power of  
19 direct review of administrative action, as prescribed by  
20 general law.

21 (3) A district court of appeal or any judge thereof  
22 may issue writs of habeas corpus returnable before the court  
23 or any judge thereof or before any circuit judge within the  
24 territorial jurisdiction of the court, provided that such  
25 writs are subject to statutes of limitation of not shorter  
26 than two years from the final judgment or mandate on direct  
27 appeal in a criminal case. A district court of appeal may  
28 issue writs of mandamus, certiorari, prohibition, quo  
29 warranto, and other writs necessary to the complete exercise  
30 of its jurisdiction, provided that this sentence does not  
31 grant jurisdiction in any case or controversy not otherwise

1 within the court's jurisdiction pursuant to paragraphs (1) and  
2 (2) of this subsection. To the extent necessary to dispose of  
3 all issues in a cause properly before it, a district court of  
4 appeal may exercise any of the appellate jurisdiction of the  
5 circuit courts.

6 (c) CLERKS AND MARSHALS.--Each district court of  
7 appeal shall appoint a clerk and a marshal who shall hold  
8 office during the pleasure of the court and perform such  
9 duties as the court directs. Their compensation shall be  
10 fixed by general law. The marshal shall have the power to  
11 execute the process of the court throughout the territorial  
12 jurisdiction of the court, and in any county may deputize the  
13 sheriff or a deputy sheriff for such purpose.

14 SECTION 5. Circuit courts.--

15 (a) ORGANIZATION.--There shall be a circuit court  
16 serving each judicial circuit.

17 (b) JURISDICTION.--The circuit courts shall have all  
18 original jurisdiction not vested in the county courts, and  
19 jurisdiction of appeals when provided by general law. They  
20 shall have the power, subject to the restrictions set forth in  
21 Section One of this Article, to issue writs of mandamus, quo  
22 warranto, certiorari, prohibition and habeas corpus, and all  
23 writs necessary or proper to the complete exercise of their  
24 jurisdiction. Jurisdiction of the circuit court shall be  
25 uniform throughout the state. They shall have the power of  
26 direct review of administrative action prescribed by general  
27 law.

28 SECTION 6. County courts.--

29 (a) ORGANIZATION.--There shall be a county court in  
30 each county. There shall be one or more judges for each  
31 county court as prescribed by general law.



1 (b) JURISDICTION.--The county courts shall exercise  
2 the jurisdiction prescribed by general law. Such jurisdiction  
3 shall be uniform throughout the state.

4 SECTION 7. Specialized divisions.--All courts except  
5 the supreme court may sit in divisions as may be established  
6 by general law. A circuit or county court may hold civil and  
7 criminal trials and hearings in any place within the  
8 territorial jurisdiction of the court as designated by the  
9 chief judge of the circuit.

10 SECTION 8. Eligibility.--No person shall be eligible  
11 for office of justice or judge of any court unless the person  
12 is an elector of the state and resides in the territorial  
13 jurisdiction of the court. No justice or judge shall serve  
14 after attaining the age of seventy years except upon temporary  
15 assignment or to complete a term, one-half of which has been  
16 served. No person is eligible for the office of justice of  
17 the supreme court or judge of a district court of appeal  
18 unless the person is, and has been for the preceding ten  
19 years, a member of the bar of Florida. No person is eligible  
20 for the office of circuit judge unless the person is, and has  
21 been for the preceding five years, a member of the bar of  
22 Florida. Unless otherwise provided by general law, no person  
23 is eligible for the office of county court judge unless the  
24 person is, and has been for the preceding five years, a member  
25 of the bar of Florida. Unless otherwise provided by general  
26 law, a person shall be eligible for election or appointment to  
27 the office of county court judge in a county having a  
28 population of 40,000 or less if the person is a member in good  
29 standing of the bar of Florida.

30 SECTION 9. Determination of number of judges.--The  
31 supreme court shall establish by rule uniform criteria for the

1 determination of the need for additional judges except supreme  
2 court justices, the necessity for decreasing the number of  
3 judges and for increasing, decreasing or redefining appellate  
4 districts and judicial circuits. If the supreme court finds  
5 that a need exists for increasing or decreasing the number of  
6 judges or increasing, decreasing or redefining appellate  
7 districts and judicial circuits, it shall, prior to the next  
8 regular session of the legislature, certify to the legislature  
9 its findings and recommendations concerning such need. Upon  
10 receipt of such certificate, the legislature, at the next  
11 regular session, shall consider the findings and  
12 recommendations and may reject the recommendations or by law  
13 implement the recommendations in whole or in part; provided  
14 the legislature may create more judicial offices than are  
15 recommended by the supreme court or may decrease the number of  
16 judicial offices by a greater number than recommended by the  
17 court only upon a finding of two-thirds of the membership of  
18 both houses of the legislature, that such a need exists. A  
19 decrease in the number of judges shall be effective only after  
20 the expiration of a term. If the supreme court fails to make  
21 findings as provided above when need exists, the legislature  
22 may by concurrent resolution request the court to certify its  
23 findings and recommendations and upon the failure of the court  
24 to certify its findings for nine consecutive months, the  
25 legislature may, upon a finding of two-thirds of the  
26 membership of both houses of the legislature that a need  
27 exists, increase or decrease the number of judges or increase,  
28 decrease or redefine appellate districts and judicial  
29 circuits.

30 SECTION 10. Retention; election and terms.--  
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1           (a) Any justice or judge may qualify for retention by  
2 a vote of the electors in the general election next preceding  
3 the expiration of the justice's or judge's term in the manner  
4 prescribed by law. If a justice or judge is ineligible or  
5 fails to qualify for retention, a vacancy shall exist in that  
6 office upon the expiration of the term being served by the  
7 justice or judge. When a justice or judge so qualifies, the  
8 ballot shall read substantially as follows: "Shall Justice (or  
9 Judge) ...(name of justice or judge)... of the ...(name of the  
10 court)... be retained in office?" If a majority of the  
11 qualified electors voting within the territorial jurisdiction  
12 of the court vote to retain, the justice or judge shall be  
13 retained for a term of six years. The term of the justice or  
14 judge retained shall commence on the first Tuesday after the  
15 first Monday in January following the general election. If a  
16 majority of the qualified electors voting on the question of  
17 retention within the territorial jurisdiction of the court  
18 vote to not retain, a vacancy shall exist in that office upon  
19 the expiration of the term being served by the justice or  
20 judge.

21           (b)(1) The election of circuit judges shall be  
22 preserved notwithstanding the provisions of subsection (a)  
23 unless a majority of those voting in the jurisdiction of that  
24 circuit approves a local option to select circuit judges by  
25 merit selection and retention rather than by election. The  
26 election of circuit judges shall be by a vote of the qualified  
27 electors within the territorial jurisdiction of the court.

28           (2) The election of county court judges shall be  
29 preserved notwithstanding the provisions of subsection (a)  
30 unless a majority of those voting in the jurisdiction of that  
31 county approves a local option to select county judges by

1 merit selection and retention rather than by election. The  
2 election of county court judges shall be by a vote of the  
3 qualified electors within the territorial jurisdiction of the  
4 court.

5 (3)a. A vote to exercise a local option to select  
6 circuit court judges and county court judges by merit  
7 selection and retention rather than by election shall be held  
8 in each circuit and county at the general election in the year  
9 2000. If a vote to exercise this local option fails in a vote  
10 of the electors, such option shall not again be put to a vote  
11 of the electors of that jurisdiction until the expiration of  
12 at least two years.

13 b. After the year 2000, a circuit may initiate the  
14 local option for merit selection and retention or the election  
15 of circuit judges, whichever is applicable, by filing with the  
16 secretary of state a petition signed by the number of electors  
17 equal to at least ten percent of the votes cast in the circuit  
18 in the last preceding election in which presidential electors  
19 were chosen.

20 c. After the year 2000, a county may initiate the  
21 local option for merit selection and retention or the election  
22 of county court judges, whichever is applicable, by filing  
23 with the supervisor of elections a petition signed by the  
24 number of electors equal to at least ten percent of the votes  
25 cast in the county in the last preceding election in which  
26 presidential electors were chosen. The terms of circuit judges  
27 and judges of county courts shall be for six years.

28 SECTION 11. Vacancies.--

29 (a) Whenever a vacancy occurs in a judicial office to  
30 which election for retention applies, the governor shall fill  
31 the vacancy by appointing for a term ending on the first

1 Tuesday after the first Monday in January of the year  
2 following the next general election occurring at least one  
3 year after the date of appointment, one of not fewer than  
4 three persons nor more than six persons nominated by the  
5 appropriate judicial nominating commission.

6 (b) The governor shall fill each vacancy on a circuit  
7 court or on a county court, wherein the judges are elected by  
8 a majority vote of the electors, by appointing for a term  
9 ending on the first Tuesday after the first Monday in January  
10 of the year following the next primary and general election  
11 occurring at least one year after the date of appointment, one  
12 of not fewer than three persons nor more than six persons  
13 nominated by the appropriate judicial nominating commission.

14 An election shall be held to fill that judicial office for the  
15 term of the office beginning at the end of the appointed term.

16 (c) The nominations shall be made within thirty days  
17 from the occurrence of a vacancy unless the period is extended  
18 by the governor for a time not to exceed thirty days. The  
19 governor shall make the appointment within sixty days after  
20 the nominations have been certified to the governor.

21 (d) There shall be a separate judicial nominating  
22 commission as provided by general law for the supreme court,  
23 each district court of appeal, and each judicial circuit for  
24 all trial courts within the circuit. Uniform rules of  
25 procedure shall be established by the judicial nominating  
26 commissions at each level of the court system. Such rules, or  
27 any part thereof, may be repealed by general law enacted by a  
28 majority vote of the membership of each house of the  
29 legislature, or by the supreme court, five justices  
30 concurring. Except for deliberations of the judicial  
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1 nominating commissions, The proceedings of the commissions and  
2 their records shall be open to the public.

3 SECTION 12. Discipline; removal and retirement.--

4 (a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial  
5 qualifications commission is created.

6 (1) There shall be a judicial qualifications  
7 commission vested with jurisdiction to investigate and  
8 recommend to the Supreme Court of Florida the removal from  
9 office of any justice or judge whose conduct, during term of  
10 office or otherwise occurring on or after November 1, 1966,  
11 (without regard to the effective date of this section)  
12 demonstrates a present unfitness to hold office, and to  
13 investigate and recommend the discipline of a justice or judge  
14 whose conduct, during term of office or otherwise occurring on  
15 or after November 1, 1966 (without regard to the effective  
16 date of this section), warrants such discipline. For purposes  
17 of this section, discipline is defined as any or all of the  
18 following: reprimand, fine, suspension with or without pay, or  
19 lawyer discipline. The commission shall have jurisdiction over  
20 justices and judges regarding allegations that misconduct  
21 occurred before or during service as a justice or judge if a  
22 complaint is made no later than one year following service as  
23 a justice or judge. The commission shall have jurisdiction  
24 regarding allegations of incapacity during service as a  
25 justice or judge. The commission shall be composed of:

26 a. Two judges of district courts of appeal selected by  
27 the judges of those courts, two circuit judges selected by the  
28 judges of the circuit courts and two judges of county courts  
29 selected by the judges of those courts;

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1           b. Four electors who reside in the state, who are  
2 members of the bar of Florida, and who shall be chosen by the  
3 governing body of the bar of Florida; and

4           c. Five electors who reside in the state, who have  
5 never held judicial office or been members of the bar of  
6 Florida, and who shall be appointed by the governor.

7           (2) The members of the judicial qualifications  
8 commission shall serve staggered terms, not to exceed six  
9 years, as prescribed by general law. No member of the  
10 commission except a judge shall be eligible for state judicial  
11 office while acting as a member of the commission and for a  
12 period of two years thereafter. No member of the commission  
13 shall hold office in a political party or participate in any  
14 campaign for judicial office or hold public office; provided  
15 that a judge may campaign for judicial office and hold that  
16 office. The commission shall elect one of its members as its  
17 chairperson.

18           (3) Members of the judicial qualifications commission  
19 not subject to impeachment shall be subject to removal from  
20 the commission pursuant to the provisions of Article IV,  
21 Section 7, Florida Constitution.

22           (4) The commission shall adopt rules regulating its  
23 proceedings, the filling of vacancies by the appointing  
24 authorities, the disqualification of members, the rotation of  
25 members between the panels, and the temporary replacement of  
26 disqualified or incapacitated members. The commission's  
27 rules, or any part thereof, may be repealed by general law  
28 enacted by a majority vote of the membership of each house of  
29 the legislature, or by the supreme court, five justices  
30 concurring. The commission shall have power to issue  
31 subpoenas. Until formal charges against a justice or judge are

1 filed by the investigative panel with the clerk of the supreme  
2 court of Florida all proceedings by or before the commission  
3 shall be confidential; provided, however, upon a finding of  
4 probable cause and the filing by the investigative panel with  
5 said clerk of such formal charges against a justice or judge  
6 such charges and all further proceedings before the commission  
7 shall be public.

8 (5) The commission shall have access to all  
9 information from all executive, legislative and judicial  
10 agencies, including grand juries, subject to the rules of the  
11 commission. At any time, on request of the speaker of the  
12 house of representatives or the governor, the commission shall  
13 make available all information in the possession of the  
14 commission for use in consideration of impeachment or  
15 suspension, respectively.

16 (b) PANELS.--The commission shall be divided into an  
17 investigative panel and a hearing panel as established by rule  
18 of the commission. The investigative panel is vested with the  
19 jurisdiction to receive or initiate complaints, conduct  
20 investigations, dismiss complaints, and upon a vote of a  
21 simple majority of the panel submit formal charges to the  
22 hearing panel. The hearing panel is vested with the authority  
23 to receive and hear formal charges from the investigative  
24 panel and upon a two-thirds vote of the panel recommend to the  
25 supreme court the removal of a justice or judge or the  
26 involuntary retirement of a justice or judge for any permanent  
27 disability that seriously interferes with the performance of  
28 judicial duties. Upon a simple majority vote of the membership  
29 of the hearing panel, the panel may recommend to the supreme  
30 court that the justice or judge be subject to appropriate  
31 discipline.



1           (c) SUPREME COURT.--The supreme court shall receive  
2 recommendations from the judicial qualifications commission's  
3 hearing panel.

4           (1) The supreme court may accept, reject, or modify in  
5 whole or in part the findings, conclusions, and  
6 recommendations of the commission and it may order that the  
7 justice or judge be subjected to appropriate discipline, or be  
8 removed from office with termination of compensation for  
9 willful or persistent failure to perform judicial duties or  
10 for other conduct unbecoming a member of the judiciary  
11 demonstrating a present unfitness to hold office, or be  
12 involuntarily retired for any permanent disability that  
13 seriously interferes with the performance of judicial duties.  
14 Malafides, scienter or moral turpitude on the part of a  
15 justice or judge shall not be required for removal from office  
16 of a justice or judge whose conduct demonstrates a present  
17 unfitness to hold office. After the filing of a formal  
18 proceeding and upon request of the investigative panel, the  
19 supreme court may suspend the justice or judge from office,  
20 with or without compensation, pending final determination of  
21 the inquiry.

22           (2) The supreme court may award costs to the  
23 prevailing party.

24           (d) The power of removal conferred by this section  
25 shall be both alternative and cumulative to the power of  
26 impeachment.

27           (e) Notwithstanding any of the foregoing provisions of  
28 this section, if the person who is the subject of proceedings  
29 by the judicial qualifications commission is a justice of the  
30 supreme court of Florida all justices of such court  
31 automatically shall be disqualified to sit as justices of such

1 court with respect to all proceedings therein concerning such  
2 person and the supreme court for such purposes shall be  
3 composed of a panel consisting of the seven chief judges of  
4 the judicial circuits of the state of Florida most senior in  
5 tenure of judicial office as circuit judge. For purposes of  
6 determining seniority of such circuit judges in the event  
7 there be judges of equal tenure in judicial office as circuit  
8 judge the judge or judges from the lower numbered circuit or  
9 circuits shall be deemed senior. In the event any such chief  
10 circuit judge is under investigation by the judicial  
11 qualifications commission or is otherwise disqualified or  
12 unable to serve on the panel, the next most senior chief  
13 circuit judge or judges shall serve in place of such  
14 disqualified or disabled chief circuit judge.

15 (f) All other matters of procedure and organization of  
16 the commission and any panels thereof, the selection of judges  
17 to serve on the commission, and the power to recover costs of  
18 an investigation shall be governed by rules adopted by the  
19 supreme court ~~SCHEDULE TO SECTION 12.--~~

20 ~~(1) Except to the extent inconsistent with the~~  
21 ~~provisions of this section, all provisions of law and rules of~~  
22 ~~court in force on the effective date of this article shall~~  
23 ~~continue in effect until superseded in the manner authorized~~  
24 ~~by the constitution.~~

25 ~~(2) After this section becomes effective and until~~  
26 ~~adopted by rule of the commission consistent with it:~~

27 ~~a. The commission shall be divided, as determined by~~  
28 ~~the chairperson, into one investigative panel and one hearing~~  
29 ~~panel to meet the responsibilities set forth in this section.~~

30 ~~b. The investigative panel shall be composed of:~~

31 ~~1. Four judges,~~

1           2. ~~Two members of the bar of Florida, and~~  
2           3. ~~Three non-lawyers.~~  
3           c. ~~The hearing panel shall be composed of:~~  
4           1. ~~Two judges,~~  
5           2. ~~Two members of the bar of Florida, and~~  
6           3. ~~Two non-lawyers.~~  
7           d. ~~Membership on the panels may rotate in a manner~~  
8 ~~determined by the rules of the commission provided that no~~  
9 ~~member shall vote as a member of the investigative and hearing~~  
10 ~~panel on the same proceeding.~~  
11           e. ~~The commission shall hire separate staff for each~~  
12 ~~panel.~~  
13           f. ~~The members of the commission shall serve for~~  
14 ~~staggered terms of six years.~~  
15           g. ~~The terms of office of the present members of the~~  
16 ~~judicial qualifications commission shall expire upon the~~  
17 ~~effective date of the amendments to this section approved by~~  
18 ~~the legislature during the regular session of the legislature~~  
19 ~~in 1996 and new members shall be appointed to serve the~~  
20 ~~following staggered terms:~~  
21           1. ~~Group I.--The terms of five members, composed of~~  
22 ~~two electors as set forth in s. 12(a)(1)c. of Article V, one~~  
23 ~~member of the bar of Florida as set forth in s. 12(a)(1)b. of~~  
24 ~~Article V, one judge from the district courts of appeal and~~  
25 ~~one circuit judge as set forth in s. 12(a)(1)a. of Article V,~~  
26 ~~shall expire on December 31, 1998.~~  
27           2. ~~Group II.--The terms of five members, composed of~~  
28 ~~one elector as set forth in s. 12(a)(1)c. of Article V, two~~  
29 ~~members of the bar of Florida as set forth in s. 12(a)(1)b. of~~  
30 ~~Article V, one circuit judge and one county judge as set forth~~  
31

1 in s. 12(a)(1)a. of Article V shall expire on December 31,  
2 2000.

3 3. ~~Group III.--The terms of five members, composed of~~  
4 ~~two electors as set forth in s. 12(a)(1)c. of Article V, one~~  
5 ~~member of the bar of Florida as set forth in s. 12(a)(1)b.,~~  
6 ~~one judge from the district courts of appeal and one county~~  
7 ~~judge as set forth in s. 12(a)(1)a. of Article V, shall expire~~  
8 ~~on December 31, 2002.~~

9 h. ~~An appointment to fill a vacancy of the commission~~  
10 ~~shall be for the remainder of the term.~~

11 i. ~~Selection of members by district courts of appeal~~  
12 ~~judges, circuit judges, and county court judges, shall be by~~  
13 ~~no less than a majority of the members voting at the~~  
14 ~~respective courts' conferences. Selection of members by the~~  
15 ~~board of governors of the bar of Florida shall be by no less~~  
16 ~~than a majority of the board.~~

17 j. ~~The commission shall be entitled to recover the~~  
18 ~~costs of investigation and prosecution, in addition to any~~  
19 ~~penalty levied by the supreme court.~~

20 k. ~~The compensation of members and referees shall not~~  
21 ~~exceed be the travel expenses or transportation and per diem~~  
22 ~~allowance as may be provided by general law.~~

23 SECTION 13. Prohibited activities.--All justices and  
24 judges shall devote full time to their judicial duties. They  
25 shall not engage in the practice of law or hold office in any  
26 political party.

27 SECTION 14. Judicial salaries.--All justices and  
28 judges shall be compensated only by state salaries fixed by  
29 general law. The judiciary shall have no power to fix  
30 appropriations.

31 SECTION 14. Funding.--

1           (a) All justices and judges shall be compensated only  
2 by state salaries fixed by general law. Funding for the state  
3 courts system, state attorneys' offices, public defenders'  
4 offices, and court-appointed counsel, except as otherwise  
5 provided in subsection (c), shall be provided from state  
6 revenues appropriated by general law.

7           (b) All funding for the offices of the clerks of the  
8 circuit and county courts performing court-related functions,  
9 except as otherwise provided in this subsection and subsection  
10 (c), shall be provided by adequate and appropriate filing fees  
11 for judicial proceedings and service charges and costs for  
12 performing court-related functions as required by general law.  
13 Selected salaries, costs, and expenses of the state courts  
14 system may be funded from appropriate filing fees for judicial  
15 proceedings and service charges and costs for performing  
16 court-related functions, as provided by general law. Where  
17 the requirements of either the United States Constitution or  
18 the Constitution of the State of Florida preclude the  
19 imposition of filing fees for judicial proceedings and service  
20 charges and costs for performing court-related functions  
21 sufficient to fund the court-related functions of the offices  
22 of the clerks of the circuit and county courts, the state  
23 shall provide, as determined by the legislature, adequate and  
24 appropriate supplemental funding from state revenues  
25 appropriated by general law.

26           (c) No county or municipality, except as provided in  
27 this subsection, shall be required to provide any funding for  
28 the state courts system, state attorneys' offices, public  
29 defenders' offices, court-appointed counsel or the offices of  
30 the clerks of the circuit and county courts performing  
31 court-related functions. Counties shall be required to fund

1 the cost of communications services, existing radio systems,  
2 existing multi-agency criminal justice information systems,  
3 and the cost of construction or lease, maintenance, utilities,  
4 and security of facilities for the trial courts, public  
5 defenders' offices, state attorneys' offices, and the offices  
6 of the clerks of the circuit and county courts performing  
7 court-related functions. Counties shall also pay reasonable  
8 and necessary salaries, costs, and expenses of the state  
9 courts system to meet local requirements as determined by  
10 general law.

11 (d) The judiciary shall have no power to fix  
12 appropriations.

13 SECTION 15. Attorneys; admission and discipline.--The  
14 supreme court shall have exclusive jurisdiction to regulate  
15 the admission of persons to the practice of law and the  
16 discipline of persons admitted.

17 SECTION 16. Clerks of the circuit courts.--There shall  
18 be in each county a clerk of the circuit court who shall be  
19 selected pursuant to the provisions of Article VIII section 1.  
20 Notwithstanding any other provision of the constitution, the  
21 duties of the clerk of the circuit court may be divided by  
22 special or general law between two officers, one serving as  
23 clerk of court and one serving as ex officio clerk of the  
24 board of county commissioners, auditor, recorder, and  
25 custodian of all county funds. There may be a clerk of the  
26 county court if authorized by general or special law.

27 SECTION 17. State attorneys.--In each judicial circuit  
28 a state attorney shall be elected for a term of four years.  
29 Except as otherwise provided in this constitution, the state  
30 attorney shall be the prosecuting officer of all trial courts  
31 in that circuit and shall perform other duties prescribed by

1 general law; provided, however, when authorized by general  
2 law, the violations of all municipal ordinances may be  
3 prosecuted by municipal prosecutors. A state attorney shall  
4 be an elector of the state and reside in the territorial  
5 jurisdiction of the circuit; shall be and have been a member  
6 of the bar of Florida for the preceding five years; shall  
7 devote full time to the duties of the office; and shall not  
8 engage in the private practice of law. State attorneys shall  
9 appoint such assistant state attorneys as may be authorized by  
10 law.

11 SECTION 18. Public defenders.--In each judicial  
12 circuit a public defender shall be elected for a term of four  
13 years, who shall perform duties prescribed by general law. A  
14 public defender shall be an elector of the state and reside in  
15 the territorial jurisdiction of the circuit and shall be and  
16 have been a member of the Bar of Florida for the preceding  
17 five years. Public defenders shall appoint such assistant  
18 public defenders as may be authorized by law.

19 SECTION 19. Judicial officers as conservators of the  
20 peace.--All judicial officers in this state shall be  
21 conservators of the peace.

22 ~~SECTION 20. Schedule to Article V.--~~

23 ~~(a) This article shall replace all of Article V of the~~  
24 ~~Constitution of 1885, as amended, which shall then stand~~  
25 ~~repealed.~~

26 ~~(b) Except to the extent inconsistent with the~~  
27 ~~provisions of this article, all provisions of law and rules of~~  
28 ~~court in force on the effective date of this article shall~~  
29 ~~continue in effect until superseded in the manner authorized~~  
30 ~~by the constitution.~~

31

1           ~~(c) After this article becomes effective, and until~~  
2 ~~changed by general law consistent with sections 1 through 19~~  
3 ~~of this article:~~

4           ~~(1) The supreme court shall have the jurisdiction~~  
5 ~~immediately theretofore exercised by it, and it shall~~  
6 ~~determine all proceedings pending before it on the effective~~  
7 ~~date of this article.~~

8           ~~(2) The appellate districts shall be those in~~  
9 ~~existence on the date of adoption of this article. There~~  
10 ~~shall be a district court of appeal in each district. The~~  
11 ~~district courts of appeal shall have the jurisdiction~~  
12 ~~immediately theretofore exercised by the district courts of~~  
13 ~~appeal and shall determine all proceedings pending before them~~  
14 ~~on the effective date of this article.~~

15           ~~(3) Circuit courts shall have jurisdiction of appeals~~  
16 ~~from county courts and municipal courts, except those appeals~~  
17 ~~which may be taken directly to the supreme court; and they~~  
18 ~~shall have exclusive original jurisdiction in all actions at~~  
19 ~~law not cognizable by the county courts; of proceedings~~  
20 ~~relating to the settlement of the estate of decedents and~~  
21 ~~minors, the granting of letters testamentary, guardianship,~~  
22 ~~involuntary hospitalization, the determination of~~  
23 ~~incompetency, and other jurisdiction usually pertaining to~~  
24 ~~courts of probate; in all cases in equity including all cases~~  
25 ~~relating to juveniles; of all felonies and of all misdemeanors~~  
26 ~~arising out of the same circumstances as a felony which is~~  
27 ~~also charged; in all cases involving legality of any tax~~  
28 ~~assessment or toll; in the action of ejectment; and in all~~  
29 ~~actions involving the titles or boundaries or right of~~  
30 ~~possession of real property. The circuit court may issue~~  
31 ~~injunctions. There shall be judicial circuits which shall be~~



1 ~~the judicial circuits in existence on the date of adoption of~~  
2 ~~this article. The chief judge of a circuit may authorize a~~  
3 ~~county court judge to order emergency hospitalizations~~  
4 ~~pursuant to Chapter 71-131, Laws of Florida, in the absence~~  
5 ~~from the county of the circuit judge and the county court~~  
6 ~~judge shall have the power to issue all temporary orders and~~  
7 ~~temporary injunctions necessary or proper to the complete~~  
8 ~~exercise of such jurisdiction.~~

9         ~~(4) County courts shall have original jurisdiction in~~  
10 ~~all criminal misdemeanor cases not cognizable by the circuit~~  
11 ~~courts, of all violations of municipal and county ordinances,~~  
12 ~~and of all actions at law in which the matter in controversy~~  
13 ~~does not exceed the sum of two thousand five hundred dollars~~  
14 ~~(\$2,500.00) exclusive of interest and costs, except those~~  
15 ~~within the exclusive jurisdiction of the circuit courts.~~  
16 ~~Judges of county courts shall be committing magistrates. The~~  
17 ~~county courts shall have jurisdiction now exercised by the~~  
18 ~~county judge's courts other than that vested in the circuit~~  
19 ~~court by subsection (c)(3) hereof, the jurisdiction now~~  
20 ~~exercised by the county courts, the claims court, the small~~  
21 ~~claims courts, the small claims magistrates courts,~~  
22 ~~magistrates courts, justice of the peace courts, municipal~~  
23 ~~courts and courts of chartered counties, including but not~~  
24 ~~limited to the counties referred to in Article VIII, sections~~  
25 ~~9, 10, 11 and 24 of the Constitution of 1885.~~

26         ~~(5) Each judicial nominating commission shall be~~  
27 ~~composed of the following:~~

28             ~~a. Three members appointed by the Board of Governors~~  
29 ~~of The Florida Bar from among The Florida Bar members who are~~  
30 ~~actively engaged in the practice of law with offices within~~  
31

1 ~~the territorial jurisdiction of the affected court, district~~  
2 ~~or circuit;~~

3 ~~b. Three electors who reside in the territorial~~  
4 ~~jurisdiction of the court or circuit appointed by the~~  
5 ~~governor; and~~

6 ~~c. Three electors who reside in the territorial~~  
7 ~~jurisdiction of the court or circuit and who are not members~~  
8 ~~of the bar of Florida, selected and appointed by a majority~~  
9 ~~vote of the other six members of the commission.~~

10 ~~(6) No justice or judge shall be a member of a~~  
11 ~~judicial nominating commission. A member of a judicial~~  
12 ~~nominating commission may hold public office other than~~  
13 ~~judicial office. No member shall be eligible for appointment~~  
14 ~~to state judicial office so long as that person is a member of~~  
15 ~~a judicial nominating commission and for a period of two years~~  
16 ~~thereafter. All acts of a judicial nominating commission~~  
17 ~~shall be made with a concurrence of a majority of its members.~~

18 ~~(7) The members of a judicial nominating commission~~  
19 ~~shall serve for a term of four years except the terms of the~~  
20 ~~initial members of the judicial nominating commissions shall~~  
21 ~~expire as follows:~~

22 ~~a. The terms of one member of category a. b. and c. in~~  
23 ~~subsection (c)(5) hereof shall expire on July 1, 1974;~~

24 ~~b. The terms of one member of category a. b. and c. in~~  
25 ~~subsection (c)(5) hereof shall expire on July 1, 1975;~~

26 ~~c. The terms of one member of category a. b. and c. in~~  
27 ~~subsection (c)(5) hereof shall expire on July 1, 1976;~~

28 ~~(8) All fines and forfeitures arising from offenses~~  
29 ~~tried in the county court shall be collected, and accounted~~  
30 ~~for by clerk of the court, and deposited in a special trust~~  
31 ~~account. All fines and forfeitures received from violations~~

1 ~~of ordinances or misdemeanors committed within a county or~~  
2 ~~municipal ordinances committed within a municipality within~~  
3 ~~the territorial jurisdiction of the county court shall be paid~~  
4 ~~monthly to the county or municipality respectively. If any~~  
5 ~~costs are assessed and collected in connection with offenses~~  
6 ~~tried in county court, all court costs shall be paid into the~~  
7 ~~general revenue fund of the state of Florida and such other~~  
8 ~~funds as prescribed by general law.~~

9       ~~(9) Any municipality or county may apply to the chief~~  
10 ~~judge of the circuit in which that municipality or county is~~  
11 ~~situated for the county court to sit in a location suitable to~~  
12 ~~the municipality or county and convenient in time and place to~~  
13 ~~its citizens and police officers and upon such application~~  
14 ~~said chief judge shall direct the court to sit in the location~~  
15 ~~unless the chief judge shall determine the request is not~~  
16 ~~justified. If the chief judge does not authorize the county~~  
17 ~~court to sit in the location requested, the county or~~  
18 ~~municipality may apply to the supreme court for an order~~  
19 ~~directing the county court to sit in the location. Any~~  
20 ~~municipality or county which so applies shall be required to~~  
21 ~~provide the appropriate physical facilities in which the~~  
22 ~~county court may hold court.~~

23       ~~(10) All courts except the supreme court may sit in~~  
24 ~~divisions as may be established by local rule approved by the~~  
25 ~~supreme court.~~

26       ~~(11) A county court judge in any county having a~~  
27 ~~population of 40,000 or less according to the last decennial~~  
28 ~~census, shall not be required to be a member of the bar of~~  
29 ~~Florida.~~

30       ~~(12) Municipal prosecutors may prosecute violations of~~  
31 ~~municipal ordinances.~~

1       ~~(13) Justice shall mean a justice elected or appointed~~  
2 ~~to the supreme court and shall not include any judge assigned~~  
3 ~~from any court.~~

4       ~~(d) When this article becomes effective:~~

5       ~~(1) All courts not herein authorized, except as~~  
6 ~~provided by subsection (d)(4) of this section shall cease to~~  
7 ~~exist and jurisdiction to conclude all pending cases and~~  
8 ~~enforce all prior orders and judgments shall vest in the court~~  
9 ~~that would have jurisdiction of the cause if thereafter~~  
10 ~~instituted. All records of and property held by courts~~  
11 ~~abolished hereby shall be transferred to the proper office of~~  
12 ~~the appropriate court under this article.~~

13       ~~(2) Judges of the following courts, if their terms do~~  
14 ~~not expire in 1973 and if they are eligible under subsection~~  
15 ~~(d)(8) hereof, shall become additional judges of the circuit~~  
16 ~~court for each of the counties of their respective circuits,~~  
17 ~~and shall serve as such circuit judges for the remainder of~~  
18 ~~the terms to which they were elected and shall be eligible for~~  
19 ~~election as circuit judges thereafter. These courts are: civil~~  
20 ~~court of record of Dade county, all criminal courts of record,~~  
21 ~~the felony courts of record of Alachua, Leon and Volusia~~  
22 ~~Counties, the courts of record of Broward, Brevard, Escambia,~~  
23 ~~Hillsborough, Lee, Manatee and Sarasota Counties, the civil~~  
24 ~~and criminal court of record of Pinellas County, and county~~  
25 ~~judge's courts and separate juvenile courts in counties having~~  
26 ~~a population in excess of 100,000 according to the 1970~~  
27 ~~federal census. On the effective date of this article, there~~  
28 ~~shall be an additional number of positions of circuit judges~~  
29 ~~equal to the number of existing circuit judges and the number~~  
30 ~~of judges of the above named courts whose term expires in~~  
31 ~~1973. Elections to such offices shall take place at the same~~

1 ~~time and manner as elections to other state judicial offices~~  
2 ~~in 1972 and the terms of such offices shall be for a term of~~  
3 ~~six years. Unless changed pursuant to section nine of this~~  
4 ~~article, the number of circuit judges presently existing and~~  
5 ~~created by this subsection shall not be changed.~~

6 ~~(3) In all counties having a population of less than~~  
7 ~~100,000 according to the 1970 federal census and having more~~  
8 ~~than one county judge on the date of the adoption of this~~  
9 ~~article, there shall be the same number of judges of the~~  
10 ~~county court as there are county judges existing on that date~~  
11 ~~unless changed pursuant to section 9 of this article.~~

12 ~~(4) Municipal courts shall continue with their same~~  
13 ~~jurisdiction until amended or terminated in a manner~~  
14 ~~prescribed by special or general law or ordinances, or until~~  
15 ~~January 3, 1977, whichever occurs first. On that date all~~  
16 ~~municipal courts not previously abolished shall cease to~~  
17 ~~exist. Judges of municipal courts shall remain in office and~~  
18 ~~be subject to reappointment or reelection in the manner~~  
19 ~~prescribed by law until said courts are terminated pursuant to~~  
20 ~~the provisions of this subsection. Upon municipal courts~~  
21 ~~being terminated or abolished in accordance with the~~  
22 ~~provisions of this subsection, the judges thereof who are not~~  
23 ~~members of the bar of Florida, shall be eligible to seek~~  
24 ~~election as judges of county courts of their respective~~  
25 ~~counties.~~

26 ~~(5) Judges, holding elective office in all other~~  
27 ~~courts abolished by this article, whose terms do not expire in~~  
28 ~~1973 including judges established pursuant to Article VIII,~~  
29 ~~sections 9 and 11 of the Constitution of 1885 shall serve as~~  
30 ~~judges of the county court for the remainder of the term to~~  
31 ~~which they were elected. Unless created pursuant to section~~

1 ~~9, of this Article V such judicial office shall not continue~~  
2 ~~to exist thereafter.~~

3 ~~(6) By March 21, 1972, the supreme court shall certify~~  
4 ~~the need for additional circuit and county judges. The~~  
5 ~~legislature in the 1972 regular session may by general law~~  
6 ~~create additional offices of judge, the terms of which shall~~  
7 ~~begin on the effective date of this article. Elections to~~  
8 ~~such offices shall take place at the same time and manner as~~  
9 ~~election to other state judicial offices in 1972.~~

10 ~~(7) County judges of existing county judge's courts~~  
11 ~~and justices of the peace and magistrates' court who are not~~  
12 ~~members of bar of Florida shall be eligible to seek election~~  
13 ~~as county court judges of their respective counties.~~

14 ~~(8) No judge of a court abolished by this article~~  
15 ~~shall become or be eligible to become a judge of the circuit~~  
16 ~~court unless the judge has been a member of bar of Florida for~~  
17 ~~the preceding five years.~~

18 ~~(9) The office of judges of all other courts abolished~~  
19 ~~by this article shall be abolished as of the effective date of~~  
20 ~~this article.~~

21 ~~(10) The offices of county solicitor and prosecuting~~  
22 ~~attorney shall stand abolished, and all county solicitors and~~  
23 ~~prosecuting attorneys holding such offices upon the effective~~  
24 ~~date of this article shall become and serve as assistant state~~  
25 ~~attorneys for the circuits in which their counties are situate~~  
26 ~~for the remainder of their terms, with compensation not less~~  
27 ~~than that received immediately before the effective date of~~  
28 ~~this article.~~

29 ~~(e) LIMITED OPERATION OF SOME PROVISIONS.~~

30 ~~(1) All justices of the supreme court, judges of the~~  
31 ~~district courts of appeal and circuit judges in office upon~~

1 ~~the effective date of this article shall retain their offices~~  
2 ~~for the remainder of their respective terms. All members of~~  
3 ~~the judicial qualifications commission in office upon the~~  
4 ~~effective date of this article shall retain their offices for~~  
5 ~~the remainder of their respective terms. Each state attorney~~  
6 ~~in office on the effective date of this article shall retain~~  
7 ~~the office for the remainder of the term.~~

8         ~~(2) No justice or judge holding office immediately~~  
9 ~~after this article becomes effective who held judicial office~~  
10 ~~on July 1, 1957, shall be subject to retirement from judicial~~  
11 ~~office because of age pursuant to section 8 of this article.~~

12         ~~(f) Until otherwise provided by law, the nonjudicial~~  
13 ~~duties required of county judges shall be performed by the~~  
14 ~~judges of the county court.~~

15         ~~(g) All provisions of Article V of the Constitution of~~  
16 ~~1885, as amended, not embraced herein which are not~~  
17 ~~inconsistent with this revision shall become statutes subject~~  
18 ~~to modification or repeal as are other statutes.~~

19         ~~(h) The requirements of section 14 relative to all~~  
20 ~~county court judges or any judge of a municipal court who~~  
21 ~~continues to hold office pursuant to subsection (d)(4) hereof~~  
22 ~~being compensated by state salaries shall not apply prior to~~  
23 ~~January 3, 1977, unless otherwise provided by general law.~~

24         ~~(i) DELETION OF OBSOLETE SCHEDULE ITEMS.--The~~  
25 ~~legislature shall have power, by concurrent resolution, to~~  
26 ~~delete from this article any subsection of this section 20~~  
27 ~~including this subsection, when all events to which the~~  
28 ~~subsection to be deleted is or could become applicable have~~  
29 ~~occurred. A legislative determination of fact made as a basis~~  
30 ~~for application of this subsection shall be subject to~~  
31 ~~judicial review.~~

1           ~~(j) EFFECTIVE DATE. Unless otherwise provided herein,~~  
2 ~~this article shall become effective at 11:59 o'clock P.M.,~~  
3 ~~Eastern Standard Time, January 1, 1973.~~

4           BE IT FURTHER RESOLVED that in accordance with the  
5 requirements of section 101.161, Florida Statutes, the title  
6 and substance of the amendment proposed herein shall appear on  
7 the ballot as follows:

8  
9           Proposing a revision to Article V relating to the  
10 Judiciary. The revision includes the following provisions:

11           1. Limits the jurisdiction of the courts, including  
12 the jurisdiction to issue most writs, to actual cases in  
13 law, equity, admiralty, and maritime jurisdiction and to  
14 actual controversies arising under the Constitution and  
15 the laws of the State of Florida and the United States.

16           2. Prohibits rules of the Supreme Court from being  
17 inconsistent with statutes in place at the time of the  
18 adoption of the rules, and provides that the rules must  
19 be revised to conform to subsequently adopted statutes  
20 that regulate substantive rights and that rules may be  
21 repealed by general law adopted by a majority, rather  
22 than 2/3, of each house of the Legislature.

23           3. Provides that rules adopted by the court shall  
24 neither abridge, enlarge, nor modify the substantive  
25 rights of any litigant, but additional rulemaking power  
26 may be delegated to courts by general law.

27           4. Limits the District Courts of Appeal  
28 jurisdiction to appeals and the Supreme Court  
29 jurisdiction to appeals, advisory opinions authorized by  
30 the constitution, writs of habeas corpus, and  
31 prohibitions and adoption of rules, discipline, and



1 review of questions certified by the Supreme Court of the  
2 United States or a United States Court of Appeal.  
3 5. Provides that writs issued by the Supreme Court  
4 are subject to statutes of limitation and that in a  
5 criminal case the statute of limitation shall be no  
6 shorter than 2 years from the final judgement or mandate  
7 on direct appeal in a criminal case.  
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