

By Senator Crist

12-656-05

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Senate Joint Resolution No. ____

A joint resolution proposing an amendment to
Section 1 of Article V of the State
Constitution, relating to the courts;
prohibiting a court from conducting collateral
or postconviction judicial review of a criminal
judgment or sentence except as authorized by
general law.

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

That the following amendment to Section 1 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 1. Courts; review of criminal cases.--

(a) The judicial power shall be vested in a supreme
court, district courts of appeal, circuit courts and county
courts. 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.
Commissions established by law, or administrative officers or
bodies may be granted quasi-judicial power in matters
connected with the functions of their offices. The legislature
may establish by general law a civil traffic hearing officer
system for the purpose of hearing civil traffic infractions.
The legislature may, by general law, authorize a military

1 court-martial to be conducted by military judges of the
2 Florida National Guard, with direct appeal of a decision to
3 the District Court of Appeal, First District.

4 (b) A court may not require or authorize collateral or
5 postconviction judicial review of a criminal judgment or
6 sentence except as authorized by general law. Any procedures
7 necessary to implement collateral or postconviction relief
8 shall be authorized by general law, notwithstanding any other
9 provision in this constitution. The legislature shall provide
10 for collateral or postconviction review of criminal judgments
11 and sentences by general law. This subsection does not affect
12 the right of direct appeal of a criminal judgment or sentence.

13 BE IT FURTHER RESOLVED that the following statement be
14 placed on the ballot:

15 CONSTITUTIONAL AMENDMENT

16 ARTICLE V, SECTION 1

17 COLLATERAL OR POSTCONVICTION JUDICIAL

18 REVIEW.--Proposing an amendment to the State Constitution to
19 prohibit any court from authorizing collateral or
20 postconviction judicial review of a criminal judgment or
21 sentence, except as authorized by general law, and providing
22 that the amendment does not affect the right of direct appeal
23 of a criminal judgment or sentence.