

By Senator Posey

24-1292-05

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 the judiciary, to

5 abolish the power of the Supreme Court to adopt

6 rules of practice and procedure for all courts;

7 create a judicial conference to propose such

8 rules; and empower the Legislature to accept,

9 amend, or reject proposed rules, and to repeal

10 or amend rules, by general law.

11

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

13

14 That the following amendment to Section 2 of Article V

15 of the State Constitution is agreed to and shall be submitted

16 to the electors of this state for approval or rejection at the

17 next general election or at an earlier special election

18 specifically authorized by law for that purpose:

19 ARTICLE V

20 JUDICIARY

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

22 (a) A judicial conference is created. The duty of the

23 judicial conference is to propose rules of practice and

24 procedure in all courts.

25 (1) The judicial conference shall be composed of

26 members selected in the manner provided by general law.

27 (2) The members of the judicial conference shall, by

28 majority vote, choose their chair and adopt rules to govern

29 their proceedings.

30 (3) The clerk of the supreme court shall serve as

31 clerk of the judicial conference.

1 (4) Rules of practice and procedure proposed by the
2 judicial conference shall be transmitted to the legislature
3 for consideration. The legislature may amend, adopt, or reject
4 such rules by general law. Unless and until adopted by general
5 law, rules proposed by the judicial conference shall be of no
6 force and effect. If the legislature takes no action upon a
7 proposed rule before the next general election, the proposed
8 rule shall be deemed rejected.

9 (5) Rules proposed by the judicial conference may not
10 be inconsistent with general law and may not abridge, enlarge,
11 or modify any substantive right.

12 (6) Rules of practice and procedure may be repealed or
13 amended by general law. ~~The supreme court shall adopt rules~~
14 ~~for the practice and procedure in all courts including the~~
15 ~~time for seeking appellate review, the administrative~~
16 ~~supervision of all courts, the transfer to the court having~~
17 ~~jurisdiction of any proceeding when the jurisdiction of~~
18 ~~another court has been improvidently invoked, and a~~
19 ~~requirement that no cause shall be dismissed because an~~
20 ~~improper remedy has been sought. The supreme court shall~~
21 ~~adopt rules to allow the court and the district courts of~~
22 ~~appeal to submit questions relating to military law to the~~
23 ~~federal Court of Appeals for the Armed Forces for an advisory~~
24 ~~opinion. Rules of court may be repealed by general law~~
25 ~~enacted by two thirds vote of the membership of each house of~~
26 ~~the legislature.~~

27 (b) The chief justice of the supreme court shall be
28 chosen by a majority of the members of the court; shall be the
29 chief administrative officer of the judicial system; and shall
30 have the power to assign justices or judges, including
31 consenting retired justices or judges, to temporary duty in

1 any court for which the judge is qualified and to delegate to
2 a chief judge of a judicial circuit the power to assign judges
3 for duty in that circuit.

4 (c) A chief judge for each district court of appeal
5 shall be chosen by a majority of the judges thereof or, if
6 there is no majority, by the chief justice. The chief judge
7 shall be responsible for the administrative supervision of the
8 court.

9 (d) A chief judge in each circuit shall be chosen from
10 among the circuit judges as provided by supreme court rule.
11 The chief judge shall be responsible for the administrative
12 supervision of the circuit courts and county courts in his
13 circuit.

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

16 CONSTITUTIONAL AMENDMENT

17 ARTICLE V, SECTION 2

18 JUDICIAL CONFERENCE.--Proposing an amendment to the
19 State Constitution to remove the Supreme Court's current
20 authority to adopt rules of practice and procedure in all
21 courts. The amendment creates a judicial conference empowered
22 to propose rules of practice and procedure in all courts. The
23 amendment provides that the judicial conference be composed of
24 members in a manner provided by general law. The amendment
25 requires the judicial conference to transmit its rule
26 proposals to the Legislature. The amendment empowers the
27 Legislature to amend, adopt, reject, or repeal rules of
28 practice and procedure by general law. Under the amendment,
29 rules proposed by the judicial conference will have no force
30 or effect unless and until adopted by general law. If no
31 action is taken by the Legislature to adopt a rule by the next

1 | general election, the proposed rule is deemed rejected. The
2 | amendment provides that rules proposed by the judicial
3 | conference may not be inconsistent with general law and may
4 | not abridge, enlarge, or modify any substantive right.
5 |
6 |
7 |
8 |
9 |
10 |
11 |
12 |
13 |
14 |
15 |
16 |
17 |
18 |
19 |
20 |
21 |
22 |
23 |
24 |
25 |
26 |
27 |
28 |
29 |
30 |
31 |