

Bill No. SJR 1942

Barcode 072666

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Crist) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the resolving clause

and insert:

That the following amendment to Section 2 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 2. Administration; practice and procedure.--

(a)(1) 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

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1 | be dismissed because an improper remedy has been sought. The
 2 | supreme court shall adopt rules to allow the court and the
 3 | district courts of appeal to submit questions relating to
 4 | military law to the federal Court of Appeals for the Armed
 5 | Forces for an advisory opinion. This section shall not be
 6 | construed to restrict or limit the power of the legislature to
 7 | enact laws relating to substantive or procedural matters.
 8 | ~~Rules of court may be repealed by general law enacted by~~
 9 | ~~two-thirds vote of the membership of each house of the~~
 10 | ~~legislature.~~

11 | (2) Notwithstanding any provision of this
 12 | constitution, a court may not require, authorize, or regulate
 13 | any aspect of collateral or postconviction judicial review of
 14 | a criminal judgment or sentence except as authorized by
 15 | general law.

16 | (3) Rules of practice and procedure shall not be
 17 | inconsistent with general law and shall not abridge, enlarge,
 18 | or modify any substantive right. Rules of practice and
 19 | procedure may be repealed by general law enacted by majority
 20 | vote of each house of the legislature.

21 | (b) The chief justice of the supreme court shall be
 22 | chosen by a majority of the members of the court; shall be the
 23 | chief administrative officer of the judicial system; and shall
 24 | have the power to assign justices or judges, including
 25 | consenting retired justices or judges, to temporary duty in
 26 | any court for which the judge is qualified and to delegate to
 27 | a chief judge of a judicial circuit the power to assign judges
 28 | for duty in that circuit.

29 | (c) A chief judge for each district court of appeal
 30 | shall be chosen by a majority of the judges thereof or, if
 31 | there is no majority, by the chief justice. The chief judge

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1 shall be responsible for the administrative supervision of the
2 court.

3 (d) A chief judge in each circuit shall be chosen from
4 among the circuit judges as provided by supreme court rule.
5 The chief judge shall be responsible for the administrative
6 supervision of the circuit courts and county courts in his
7 circuit.

8 BE IT FURTHER RESOLVED that the following statement be
9 placed on the ballot:

10 CONSTITUTIONAL AMENDMENT

11 ARTICLE V, SECTION 2

12 ADMINISTRATION; PRACTICE AND PROCEDURE IN THE
13 COURTS.--Proposing an amendment to the State Constitution to
14 provide that the authority of the Supreme Court to adopt rules
15 of practice and procedure in all courts shall not be construed
16 to restrict or limit the power of the Legislature to enact
17 laws relating to substantive or procedural matters; to
18 prohibit courts from requiring or authorizing judicial review
19 of criminal judgments or sentences except as authorized by
20 general law or court rule of postconviction procedure approved
21 by the Legislature; to require rules of court practice and
22 procedure to be consistent with general law, protective of
23 substantive rights, and repealable by the Legislature by
24 majority vote; and to delete a requirement that legislative
25 repeal of rules of court be by extraordinary vote of each
26 legislative chamber.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the resolving clause

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1 and insert:

2 Senate Joint Resolution No. _____
3 A joint resolution proposing an amendment to
4 Section 2 of Article V of the State
5 Constitution, relating to administration,
6 practice, and procedure in the judicial system;
7 providing that the authority of the Supreme
8 Court to adopt rules of practice and procedure
9 in all courts does not restrict or limit the
10 power of the Legislature to enact laws relating
11 to substantive or procedural matters;
12 prohibiting courts from requiring or
13 authorizing judicial review of criminal
14 judgments or sentences except as authorized by
15 general law or court rule; requiring rules of
16 court practice and procedure to be consistent
17 with general law and protective of substantive
18 rights; changing the vote required for the
19 Legislature to repeal a rule of court.

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