

By Senator Argenziano

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Senate Joint Resolution

A joint resolution proposing an amendment to  
Section 2 of Article V of the State  
Constitution relating to rules of court  
procedure and practice.

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

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)a. Except as provided in subparagraph b., 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 be dismissed because an  
improper remedy has been sought. The supreme court shall  
adopt rules to allow the court and the district courts of  
appeal to submit questions relating to military law to the  
federal Court of Appeals for the Armed Forces for an advisory  
opinion.

b.1. A judicial conference is created. The  
responsibility of the judicial conference is to propose rules  
of practice and procedure governing violations of criminal

1 law, violations of criminal law by juveniles, and  
2 postconviction proceedings.

3 2. The judicial conference shall be composed of  
4 members in the manner provided by general law.

5 3. The judicial conference shall adopt rules governing  
6 conference proceedings. Meetings of the judicial conference  
7 shall be open to the public and provide opportunity for  
8 comment.

9 4. Rules proposed by the judicial conference shall be  
10 submitted to the supreme court for consideration.

11 5. Unless otherwise provided by general law, the  
12 supreme court shall submit proposed rules to the legislature  
13 by November 30 of the year preceding the effective date of the  
14 proposed rule. The legislature may adopt, reject, or amend  
15 proposed rules by general law. If the legislature takes no  
16 action upon a proposed rule by adjournment sine die of the  
17 next regular session, the rule shall be deemed approved.  
18 Unless and until adopted by general law or approved as  
19 provided in this subsection, rules proposed by the judicial  
20 conference shall have no force or effect.

21 (2) Notwithstanding any other provision of the  
22 constitution, a court may not require or authorize collateral  
23 or postconviction judicial review of a criminal judgment or  
24 sentence except as authorized by general law or rule of  
25 postconviction procedure adopted or approved in accordance  
26 with this subsection.

27 (3) Rules of practice and procedure may not be  
28 inconsistent with general law and shall not abridge, enlarge,  
29 or modify any substantive right. Rules of practice and  
30 procedure may be repealed by general law. Rules of court may  
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1 ~~be repealed by general law enacted by two thirds vote of the~~  
2 ~~membership of each house of the legislature.~~

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

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

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

21 BE IT FURTHER RESOLVED that the following statement be placed  
22 on the ballot:

23 CONSTITUTIONAL AMENDMENT

24 ARTICLE V, SECTION 2

25 JUDICIAL CONFERENCE; RULES OF COURT PRACTICE AND  
26 PROCEDURE.--Proposing an amendment to the State Constitution  
27 to create a judicial conference to propose and implement rules  
28 of court practice and procedure governing violations of  
29 criminal law, violations of criminal law by juveniles, and  
30 postconviction proceedings, subject to review by the Florida  
31 Supreme Court and approval by the Legislature; to prohibit

1 courts from requiring or authorizing judicial review of  
2 criminal judgments or sentences except as authorized by  
3 general law or court rule of postconviction procedure approved  
4 by the Legislature; to require rules of court practice and  
5 procedure to be consistent with general law, protective of  
6 substantive rights, and repealable by the Legislature; and to  
7 delete a requirement that legislative repeal of rules of court  
8 be by extraordinary vote of each legislative chamber.

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