By the Committee on Judiciary

590-03242-11   20112084__

1   Senate Joint Resolution
2   A joint resolution proposing an amendment to Section 2
3   of Article V of the State Constitution to reduce the
4   vote threshold required for the Legislature to enact a
5   law repealing a rule of court and to prohibit the
6   Supreme Court from readopting a rule repealed by the
7   Legislature for a prescribed period.
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9   Be It Resolved by the Legislature of the State of Florida:
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11   That the following amendment to Section 2 of Article V of
12 the State Constitution is agreed to and shall be submitted to
13 the electors of this state for approval or rejection at the next
14 general election or at an earlier special election specifically
15 authorized by law for that purpose:
16   ARTICLE V
17   JUDICIARY
18   SECTION 2. Administration; practice and procedure.—
19   (a) The supreme court shall adopt rules for the practice
20 and procedure in all courts including the time for seeking
21 appellate review, the administrative supervision of all courts,
22 the transfer to the court having jurisdiction of any proceeding
23 when the jurisdiction of another court has been improvidently
24 invoked, and a requirement that no cause shall be dismissed
25 because an improper remedy has been sought. The supreme court
26 shall adopt rules to allow the court and the district courts of
27 appeal to submit questions relating to military law to the
28 federal Court of Appeals for the Armed Forces for an advisory
29 opinion. Rules of court may be repealed by general law enacted

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30 by a three-fifths two-thirds vote of the membership of each
31 house of the legislature. The supreme court may not readopt a
32 rule within three years after the rule has been repealed by
33 general law.
34   (b) The chief justice of the supreme court shall be chosen
35 by a majority of the members of the court; shall be the chief
36 administrative officer of the judicial system; and shall have
37 the power to assign justices or judges, including consenting
38 retired justices or judges, to temporary duty in any court for
39 which the judge is qualified and to delegate to a chief judge of
40 a judicial circuit the power to assign judges for duty in that
41 circuit.
42   (c) A chief judge for each district court of appeal shall
43 be chosen by a majority of the judges thereof or, if there is no
44 majority, by the chief justice. The chief judge shall be
45 responsible for the administrative supervision of the court.
46   (d) A chief judge in each circuit shall be chosen from
47 among the circuit judges as provided by supreme court rule. The
48 chief judge shall be responsible for the administrative
49 supervision of the circuit courts and county courts in his
50 circuit.
51   BE IT FURTHER RESOLVED that the following statement be
52 placed on the ballot:
53   CONSTITUTIONAL AMENDMENT
54   ARTICLE V, SECTION 2
55   REVISING REQUIREMENTS RELATING TO THE REPEAL OF A SUPREME
56 COURT RULE BY GENERAL LAW.—The State Constitution authorizes the
57 Supreme Court to adopt rules for the practice and procedure in
58 all courts. The constitution further provides that a rule of

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59 court may be repealed by a general law enacted by a two-thirds
60 vote of the membership of each house of the Legislature. This
61 proposed constitutional amendment reduces the vote required to
62 enact a general law repealing a rule of court to a three-fifths
63 vote of each house of the Legislature. The proposed amendment
64 also prohibits the Supreme Court from readopting a rule within 3
65 years after the rule is repealed by a general law.

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67   BE IT FURTHER RESOLVED that the following statement be
68 placed on the ballot if a court declares the preceding statement
69 defective and the decision of the court is not reversed:
70   CONSTITUTIONAL AMENDMENT
71   ARTICLE V, SECTION 2
72   REPEAL OF SUPREME COURT RULES BY GENERAL LAW.—Under the
73 State Constitution, the Supreme Court adopts rules governing
74 practice and procedure in all courts in this state. The
75 constitution empowers the Legislature to repeal a court rule by
76 passing a general bill. The bill, however, must pass both the
77 Senate and the House of Representatives by a vote of two-thirds
78 of the membership of each respective chamber. If the bill
79 becomes law, the rule is repealed. There is currently no
80 prohibition in the State Constitution against the Supreme Court
81 readopting the same rule at any time. This proposed
82 constitutional amendment allows the Legislature to repeal a rule
83 of court by a general law enacted by a three-fifths vote of each
84 house. In addition, this amendment specifies that the Supreme
85 Court would have to wait at least 3 years before readopting the
86 rule.

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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

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88	BE IT FURTHER RESOLVED that the following statement be
89	placed on the ballot if a court declares the preceding statement
90	defective and the decision of the court is not reversed:
91	CONSTITUTIONAL AMENDMENT
92	ARTICLE V, SECTION 2
93	MAKING IT EASIER TO REPEAL A SUPREME COURT RULE BY GENERAL
94	LAW.—Proposing an amendment to the State Constitution to reduce
95	the vote requirement that the Legislature needs in order to
96	repeal a rule adopted by the Supreme Court. Currently under the
97	State Constitution, the Legislature may enact a general bill
98	that repeals a rule of court adopted by the Supreme Court. The
99	bill must pass both the Senate and the House of Representatives
100	by vote at least equal to two-thirds of the membership of each
101	house of the Legislature. If this bill becomes law, it repeals
102	the rule of court. This proposed constitutional amendment would
103	make it easier for the Legislature to repeal a rule of court by
104	reducing the vote threshold to repeal a rule of court to a
105	three-fifths vote of each house. The proposed amendment also
106	adds a new provision to the constitution which prohibits the
107	Supreme Court from readopting a rule within 3 years after the
108	rule is repealed by a general law.
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110	BE IT FURTHER RESOLVED that the following statement be
111	placed on the ballot if a court declares the preceding statement
112	defective and the decision of the court is not reversed:
113	CONSTITUTIONAL AMENDMENT
114	ARTICLE V, SECTION 2
115	REDUCING THE LEGISLATIVE VOTE NECESSARY TO REPEAL A RULE OF
116	COURT.—Proposing an amendment to the State Constitution to

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117 eliminate the requirement for an extraordinary vote of each
118 house of the Legislature in order to repeal a rule of court by
119 general law. The Supreme Court adopts rules governing practice
120 and procedure in all state courts. Currently under the
121 constitution, the Legislature can repeal a rule of court by
122 passing a general bill, but the bill must pass by a vote of at
123 least two-thirds of the membership of each of the Senate and the
124 House of Representatives. The proposed constitutional amendment
125 reduces the vote required to enact a general law repealing a
126 rule of court to a three-fifths vote of each house of the
127 Legislature. Currently, the constitution does not prohibit the
128 Supreme Court from readopting a rule that is repealed by general
129 law. The proposed amendment adds new language specifying that
130 the Court may not readopt a rule within 3 years after the rule
131 is repealed in this manner.