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House Joint Resolution

A joint resolution proposing amendments to Sections 1, 2, 3, 4, 7, 8, 9, 11, 12, and 15 of Article V, Section 2 of Article II, Sections 16, 17, and 19 of Article III, Sections 1, 3, 4, 10, and 13 of Article IV, and Section 2 of Article XI, and the creation of Section 21 of Article V, of the State Constitution to create a Supreme Court of Civil Appeals and a Supreme Court of Criminal Appeals; providing for administration of the courts; providing for transition from the present Supreme Court.

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

That the following amendments to Sections 1, 2, 3, 4, 7, 8, 9, 11, 12, and 15 of Article V, Section 2 of Article II, Sections 16, 17, and 19 of Article III, Sections 1, 3, 4, 10, and 13 of Article IV, and Section 2 of Article XI, and the creation of Section 21 of Article V, of the State Constitution are 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.—The judicial power shall be vested in a supreme court of civil appeals, supreme court of criminal appeals, district courts of appeal, circuit courts, and county courts. No other courts may be established by the state, any

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29 | political subdivision, or any municipality. The legislature
 30 | shall, by general law, divide the state into appellate court
 31 | districts and judicial circuits following county lines.
 32 | Commissions established by law, or administrative officers or
 33 | bodies, may be granted quasi-judicial power in matters connected
 34 | with the functions of their offices. The legislature may
 35 | establish by general law a civil traffic hearing officer system
 36 | for the purpose of hearing civil traffic infractions. The
 37 | legislature may, by general law, authorize a military court-
 38 | martial to be conducted by military judges of the Florida
 39 | National Guard, with direct appeal of a decision to the District
 40 | Court of Appeal, First District.

41 | SECTION 2. Administration; practice and procedure.-

42 | (a) The supreme court of civil appeals shall adopt rules
 43 | for the practice and procedure in all civil court proceedings
 44 | and appeals. The supreme court of criminal appeals shall adopt
 45 | rules for the practice and procedure in all criminal court
 46 | proceedings and appeals. Court rules may include rules regarding
 47 | ~~courts including~~ the time for seeking appellate review, ~~the~~
 48 | ~~administrative supervision of all courts,~~ the transfer to the
 49 | court having jurisdiction of any proceeding when the
 50 | jurisdiction of another court has been improvidently invoked,
 51 | and a requirement that no cause shall be dismissed because an
 52 | improper remedy has been sought. The supreme court of criminal
 53 | appeals shall adopt rules to allow it ~~the court~~ and the district
 54 | courts of appeal to submit questions relating to military law to
 55 | the federal Court of Appeals for the Armed Forces for an
 56 | advisory opinion. Rules of court may be repealed by general law

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57 enacted by two-thirds vote of the membership of each house of
58 the legislature.

59 (b) The chief justice of the supreme court of civil
60 appeals shall be chosen by the governor with the advice and
61 consent of the senate ~~a majority of the members of the court;~~
62 shall be the chief administrative officer of the supreme court
63 of civil appeals ~~judicial system;~~ and shall have the power to
64 assign justices or judges, including consenting retired justices
65 or judges, to temporary duty in any court for which the judge is
66 qualified and to delegate to a chief judge of a judicial circuit
67 the power to assign judges for duty in that circuit. The chief
68 justice of the supreme court of criminal appeals shall be chosen
69 by the governor with the advice and consent of the senate and
70 shall be the chief administrative officer of the supreme court
71 of criminal appeals.

72 (c) A chief judge for each district court of appeal shall
73 be chosen by a majority of the judges thereof ~~or, if there is no~~
74 ~~majority, by the chief justice.~~ The chief judge of a district
75 court shall be responsible for the administrative supervision of
76 the district court.

77 (d) A chief judge in each circuit shall be chosen from
78 among the circuit judges as provided by ~~supreme~~ court rule. The
79 chief judge of a circuit shall be responsible for the
80 administrative supervision of the circuit courts and county
81 courts in the ~~his~~ circuit.

82 (e) Administration of the court system shall be as
83 provided in general law.

84 SECTION 3. Supreme court of civil appeals; supreme court

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85 of criminal appeals.-

86 (a) SUPREME COURT OF CIVIL APPEALS.-

87 (1)(a) Organization.-The supreme court of civil appeals
 88 shall consist of five ~~seven~~ justices. Of the five ~~seven~~
 89 justices, each appellate district shall have at least one
 90 justice ~~elected or~~ appointed from the district to the supreme
 91 court of civil appeals who is a resident of the district at the
 92 time of the original appointment ~~or election~~. Four ~~Five~~ justices
 93 shall constitute a quorum. The concurrence of three ~~four~~
 94 justices shall be necessary to a decision. When recusals for
 95 cause would prohibit the court from convening because of the
 96 requirements of this paragraph ~~section~~, judges assigned to
 97 temporary duty may be substituted for justices.

98 (2)(b) Jurisdiction.-The supreme court of civil appeals
 99 shall have jurisdiction over the civil law, as provided in
 100 general law.÷

101 ~~(1) Shall hear appeals from final judgments of trial~~
 102 ~~courts imposing the death penalty and from decisions of district~~
 103 ~~courts of appeal declaring invalid a state statute or a~~
 104 ~~provision of the state constitution.~~

105 ~~(2) When provided by general law, shall hear appeals from~~
 106 ~~final judgments entered in proceedings for the validation of~~
 107 ~~bonds or certificates of indebtedness and shall review action of~~
 108 ~~statewide agencies relating to rates or service of utilities~~
 109 ~~providing electric, gas, or telephone service.~~

110 ~~(3) May review any decision of a district court of appeal~~
 111 ~~that expressly declares valid a state statute, or that expressly~~
 112 ~~construes a provision of the state or federal constitution, or~~

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113 ~~that expressly affects a class of constitutional or state~~
 114 ~~officers, or that expressly and directly conflicts with a~~
 115 ~~decision of another district court of appeal or of the supreme~~
 116 ~~court on the same question of law.~~

117 ~~(4) May review any decision of a district court of appeal~~
 118 ~~that passes upon a question certified by it to be of great~~
 119 ~~public importance, or that is certified by it to be in direct~~
 120 ~~conflict with a decision of another district court of appeal.~~

121 ~~(5) May review any order or judgment of a trial court~~
 122 ~~certified by the district court of appeal in which an appeal is~~
 123 ~~pending to be of great public importance, or to have a great~~
 124 ~~effect on the proper administration of justice throughout the~~
 125 ~~state, and certified to require immediate resolution by the~~
 126 ~~supreme court.~~

127 ~~(6) May review a question of law certified by the Supreme~~
 128 ~~Court of the United States or a United States Court of Appeals~~
 129 ~~which is determinative of the cause and for which there is no~~
 130 ~~controlling precedent of the supreme court of Florida.~~

131 ~~(7) May issue writs of prohibition to courts and all writs~~
 132 ~~necessary to the complete exercise of its jurisdiction.~~

133 ~~(8) May issue writs of mandamus and quo warranto to state~~
 134 ~~officers and state agencies.~~

135 ~~(9) May, or any justice may, issue writs of habeas corpus~~
 136 ~~returnable before the supreme court or any justice, a district~~
 137 ~~court of appeal or any judge thereof, or any circuit judge.~~

138 ~~(10) Shall, when requested by the attorney general~~
 139 ~~pursuant to the provisions of Section 10 of Article IV, render~~
 140 ~~an advisory opinion of the justices, addressing issues as~~

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141 ~~provided by general law.~~

142 (b) SUPREME COURT OF CRIMINAL APPEALS.—

143 (1) Organization.—The supreme court of criminal appeals
 144 shall consist of five justices. Of the five justices, each
 145 appellate district shall have at least one justice appointed
 146 from the district to the supreme court of criminal appeals who
 147 is a resident of the district at the time of the original
 148 appointment. Four justices shall constitute a quorum. The
 149 concurrence of three justices shall be necessary to a decision.
 150 When recusals for cause would prohibit the court from convening
 151 because of the requirements of this paragraph, judges assigned
 152 to temporary duty may be substituted for justices.

153 (2) Jurisdiction.—The supreme court of criminal appeals
 154 shall have jurisdiction over the criminal law, as provided in
 155 general law.

156 (c) RELATIONSHIP BETWEEN SUPREME COURTS.—The supreme court
 157 of civil appeals and the supreme court of criminal appeals are
 158 to be separate courts of last resort. All justices shall receive
 159 the same compensation. If both courts assert jurisdiction over a
 160 particular case, the chief justice of the court of civil appeals
 161 shall decide where jurisdiction is appropriate.

162 ~~(c) CLERK AND MARSHAL.—The supreme court shall appoint a~~
 163 ~~clerk and a marshal who shall hold office during the pleasure of~~
 164 ~~the court and perform such duties as the court directs. Their~~
 165 ~~compensation shall be fixed by general law. The marshal shall~~
 166 ~~have the power to execute the process of the court throughout~~
 167 ~~the state, and in any county may deputize the sheriff or a~~
 168 ~~deputy sheriff for such purpose.~~

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169 SECTION 4. District courts of appeal.—

170 (a) ORGANIZATION.—There shall be a district court of
 171 appeal serving each appellate district. Each district court of
 172 appeal shall consist of at least three judges. Three judges
 173 shall consider each case and the concurrence of two shall be
 174 necessary to a decision.

175 (b) JURISDICTION.—

176 (1) District courts of appeal shall have jurisdiction to
 177 hear appeals, that may be taken as a matter of right, from final
 178 judgments or orders of trial courts, including those entered on
 179 review of administrative action, not directly appealable to the
 180 supreme court of civil appeals, the supreme court of criminal
 181 appeals, or a circuit court. They may review interlocutory
 182 orders in such cases to the extent provided by court rule ~~rules~~
 183 ~~adopted by the supreme court.~~

184 (2) District courts of appeal shall have the power of
 185 direct review of administrative action, as prescribed by general
 186 law.

187 (3) A district court of appeal or any judge thereof may
 188 issue writs of habeas corpus returnable before the court or any
 189 judge thereof or before any circuit judge within the territorial
 190 jurisdiction of the court. A district court of appeal may issue
 191 writs of mandamus, certiorari, prohibition, quo warranto, and
 192 other writs necessary to the complete exercise of its
 193 jurisdiction. To the extent necessary to dispose of all issues
 194 in a cause properly before it, a district court of appeal may
 195 exercise any of the appellate jurisdiction of the circuit
 196 courts.

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197 ~~(c) CLERKS AND MARSHALS. Each district court of appeal~~
 198 ~~shall appoint a clerk and a marshal who shall hold office during~~
 199 ~~the pleasure of the court and perform such duties as the court~~
 200 ~~directs. Their compensation shall be fixed by general law. The~~
 201 ~~marshal shall have the power to execute the process of the court~~
 202 ~~throughout the territorial jurisdiction of the court, and in any~~
 203 ~~county may deputize the sheriff or a deputy sheriff for such~~
 204 ~~purpose.~~

205 SECTION 7. Specialized divisions.—All courts except the
 206 supreme court of civil appeals or the supreme court of criminal
 207 appeals may sit in divisions as may be established by general
 208 law. A circuit or county court may hold civil and criminal
 209 trials and hearings in any place within the territorial
 210 jurisdiction of the court as designated by the chief judge of
 211 the circuit.

212 SECTION 8. Eligibility.—No person shall be eligible for
 213 office of justice or judge of any court unless the person is an
 214 elector of the state and resides in the territorial jurisdiction
 215 of the court. No justice or judge shall serve after attaining
 216 the age of seventy years except upon temporary assignment or to
 217 complete a term, one-half of which has been served. No person is
 218 eligible for the office of justice of the supreme court of civil
 219 appeals, justice of the supreme court of criminal appeals, or
 220 judge of a district court of appeal unless the person is, and
 221 has been for the preceding ten years, a member of the bar of
 222 Florida. No person is eligible for the office of circuit judge
 223 unless the person is, and has been for the preceding five years,
 224 a member of the bar of Florida. Unless otherwise provided by

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225 | general law, no person is eligible for the office of county
 226 | court judge unless the person is, and has been for the preceding
 227 | five years, a member of the bar of Florida. Unless otherwise
 228 | provided by general law, a person shall be eligible for election
 229 | or appointment to the office of county court judge in a county
 230 | having a population of 40,000 or less if the person is a member
 231 | in good standing of the bar of Florida.

232 | SECTION 9. Determination of number of judges.—The supreme
 233 | courts ~~court~~ shall establish ~~by rule~~ uniform criteria for the
 234 | determination of the need for additional judges except supreme
 235 | court justices, the necessity for decreasing the number of
 236 | judges and for increasing, decreasing, or redefining appellate
 237 | districts and judicial circuits. If the supreme courts jointly
 238 | find ~~court finds~~ that a need exists for increasing or decreasing
 239 | the number of judges or increasing, decreasing, or redefining
 240 | appellate districts and judicial circuits, they ~~it~~ shall, prior
 241 | to the next regular session of the legislature, certify to the
 242 | legislature their ~~its~~ findings and recommendations concerning
 243 | such need. Upon receipt of such certificate, the legislature, at
 244 | the next regular session, shall consider the findings and
 245 | recommendations and may reject the recommendations or by law
 246 | implement the recommendations in whole or in part; provided the
 247 | legislature may create more judicial offices than are
 248 | recommended ~~by the supreme court~~ or may decrease the number of
 249 | judicial offices by a greater number than recommended ~~by the~~
 250 | ~~court~~ only upon a finding of two-thirds of the membership of
 251 | both houses of the legislature, that such a need exists. A
 252 | decrease in the number of judges shall be effective only after

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253 | the expiration of a term. If the supreme courts fail ~~court fails~~
 254 | to make findings as provided in this section ~~above~~ when need
 255 | exists, the legislature may by concurrent resolution request the
 256 | courts ~~court~~ to jointly certify their ~~its~~ findings and
 257 | recommendations and upon the failure of the courts ~~court~~ to
 258 | certify their ~~its~~ findings for nine consecutive months, the
 259 | legislature may, upon a finding of two-thirds of the membership
 260 | of both houses of the legislature that a need exists, increase
 261 | or decrease the number of judges or increase, decrease, or
 262 | redefine appellate districts and judicial circuits.

263 | SECTION 11. Vacancies.—

264 | (a) Whenever a vacancy occurs in a judicial office to
 265 | which election for retention applies, the governor shall fill
 266 | the vacancy by appointing for a term ending on the first Tuesday
 267 | after the first Monday in January of the year following the next
 268 | general election occurring at least one year after the date of
 269 | appointment, one of not fewer than three persons nor more than
 270 | six persons nominated by the appropriate judicial nominating
 271 | commission.

272 | (b) The governor shall fill each vacancy on a circuit
 273 | court or on a county court, wherein the judges are elected by a
 274 | majority vote of the electors, by appointing for a term ending
 275 | on the first Tuesday after the first Monday in January of the
 276 | year following the next primary and general election occurring
 277 | at least one year after the date of appointment, one of not
 278 | fewer than three persons nor more than six persons nominated by
 279 | the appropriate judicial nominating commission. An election
 280 | shall be held to fill that judicial office for the term of the

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281 office beginning at the end of the appointed term.

282 (c) The nominations shall be made within thirty days from
 283 the occurrence of a vacancy unless the period is extended by the
 284 governor for a time not to exceed thirty days. The governor
 285 shall make the appointment within sixty days after the
 286 nominations have been certified to the governor.

287 (d) There shall be a separate judicial nominating
 288 commission as provided by general law, one for the supreme
 289 courts ~~court~~, one for each district court of appeal, and one for
 290 each judicial circuit for all trial courts within the circuit.
 291 Uniform rules of procedure shall be established by the judicial
 292 nominating commissions at each level of the court system. Such
 293 rules, or any part thereof, may be repealed by general law
 294 enacted by a majority vote of the membership of each house of
 295 the legislature, or by a majority vote of justices of each of
 296 the supreme courts ~~court~~, ~~five justices concurring~~. Except for
 297 deliberations of the judicial nominating commissions, the
 298 proceedings of the commissions and their records shall be open
 299 to the public.

300 SECTION 12. Discipline; removal and retirement.—

301 (a) JUDICIAL QUALIFICATIONS COMMISSION.—A judicial
 302 qualifications commission is created.

303 (1) There shall be a judicial qualifications commission
 304 vested with jurisdiction to investigate and recommend to the
 305 supreme court of criminal appeals ~~Supreme Court of Florida~~ the
 306 removal from office of any justice or judge whose conduct,
 307 during term of office or otherwise, occurring on or after
 308 ~~November 1, 1966, (without regard to the effective date of this~~

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309 ~~section)~~ demonstrates a present unfitness to hold office, and to
 310 investigate and recommend the discipline of a justice or judge
 311 whose conduct, during term of office or otherwise ~~occurring on~~
 312 ~~or after November 1, 1966 (without regard to the effective date~~
 313 ~~of this section)~~, warrants such discipline. For purposes of this
 314 section, discipline is defined as any or all of the following:
 315 reprimand, fine, suspension with or without pay, or lawyer
 316 discipline. The commission shall have jurisdiction over justices
 317 and judges regarding allegations that misconduct occurred before
 318 or during service as a justice or judge if a complaint is made
 319 no later than one year following service as a justice or judge.
 320 The commission shall have jurisdiction regarding allegations of
 321 incapacity during service as a justice or judge. The commission
 322 shall be composed of:

323 a. Two judges of district courts of appeal selected by the
 324 judges of those courts, two circuit judges selected by the
 325 judges of the circuit courts and two judges of county courts
 326 selected by the judges of those courts;

327 b. Four electors who reside in the state, who are members
 328 of the bar of Florida, and who shall be chosen by the governing
 329 body of the bar of Florida; and

330 c. Five electors who reside in the state, who have never
 331 held judicial office or been members of the bar of Florida, and
 332 who shall be appointed by the governor.

333 (2) The members of the judicial qualifications commission
 334 shall serve staggered terms, not to exceed six years, as
 335 prescribed by general law. No member of the commission except a
 336 judge shall be eligible for state judicial office while acting

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337 as a member of the commission and for a period of two years
 338 thereafter. No member of the commission shall hold office in a
 339 political party or participate in any campaign for judicial
 340 office or hold public office; provided that a judge may campaign
 341 for judicial office and hold that office. The commission shall
 342 elect one of its members as its chairperson.

343 (3) Members of the judicial qualifications commission not
 344 subject to impeachment shall be subject to removal from the
 345 commission pursuant to the provisions of Article IV, Section 7,
 346 Florida Constitution.

347 (4) The commission shall adopt rules regulating its
 348 proceedings, the filling of vacancies by the appointing
 349 authorities, the disqualification of members, the rotation of
 350 members between the panels, and the temporary replacement of
 351 disqualified or incapacitated members. The commission's rules,
 352 or any part thereof, may be repealed by general law enacted by a
 353 majority vote of the membership of each house of the
 354 legislature, or by the supreme court of criminal appeals, ~~five~~
 355 ~~justices concurring~~. The commission shall have power to issue
 356 subpoenas. Until formal charges against a justice or judge are
 357 filed by the investigative panel with the clerk of the supreme
 358 court of criminal appeals, ~~Florida~~ all proceedings by or before
 359 the commission shall be confidential; provided, however, upon a
 360 finding of probable cause and the filing by the investigative
 361 panel with said clerk of such formal charges against a justice
 362 or judge such charges and all further proceedings before the
 363 commission shall be public.

364 (5) The commission shall have access to all information

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365 from all executive, legislative and judicial agencies, including
 366 grand juries, subject to the rules of the commission. At any
 367 time, on request of the speaker of the house of representatives
 368 ~~or the governor~~, the commission shall make available all
 369 information in the possession of the commission for use in
 370 consideration of impeachment ~~or suspension, respectively.~~

371 (b) PANELS.—The commission shall be divided into an
 372 investigative panel and a hearing panel as established by rule
 373 of the commission. The investigative panel is vested with the
 374 jurisdiction to receive or initiate complaints, conduct
 375 investigations, dismiss complaints, and upon a vote of a simple
 376 majority of the panel submit formal charges to the hearing
 377 panel. The hearing panel is vested with the authority to receive
 378 and hear formal charges from the investigative panel and upon a
 379 two-thirds vote of the panel recommend to the supreme court of
 380 criminal appeals the removal of a justice or judge or the
 381 involuntary retirement of a justice or judge for any permanent
 382 disability that seriously interferes with the performance of
 383 judicial duties. Upon a simple majority vote of the membership
 384 of the hearing panel, the panel may recommend to the supreme
 385 court of criminal appeals that the justice or judge be subject
 386 to appropriate discipline.

387 (c) SUPREME COURT OF CRIMINAL APPEALS.—The supreme court
 388 of criminal appeals shall receive recommendations from the
 389 judicial qualifications commission's hearing panel.

390 (1) The supreme court of criminal appeals may accept,
 391 reject, or modify in whole or in part the findings, conclusions,
 392 and recommendations of the commission and it may order that the

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393 justice or judge be subjected to appropriate discipline, or be
 394 removed from office with termination of compensation for willful
 395 or persistent failure to perform judicial duties or for other
 396 conduct unbecoming a member of the judiciary demonstrating a
 397 present unfitness to hold office, or be involuntarily retired
 398 for any permanent disability that seriously interferes with the
 399 performance of judicial duties. Malafides, scienter or moral
 400 turpitude on the part of a justice or judge shall not be
 401 required for removal from office of a justice or judge whose
 402 conduct demonstrates a present unfitness to hold office. After
 403 the filing of a formal proceeding and upon request of the
 404 investigative panel, the supreme court of criminal appeals may
 405 suspend the justice or judge from office, with or without
 406 compensation, pending final determination of the inquiry.

407 (2) The supreme court of criminal appeals may award costs
 408 to the prevailing party.

409 (d) The power of removal conferred by this section shall
 410 be both alternative and cumulative to the power of impeachment.

411 (e) Notwithstanding any of the foregoing provisions of
 412 this section, if the person who is the subject of proceedings by
 413 the judicial qualifications commission is a justice of the
 414 supreme court of criminal appeals, ~~of Florida all justices of~~
 415 ~~such court automatically shall be disqualified to sit as~~
 416 ~~justices of such court with respect to all proceedings therein~~
 417 ~~concerning such person and the supreme court of civil appeals~~
 418 ~~shall hear the case for such purposes shall be composed of a~~
 419 ~~panel consisting of the seven chief judges of the judicial~~
 420 ~~circuits of the state of Florida most senior in tenure of~~

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421 ~~judicial office as circuit judge. For purposes of determining~~
 422 ~~seniority of such circuit judges in the event there be judges of~~
 423 ~~equal tenure in judicial office as circuit judge the judge or~~
 424 ~~judges from the lower numbered circuit or circuits shall be~~
 425 ~~deemed senior. In the event any such chief circuit judge is~~
 426 ~~under investigation by the judicial qualifications commission or~~
 427 ~~is otherwise disqualified or unable to serve on the panel, the~~
 428 ~~next most senior chief circuit judge or judges shall serve in~~
 429 ~~place of such disqualified or disabled chief circuit judge.~~

430 (f) SCHEDULE TO SECTION 12.-

431 (1) Except to the extent inconsistent with the provisions
 432 of this section, all provisions of law and rules of court in
 433 force on the effective date of this article shall continue in
 434 effect until superseded in the manner authorized by the
 435 constitution.

436 (2) After this section becomes effective and until adopted
 437 by rule of the commission consistent with it:

438 a. The commission shall be divided, as determined by the
 439 chairperson, into one investigative panel and one hearing panel
 440 to meet the responsibilities set forth in this section.

441 b. The investigative panel shall be composed of:

- 442 1. Four judges,
- 443 2. Two members of the bar of Florida, and
- 444 3. Three non-lawyers.

445 c. The hearing panel shall be composed of:

- 446 1. Two judges,
- 447 2. Two members of the bar of Florida, and
- 448 3. Two non-lawyers.

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449 d. Membership on the panels may rotate in a manner
 450 determined by the rules of the commission provided that no
 451 member shall vote as a member of the investigative and hearing
 452 panel on the same proceeding.

453 e. The commission shall hire separate staff for each
 454 panel.

455 f. The members of the commission shall serve for staggered
 456 terms of six years.

457 ~~g. The terms of office of the present members of the~~
 458 ~~judicial qualifications commission shall expire upon the~~
 459 ~~effective date of the amendments to this section approved by the~~
 460 ~~legislature during the regular session of the legislature in~~
 461 ~~1996 and new members shall be appointed to serve the following~~
 462 ~~staggered terms:~~

463 ~~1. Group I. The terms of five members, composed of two~~
 464 ~~electors as set forth in s. 12(a)(1)c. of Article V, one member~~
 465 ~~of the bar of Florida as set forth in s. 12(a)(1)b. of Article~~
 466 ~~V, one judge from the district courts of appeal and one circuit~~
 467 ~~judge as set forth in s. 12(a)(1)a. of Article V, shall expire~~
 468 ~~on December 31, 1998.~~

469 ~~2. Group II. The terms of five members, composed of one~~
 470 ~~elector as set forth in s. 12(a)(1)c. of Article V, two members~~
 471 ~~of the bar of Florida as set forth in s. 12(a)(1)b. of Article~~
 472 ~~V, one circuit judge and one county judge as set forth in s.~~
 473 ~~12(a)(1)a. of Article V shall expire on December 31, 2000.~~

474 ~~3. Group III. The terms of five members, composed of two~~
 475 ~~electors as set forth in s. 12(a)(1)c. of Article V, one member~~
 476 ~~of the bar of Florida as set forth in s. 12(a)(1)b., one judge~~

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477 ~~from the district courts of appeal and one county judge as set~~
 478 ~~forth in s. 12(a)(1)a. of Article V, shall expire on December~~
 479 ~~31, 2002.~~

480 ~~g.h.~~ An appointment to fill a vacancy of the commission
 481 shall be for the remainder of the term.

482 ~~h.i.~~ Selection of members by district courts of appeal
 483 judges, circuit judges, and county court judges, shall be by no
 484 less than a majority of the members voting at the respective
 485 courts' conferences. Selection of members by the board of
 486 governors of the bar of Florida shall be by no less than a
 487 majority of the board.

488 ~~i.j.~~ The commission shall be entitled to recover the costs
 489 of investigation and prosecution, in addition to any penalty
 490 levied by the supreme court of criminal appeals.

491 ~~j.k.~~ The compensation of members and referees shall be the
 492 travel expenses or transportation and per diem allowance as
 493 provided by general law.

494 SECTION 15. Attorneys; admission and discipline.—The
 495 supreme court of civil appeals shall have exclusive jurisdiction
 496 to regulate the admission of persons to the practice of law and
 497 the discipline of persons admitted.

498 SECTION 21. Schedule to Article V amendment creating a
 499 supreme court of civil appeals and a supreme court of criminal
 500 appeals.—

501 (a) Except to the extent inconsistent with this article,
 502 all provisions of law and rules of court in force on the
 503 effective date of this article shall continue in effect until
 504 superseded in the manner authorized by the constitution.

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505 (b) The effective date of the amendment creating the
 506 supreme court of criminal appeals and supreme court of civil
 507 appeals shall be upon passage by the electorate.

508 (1) On the first day after the election approving the
 509 amendment, the supreme court shall rank all of the justices then
 510 in office by seniority in service on the supreme court. The
 511 three who have the most seniority shall be the initial justices
 512 of the supreme court of criminal appeals, and the remaining
 513 justices shall be the initial justices of the supreme court of
 514 civil appeals. Initial appointments of existing justices to
 515 either of the new supreme courts shall not be limited by the
 516 district court from which the justice was appointed. A justice
 517 transferred to a new supreme court shall remain in the same term
 518 of office that he or she had when he or she was a member of the
 519 supreme court and shall sit for future retention elections on
 520 the same cycle. The supreme court shall immediately transmit to
 521 the Governor the names of the transferred justices and the
 522 districts from which they were appointed. The Governor shall
 523 direct the supreme court nominating commission to make its
 524 recommendations for the open seats of justices for the supreme
 525 court of civil appeals and for the supreme court of criminal
 526 appeals, which recommendations must be delivered to the governor
 527 no later than the 45th day after the election. The governor
 528 shall make the appointments for the open seats by the 60th day
 529 after the election. At the time of making the initial
 530 appointments, the governor shall also designate the chief
 531 justices of each court, which appointment in this instance shall
 532 not be subject in the advice and consent of the senate.

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533 (2) The supreme court shall undertake to inventory all
 534 cases and case files in its possession and determine as to each
 535 case whether it is to be transferred to the supreme court of
 536 criminal appeals or the supreme court of civil appeals. Newly
 537 filed cases shall be designated between the two new supreme
 538 courts. The supreme court shall retain full jurisdiction and
 539 power over cases in the inventory until actually transferred,
 540 including the power to issue final process that would have the
 541 effect of removing the case from the inventory of cases to be
 542 transferred.

543 (c) The supreme court of civil appeals and the supreme
 544 court of criminal appeals shall begin formal operations on the
 545 120th day after the election. On that day:

546 (1) Newly appointed justices shall take office.

547 (2) The jurisdiction of the two supreme courts shall be
 548 divided.

549 (3) The supreme court shall transfer all criminal cases to
 550 the supreme court of criminal appeals and shall transfer all
 551 civil cases to the supreme court of civil appeals.

552 (4) The term of the supreme court shall be deemed to have
 553 ended. All mandates issued by the supreme court prior to the end
 554 of the term shall be final and not subject to recall. No motion
 555 for reconsideration shall be considered.

556 (d) Until the jurisdiction of the supreme court of civil
 557 appeals is provided by general law, the supreme court of civil
 558 appeals:

559 (1) Shall hear appeals from decisions of district courts
 560 of appeal declaring invalid a state statute or a provision of

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561 the state constitution, unless such appeal is within the
 562 jurisdiction of the supreme court of criminal appeals.

563 (2) When provided by general law, shall hear appeals from
 564 final judgments entered in proceedings for the validation of
 565 bonds or certificates of indebtedness and shall review action of
 566 statewide agencies relating to rates or service of utilities
 567 providing electric, gas, or telephone service.

568 (3) May review any decision of a district court of appeal
 569 that expressly declares valid a state statute, expressly
 570 construes a provision of the state or federal constitution,
 571 expressly affects a class of constitutional or state officers,
 572 or expressly and directly conflicts with a decision of another
 573 district court of appeal, any decision of the former supreme
 574 court, or any decision of the supreme court of civil appeals on
 575 the same question of law, unless such appeal is within the
 576 jurisdiction of the supreme court of criminal appeals.

577 (4) May review any decision of a district court of appeal
 578 that passes upon a question certified by it to be of great
 579 public importance, or that is certified by it to be in direct
 580 conflict with a decision of another district court of appeal,
 581 unless such appeal is within the jurisdiction of the supreme
 582 court of criminal appeals.

583 (5) May review any order or judgment of a trial court
 584 certified by the district court of appeal in which an appeal is
 585 pending to be of great public importance, or to have a great
 586 effect on the proper administration of justice throughout the
 587 state, and certified to require immediate resolution by the

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588 supreme court of civil appeals, unless such appeal is within the
 589 jurisdiction of the supreme court of criminal appeals.

590 (6) May review a question of law certified by the Supreme
 591 Court of the United States or a United States Court of Appeals
 592 which is determinative of the cause and for which there is no
 593 controlling precedent of the former supreme court of Florida or
 594 of the supreme court of civil appeals, unless such question is
 595 within the jurisdiction of the supreme court of criminal
 596 appeals.

597 (7) May issue writs of prohibition to courts and all writs
 598 necessary to the complete exercise of its jurisdiction, unless
 599 the writ is within the jurisdiction of the supreme court of
 600 criminal appeals.

601 (8) May issue writs of mandamus and quo warranto to state
 602 officers and state agencies, unless the writ is within the
 603 jurisdiction of the supreme court of criminal appeals.

604 (9) May, or any justice may, issue writs of habeas corpus
 605 returnable before the supreme court of civil appeals or any
 606 justice thereof, a district court of appeal or any judge
 607 thereof, or any circuit judge. Neither the supreme court of
 608 civil appeals nor any justice of the supreme court of civil
 609 appeals shall issue a writ of habeas corpus regarding any person
 610 under a sentence of death, any person imprisoned for commission
 611 of a crime, or any person jailed facing criminal charges.

612 (10) Shall, when requested by the attorney general
 613 pursuant to Section 10 of Article IV and, if related to a civil
 614 matter, render an advisory opinion of the justices, addressing
 615 issues as provided by general law.

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616 (11) Shall have no jurisdiction or authority, whether
 617 express or implied, to issue a stay of execution or to hear any
 618 challenge of any law or procedure regarding the death penalty.

619 (e) Until the jurisdiction of the supreme court of
 620 criminal appeals is provided by general law, the supreme court
 621 of criminal appeals:

622 (1) Shall hear appeals from final judgments of trial
 623 courts imposing the death penalty.

624 (2) Shall hear appeals from decisions of district courts
 625 of appeal declaring invalid a state statute or a provision of
 626 the state constitution, in a criminal case.

627 (3) May review any decision of a district court of appeal
 628 that expressly declares valid a state statute, expressly
 629 construes a provision of the state or federal constitution,
 630 expressly affects a class of constitutional or state officers,
 631 or expressly and directly conflicts with a decision of another
 632 district court of appeal or any decision of the supreme court of
 633 criminal appeals on the same question of law, in a criminal
 634 case.

635 (4) May review any decision of a district court of appeal
 636 that passes upon a question certified by it to be of great
 637 public importance, or that is certified by it to be in direct
 638 conflict with a decision of another district court of appeal, in
 639 a criminal case.

640 (5) May review any order or judgment of a trial court
 641 certified by the district court of appeal in which an appeal is
 642 pending to be of great public importance, or to have a great
 643 effect on the proper administration of justice throughout the

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644 state, and certified to require immediate resolution by the
 645 supreme court of criminal appeals, in a criminal case.

646 (6) May review a question of law certified by the Supreme
 647 Court of the United States or a United States Court of Appeals
 648 which is determinative of the cause and for which there is no
 649 controlling precedent of the former supreme court or the supreme
 650 court of criminal appeals, in a criminal case.

651 (7) May issue writs of prohibition to courts and all writs
 652 necessary to the complete exercise of its jurisdiction, related
 653 to a criminal case.

654 (8) May issue writs of mandamus and quo warranto to state
 655 officers and state agencies, related to a criminal case.

656 (9) May, or any justice may, issue writs of habeas corpus
 657 returnable before the supreme court of criminal appeals or any
 658 justice thereof, a district court of appeal or any judge
 659 thereof, or any circuit judge. The power to issue a writ of
 660 habeas corpus under this paragraph applies to any person under a
 661 sentence of death, any person imprisoned for commission of a
 662 crime, any person jailed facing criminal charges, or any person
 663 who cannot seek the writ from the supreme court of civil appeals
 664 because the supreme court of civil appeals lacks jurisdiction.
 665 Neither the supreme court of criminal appeals nor any justice of
 666 the supreme court of criminal appeals shall issue a writ of
 667 habeas corpus regarding any person held in civil confinement.

668 (10) Shall, when requested by the attorney general
 669 pursuant to Section 10 of Article IV and, if related to a
 670 criminal case, render an advisory opinion of the justices,
 671 addressing issues as provided by general law.

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672 (11) May hear any challenge to the constitutionality of
 673 the death penalty, any challenge to the method of carrying out
 674 the death penalty, or any request for a stay of a death penalty.

675 (f) For purposes of interpreting the jurisdiction of the
 676 supreme court of civil appeals and the supreme court of criminal
 677 appeals, unless changed by general law:

678 (1) The term "criminal case" means any case or controversy
 679 primarily involving the commission of a felony or misdemeanor.
 680 It shall also mean any case or controversy involving criminal
 681 law, criminal penalties, criminal procedure, or any related
 682 action regarding the interpretation of or resolution of matters
 683 directly affecting the criminal law. Criminal cases are within
 684 the jurisdiction of the supreme court of criminal appeals.

685 (2) A tort or contract case or controversy alleging civil
 686 damages resulting from criminal activity is not a criminal case.

687 (3) Confinement for the purpose of evaluation and
 688 treatment of a mentally ill person is not a criminal case unless
 689 the confinement is related to the commission of a criminal
 690 offense by an adult.

691 (4) Confinement related to contempt of court is a civil
 692 case even if the contempt occurred during a criminal case.

693 (5) Jurisdiction over juvenile delinquency shall be with
 694 the supreme court of civil appeals.

695 (6) Equitable relief related to the criminal law,
 696 including where a party seeks to enjoin application of a
 697 criminal penalty, shall be within the jurisdiction of the
 698 supreme court of criminal appeals.

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727 legislature shall be held; provided that, in time of invasion or
 728 grave emergency, the governor by proclamation may for the period
 729 of the emergency transfer the seat of government to another
 730 place.

731 ARTICLE III

732 LEGISLATURE

733 SECTION 16. Legislative apportionment.—

734 (a) SENATORIAL AND REPRESENTATIVE DISTRICTS.—The
 735 legislature at its regular session in the second year following
 736 each decennial census, by joint resolution, shall apportion the
 737 state in accordance with the constitution of the state and of
 738 the United States into not less than thirty nor more than forty
 739 consecutively numbered senatorial districts of either
 740 contiguous, overlapping, or identical territory, and into not
 741 less than eighty nor more than one hundred twenty consecutively
 742 numbered representative districts of either contiguous,
 743 overlapping, or identical territory. Should that session adjourn
 744 without adopting such joint resolution, the governor by
 745 proclamation shall reconvene the legislature within thirty days
 746 in special apportionment session which shall not exceed thirty
 747 consecutive days, during which no other business shall be
 748 transacted, and it shall be the mandatory duty of the
 749 legislature to adopt a joint resolution of apportionment.

750 (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL
 751 REAPPORTIONMENT.—In the event a special apportionment session of
 752 the legislature finally adjourns without adopting a joint
 753 resolution of apportionment, the attorney general shall, within
 754 five days, petition the supreme court of civil appeals ~~the state~~

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755 to make such apportionment. No later than the sixtieth day after
 756 the filing of such petition, the supreme court of civil appeals
 757 shall file with the custodian of state records an order making
 758 such apportionment.

759 (c) JUDICIAL REVIEW OF APPORTIONMENT.—Within fifteen days
 760 after the passage of the joint resolution of apportionment, the
 761 attorney general shall petition the supreme court of civil
 762 appeals ~~the state~~ for a declaratory judgment determining the
 763 validity of the apportionment. The supreme court of civil
 764 appeals, in accordance with the applicable ~~its~~ rules, shall
 765 permit adversary interests to present their views and, within
 766 thirty days from the filing of the petition, shall enter its
 767 judgment.

768 (d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY
 769 APPORTIONMENT SESSION.—A judgment of the supreme court of civil
 770 appeals ~~the state~~ determining the apportionment to be valid
 771 shall be binding upon all the citizens of the state. Should the
 772 supreme court of civil appeals determine that the apportionment
 773 made by the legislature is invalid, the governor by proclamation
 774 shall reconvene the legislature within five days thereafter in
 775 extraordinary apportionment session which shall not exceed
 776 fifteen days, during which the legislature shall adopt a joint
 777 resolution of apportionment conforming to the judgment of the
 778 supreme court of civil appeals.

779 (e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF
 780 APPORTIONMENT.—Within fifteen days after the adjournment of an
 781 extraordinary apportionment session, the attorney general shall
 782 file a petition in the supreme court of civil appeals ~~the state~~

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783 | setting forth the apportionment resolution adopted by the
 784 | legislature, or if none has been adopted reporting that fact to
 785 | the court. Consideration of the validity of a joint resolution
 786 | of apportionment shall be had as provided for in cases of such
 787 | joint resolution adopted at a regular or special apportionment
 788 | session.

789 | (f) JUDICIAL REAPPORTIONMENT.—Should an extraordinary
 790 | apportionment session fail to adopt a resolution of
 791 | apportionment or should the supreme court of civil appeals
 792 | determine that the apportionment made is invalid, the supreme
 793 | court of civil appeals shall, not later than sixty days after
 794 | receiving the petition of the attorney general, file with the
 795 | custodian of state records an order making such apportionment.

796 | SECTION 17. Impeachment.—

797 | (a) The governor, lieutenant governor, members of the
 798 | cabinet, justices of a ~~the~~ supreme court, judges of district
 799 | courts of appeal, judges of circuit courts, and judges of county
 800 | courts shall be liable to impeachment for misdemeanor in office.
 801 | The house of representatives by two-thirds vote shall have the
 802 | power to impeach an officer. The speaker of the house of
 803 | representatives shall have power at any time to appoint a
 804 | committee to investigate charges against any officer subject to
 805 | impeachment.

806 | (b) An officer impeached by the house of representatives
 807 | shall be disqualified from performing any official duties until
 808 | acquitted by the senate, and, unless impeached, the governor may
 809 | by appointment fill the office until completion of the trial.

810 | (c) All impeachments by the house of representatives shall

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811 be tried by the senate. The chief justice of the supreme court
 812 of criminal appeals, or another justice of either supreme court
 813 designated by the chief justice of the supreme court of criminal
 814 appeals, shall preside at the trial, except in a trial of the
 815 chief justice of either supreme court, in which case the
 816 governor shall preside. The senate shall determine the time for
 817 the trial of any impeachment and may sit for the trial whether
 818 the house of representatives be in session or not. The time
 819 fixed for trial shall not be more than six months after the
 820 impeachment. During an impeachment trial senators shall be upon
 821 their oath or affirmation. No officer shall be convicted without
 822 the concurrence of two-thirds of the members of the senate
 823 present. Judgment of conviction in cases of impeachment shall
 824 remove the offender from office and, in the discretion of the
 825 senate, may include disqualification to hold any office of
 826 honor, trust, or profit. Conviction or acquittal shall not
 827 affect the civil or criminal responsibility of the officer.

828 SECTION 19. State Budgeting, Planning, and Appropriations
 829 Processes.—

830 (a) ANNUAL BUDGETING.—

831 (1) General law shall prescribe the adoption of annual
 832 state budgetary and planning processes and require that detail
 833 reflecting the annualized costs of the state budget and
 834 reflecting the nonrecurring costs of the budget requests shall
 835 accompany state department and agency legislative budget
 836 requests, the governor's recommended budget, and appropriation
 837 bills.

838 (2) Unless approved by a three-fifths vote of the

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839 membership of each house, appropriations made for recurring
 840 purposes from nonrecurring general revenue funds for any fiscal
 841 year shall not exceed three percent of the total general revenue
 842 funds estimated to be available at the time such appropriation
 843 is made.

844 (3) As prescribed by general law, each state department
 845 and agency shall be required to submit a legislative budget
 846 request that is based upon and that reflects the long-range
 847 financial outlook adopted by the joint legislative budget
 848 commission or that specifically explains any variance from the
 849 long-range financial outlook contained in the request.

850 (4) For purposes of this section, the terms department and
 851 agency shall include the judicial branch.

852 (b) APPROPRIATION BILLS FORMAT.—Separate sections within
 853 the general appropriation bill shall be used for each major
 854 program area of the state budget; major program areas shall
 855 include: education enhancement "lottery" trust fund items;
 856 education (all other funds); human services; criminal justice
 857 and corrections; natural resources, environment, growth
 858 management, and transportation; general government; and judicial
 859 branch. Each major program area shall include an itemization of
 860 expenditures for: state operations; state capital outlay; aid to
 861 local governments and nonprofit organizations operations; aid to
 862 local governments and nonprofit organizations capital outlay;
 863 federal funds and the associated state matching funds; spending
 864 authorizations for operations; and spending authorizations for
 865 capital outlay. Additionally, appropriation bills passed by the
 866 legislature shall include an itemization of specific

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867 appropriations that exceed one million dollars (\$1,000,000.00)
 868 in 1992 dollars. For purposes of this subsection, "specific
 869 appropriation," "itemization," and "major program area" shall be
 870 defined by law. This itemization threshold shall be adjusted by
 871 general law every four years to reflect the rate of inflation or
 872 deflation as indicated in the Consumer Price Index for All Urban
 873 Consumers, U.S. City Average, All Items, or successor reports as
 874 reported by the United States Department of Labor, Bureau of
 875 Labor Statistics or its successor. Substantive bills containing
 876 appropriations shall also be subject to the itemization
 877 requirement mandated under this provision and shall be subject
 878 to the governor's specific appropriation veto power described in
 879 Article III, Section 8.

880 (c) APPROPRIATIONS PROCESS.

881 (1) No later than September 15 of each year, the joint
 882 legislative budget commission shall issue a long-range financial
 883 outlook setting out recommended fiscal strategies for the state
 884 and its departments and agencies in order to assist the
 885 legislature in making budget decisions. The long-range financial
 886 outlook must include major workload and revenue estimates. In
 887 order to implement this paragraph, the joint legislative budget
 888 commission shall use current official consensus estimates and
 889 may request the development of additional official estimates.

890 (2) The joint legislative budget commission shall seek
 891 input from the public and from the executive and judicial
 892 branches when developing and recommending the long-range
 893 financial outlook.

894 (3) The legislature shall prescribe by general law

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895 conditions under which limited adjustments to the budget, as
 896 recommended by the governor or the chief justice of the supreme
 897 court of civil appeals, may be approved without the concurrence
 898 of the full legislature.

899 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD.—All general
 900 appropriation bills shall be furnished to each member of the
 901 legislature, each member of the cabinet, the governor, and the
 902 chief justice of the supreme court of civil appeals at least
 903 seventy-two hours before final passage by either house of the
 904 legislature of the bill in the form that will be presented to
 905 the governor.

906 (e) FINAL BUDGET REPORT.—A final budget report shall be
 907 prepared as prescribed by general law. The final budget report
 908 shall be produced no later than the 120th day after the
 909 beginning of the fiscal year, and copies of the report shall be
 910 furnished to each member of the legislature, the head of each
 911 department and agency of the state, the auditor general, and the
 912 chief justice of the supreme court of civil appeals.

913 (f) TRUST FUNDS.—

914 (1) No trust fund of the State of Florida or other public
 915 body may be created or re-created by law without a three-fifths
 916 vote of the membership of each house of the legislature in a
 917 separate bill for that purpose only.

918 (2) State trust funds shall terminate not more than four
 919 years after the effective date of the act authorizing the
 920 initial creation of the trust fund. By law the legislature may
 921 set a shorter time period for which any trust fund is
 922 authorized.

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923 (3) Trust funds required by federal programs or mandates;
 924 trust funds established for bond covenants, indentures, or
 925 resolutions, whose revenues are legally pledged by the state or
 926 public body to meet debt service or other financial requirements
 927 of any debt obligations of the state or any public body; the
 928 state transportation trust fund; the trust fund containing the
 929 net annual proceeds from the Florida Education Lotteries; the
 930 Florida retirement trust fund; trust funds for institutions
 931 under the management of the Board of Governors, where such trust
 932 funds are for auxiliary enterprises and contracts, grants, and
 933 donations, as those terms are defined by general law; trust
 934 funds that serve as clearing funds or accounts for the chief
 935 financial officer or state agencies; trust funds that account
 936 for assets held by the state in a trustee capacity as an agent
 937 or fiduciary for individuals, private organizations, or other
 938 governmental units; and other trust funds authorized by this
 939 Constitution, are not subject to the requirements set forth in
 940 paragraph (2) of this subsection.

941 (4) All cash balances and income of any trust funds
 942 abolished under this subsection shall be deposited into the
 943 general revenue fund.

944 (g) BUDGET STABILIZATION FUND.—Subject to the provisions
 945 of this subsection, an amount equal to at least 5% of the last
 946 completed fiscal year's net revenue collections for the general
 947 revenue fund shall be retained in the budget stabilization fund.
 948 The budget stabilization fund's principal balance shall not
 949 exceed an amount equal to 10% of the last completed fiscal
 950 year's net revenue collections for the general revenue fund. The

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951 legislature shall provide criteria for withdrawing funds from
 952 the budget stabilization fund in a separate bill for that
 953 purpose only and only for the purpose of covering revenue
 954 shortfalls of the general revenue fund or for the purpose of
 955 providing funding for an emergency, as defined by general law.
 956 General law shall provide for the restoration of this fund. The
 957 budget stabilization fund shall be comprised of funds not
 958 otherwise obligated or committed for any purpose.

959 (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND
 960 AGENCY PLANNING DOCUMENT PROCESSES.—General law shall provide
 961 for a long-range state planning document. The governor shall
 962 recommend to the legislature biennially any revisions to the
 963 long-range state planning document, as defined by law. General
 964 law shall require a biennial review and revision of the long-
 965 range state planning document and shall require all departments
 966 and agencies of state government to develop planning documents
 967 that identify statewide strategic goals and objectives,
 968 consistent with the long-range state planning document. The
 969 long-range state planning document and department and agency
 970 planning documents shall remain subject to review and revision
 971 by the legislature. The long-range state planning document must
 972 include projections of future needs and resources of the state
 973 which are consistent with the long-range financial outlook. The
 974 department and agency planning documents shall include a
 975 prioritized listing of planned expenditures for review and
 976 possible reduction in the event of revenue shortfalls, as
 977 defined by general law.

978 (i) GOVERNMENT EFFICIENCY TASK FORCE.—No later than

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979 January of 2007, and each fourth year thereafter, the president
 980 of the senate, the speaker of the house of representatives, and
 981 the governor shall appoint a government efficiency task force,
 982 the membership of which shall be established by general law. The
 983 task force shall be composed of members of the legislature and
 984 representatives from the private and public sectors who shall
 985 develop recommendations for improving governmental operations
 986 and reducing costs. Staff to assist the task force in performing
 987 its duties shall be assigned by general law, and the task force
 988 may obtain assistance from the private sector. The task force
 989 shall complete its work within one year and shall submit its
 990 recommendations to the joint legislative budget commission, the
 991 governor, and the chief justice of the supreme court of civil
 992 appeals.

993 (j) JOINT LEGISLATIVE BUDGET COMMISSION.—There is created
 994 within the legislature the joint legislative budget commission
 995 composed of equal numbers of senate members appointed by the
 996 president of the senate and house members appointed by the
 997 speaker of the house of representatives. Each member shall serve
 998 at the pleasure of the officer who appointed the member. A
 999 vacancy on the commission shall be filled in the same manner as
 1000 the original appointment. From November of each odd-numbered
 1001 year through October of each even-numbered year, the chairperson
 1002 of the joint legislative budget commission shall be appointed by
 1003 the president of the senate and the vice chairperson of the
 1004 commission shall be appointed by the speaker of the house of
 1005 representatives. From November of each even-numbered year
 1006 through October of each odd-numbered year, the chairperson of

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1007 | the joint legislative budget commission shall be appointed by
 1008 | the speaker of the house of representatives and the vice
 1009 | chairperson of the commission shall be appointed by the
 1010 | president of the senate. The joint legislative budget commission
 1011 | shall be governed by the joint rules of the senate and the house
 1012 | of representatives, which shall remain in effect until repealed
 1013 | or amended by concurrent resolution. The commission shall
 1014 | convene at least quarterly and shall convene at the call of the
 1015 | president of the senate and the speaker of the house of
 1016 | representatives. A majority of the commission members of each
 1017 | house plus one additional member from either house constitutes a
 1018 | quorum. Action by the commission requires a majority vote of the
 1019 | commission members present of each house. The commission may
 1020 | conduct its meetings through teleconferences or similar means.
 1021 | In addition to the powers and duties specified in this
 1022 | subsection, the joint legislative budget commission shall
 1023 | exercise all other powers and perform any other duties not in
 1024 | conflict with paragraph (c) (3) and as prescribed by general law
 1025 | or joint rule.

1026 | ARTICLE IV

1027 | EXECUTIVE

1028 | SECTION 1. Governor.—

1029 | (a) The supreme executive power shall be vested in a
 1030 | governor, who shall be commander-in-chief of all military forces
 1031 | of the state not in active service of the United States. The
 1032 | governor shall take care that the laws be faithfully executed,
 1033 | commission all officers of the state and counties, and transact
 1034 | all necessary business with the officers of government. The

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1035 governor may require information in writing from all executive
 1036 or administrative state, county or municipal officers upon any
 1037 subject relating to the duties of their respective offices. The
 1038 governor shall be the chief administrative officer of the state
 1039 responsible for the planning and budgeting for the state.

1040 (b) The governor may initiate judicial proceedings in the
 1041 name of the state against any executive or administrative state,
 1042 county or municipal officer to enforce compliance with any duty
 1043 or restrain any unauthorized act.

1044 (c) The governor may request in writing the opinion of the
 1045 justices of the appropriate supreme court as to the
 1046 interpretation of any portion of this constitution upon any
 1047 question affecting the governor's executive powers and duties.
 1048 The justices shall, subject to their rules of procedure, permit
 1049 interested persons to be heard on the questions presented and
 1050 shall render their written opinion not earlier than ten days
 1051 from the filing and docketing of the request, unless in their
 1052 judgment the delay would cause public injury.

1053 (d) The governor shall have power to call out the militia
 1054 to preserve the public peace, execute the laws of the state,
 1055 suppress insurrection, or repel invasion.

1056 (e) The governor shall by message at least once in each
 1057 regular session inform the legislature concerning the condition
 1058 of the state, propose such reorganization of the executive
 1059 department as will promote efficiency and economy, and recommend
 1060 measures in the public interest.

1061 (f) When not otherwise provided for in this constitution,
 1062 the governor shall fill by appointment any vacancy in state or

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1063 county office for the remainder of the term of an appointive
 1064 office, and for the remainder of the term of an elective office
 1065 if less than twenty-eight months, otherwise until the first
 1066 Tuesday after the first Monday following the next general
 1067 election.

1068 SECTION 3. Succession to office of governor; acting
 1069 governor.—

1070 (a) Upon vacancy in the office of governor, the lieutenant
 1071 governor shall become governor. Further succession to the office
 1072 of governor shall be prescribed by law. A successor shall serve
 1073 for the remainder of the term.

1074 (b) Upon impeachment of the governor and until completion
 1075 of trial thereof, or during the governor's physical or mental
 1076 incapacity, the lieutenant governor shall act as governor.
 1077 Further succession as acting governor shall be prescribed by
 1078 law. Incapacity to serve as governor may be determined by the
 1079 supreme court of civil appeals upon due notice after docketing
 1080 of a written suggestion thereof by three cabinet members, and in
 1081 such case restoration of capacity shall be similarly determined
 1082 after docketing of written suggestion thereof by the governor,
 1083 the legislature or three cabinet members. Incapacity to serve as
 1084 governor may also be established by certificate filed with the
 1085 custodian of state records by the governor declaring incapacity
 1086 for physical reasons to serve as governor, and in such case
 1087 restoration of capacity shall be similarly established.

1088 SECTION 4. Cabinet.—

1089 (a) There shall be a cabinet composed of an attorney
 1090 general, a chief financial officer, and a commissioner of

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1091 agriculture. In addition to the powers and duties specified
 1092 herein, they shall exercise such powers and perform such duties
 1093 as may be prescribed by law. In the event of a tie vote of the
 1094 governor and cabinet, the side on which the governor voted shall
 1095 be deemed to prevail.

1096 (b) The attorney general shall be the chief state legal
 1097 officer. There is created in the office of the attorney general
 1098 the position of statewide prosecutor. The statewide prosecutor
 1099 shall have concurrent jurisdiction with the state attorneys to
 1100 prosecute violations of criminal laws occurring or having
 1101 occurred, in two or more judicial circuits as part of a related
 1102 transaction, or when any such offense is affecting or has
 1103 affected two or more judicial circuits as provided by general
 1104 law. The statewide prosecutor shall be appointed by the attorney
 1105 general from not less than three persons nominated by the
 1106 judicial nominating commission for the supreme courts ~~court~~, or
 1107 as otherwise provided by general law.

1108 (c) The chief financial officer shall serve as the chief
 1109 fiscal officer of the state, and shall settle and approve
 1110 accounts against the state, and shall keep all state funds and
 1111 securities.

1112 (d) The commissioner of agriculture shall have supervision
 1113 of matters pertaining to agriculture except as otherwise
 1114 provided by law.

1115 (e) The governor as chair, the chief financial officer,
 1116 and the attorney general shall constitute the state board of
 1117 administration, which shall succeed to all the power, control,
 1118 and authority of the state board of administration established

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1119 | pursuant to Article IX, Section 16 of the Constitution of 1885,
 1120 | and which shall continue as a body at least for the life of
 1121 | Article XII, Section 9(c).

1122 | (f) The governor as chair, the chief financial officer,
 1123 | the attorney general, and the commissioner of agriculture shall
 1124 | constitute the trustees of the internal improvement trust fund
 1125 | and the land acquisition trust fund as provided by law.

1126 | (g) The governor as chair, the chief financial officer,
 1127 | the attorney general, and the commissioner of agriculture shall
 1128 | constitute the agency head of the Department of Law Enforcement.

1129 | SECTION 10. Attorney General.—The attorney general shall,
 1130 | as directed by general law, request the opinion of the justices
 1131 | of the supreme court of civil appeals as to the validity of any
 1132 | initiative petition circulated pursuant to Section 3 of Article
 1133 | XI. The justices shall, subject to their rules of procedure,
 1134 | permit interested persons to be heard on the questions presented
 1135 | and shall render their written opinion no later than April 1 of
 1136 | the year in which the initiative is to be submitted to the
 1137 | voters pursuant to Section 5 of Article XI.

1138 | SECTION 13. Revenue Shortfalls.—In the event of revenue
 1139 | shortfalls, as defined by general law, the governor and cabinet
 1140 | may establish all necessary reductions in the state budget in
 1141 | order to comply with the provisions of Article VII, Section
 1142 | 1(d). The governor and cabinet shall implement all necessary
 1143 | reductions for the executive budget, the chief justice of the
 1144 | supreme court of civil appeals shall implement all necessary
 1145 | reductions for the judicial budget, and the speaker of the house
 1146 | of representatives and the president of the senate shall

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1147 | implement all necessary reductions for the legislative budget.
 1148 | Budget reductions pursuant to this section shall be consistent
 1149 | with the provisions of Article III, Section 19(h).

1150 | ARTICLE XI

1151 | AMENDMENTS

1152 | SECTION 2. Revision commission.-

1153 | (a) Within thirty days before the convening of the 2017
 1154 | regular session of the legislature, and each twentieth year
 1155 | thereafter, there shall be established a constitution revision
 1156 | commission composed of the following thirty-seven members:

1157 | (1) the attorney general of the state;

1158 | (2) fifteen members selected by the governor;

1159 | (3) nine members selected by the speaker of the house of
 1160 | representatives and nine members selected by the president of
 1161 | the senate; and

1162 | (4) three members selected jointly by the chief justices
 1163 | ~~justice~~ of the supreme courts ~~court~~ of Florida ~~with the advice~~
 1164 | ~~of the justices.~~

1165 | (b) The governor shall designate one member of the
 1166 | commission as its chair. Vacancies in the membership of the
 1167 | commission shall be filled in the same manner as the original
 1168 | appointments.

1169 | (c) Each constitution revision commission shall convene at
 1170 | the call of its chair, adopt its rules of procedure, examine the
 1171 | constitution of the state, hold public hearings, and, not later
 1172 | than one hundred eighty days prior to the next general election,
 1173 | file with the custodian of state records its proposal, if any,
 1174 | of a revision of this constitution or any part of it.

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1175 BE IT FURTHER RESOLVED that the following statement be
 1176 placed on the ballot:

1177 CONSTITUTIONAL AMENDMENT

1178 ARTICLE II, SECTION 2

1179 ARTICLE III, SECTIONS 16, 17, AND 19

1180 ARTICLE IV, SECTIONS 1, 3, 4, 10, AND 13

1181 ARTICLE V, SECTIONS 1, 2, 3, 4, 7, 8, 9, 11, 12, 15, AND 21

1182 ARTICLE XI, SECTION 2

1183 SUPREME COURT.—Proposing an amendment to the State
 1184 Constitution to create a Supreme Court of Civil Appeals and a
 1185 Supreme Court of Criminal Appeals. Under current law, the
 1186 Florida Supreme Court, consisting of seven appointed justices,
 1187 is the highest court in Florida, hearing both civil and criminal
 1188 cases. This amendment would abolish the current Supreme Court
 1189 and create a new Supreme Court of Civil Appeals and a new
 1190 Supreme Court of Criminal Appeals. Each of the new supreme
 1191 courts would have five appointed justices. The three most senior
 1192 justices of the Florida Supreme Court would be transferred to
 1193 the new Supreme Court of Criminal Appeals, the remaining four
 1194 current justices of the Florida Supreme Court would be
 1195 transferred to the new Supreme Court of Civil Appeals, and the
 1196 Governor will have to appoint three new justices to fill the
 1197 remaining openings in the two courts. The existing constitution
 1198 creates the jurisdiction of the Supreme Court, which
 1199 jurisdiction can only be changed by constitutional amendment.
 1200 This proposed amendment splits the jurisdiction between the two
 1201 supreme courts to provide that the Supreme Court of Civil
 1202 Appeals will have jurisdiction over civil matters and the

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1203 Supreme Court of Criminal Appeals will have jurisdiction over
1204 criminal matters. This amendment also provides that the
1205 jurisdictions of the supreme courts will be set in general law
1206 in the future and, therefore, may be changed by general law in
1207 the future. The power of the new courts to issue a writ of
1208 habeas corpus is limited by this amendment. Currently, the
1209 Florida Supreme Court has jurisdiction over judicial discipline
1210 and the regulation of attorneys. This amendment places
1211 jurisdiction over judicial discipline with the Supreme Court of
1212 Criminal Appeals and jurisdiction over attorney regulation with
1213 the Supreme Court of Civil Appeals. This proposed amendment also
1214 creates a position of chief justice in each of the supreme
1215 courts, removes the positions of clerk and marshal from the
1216 constitution, provides for transition, and makes conforming
1217 changes in multiple sections of the constitution.