FOR CONSIDERATION By the Committee on Judiciary

590-02398-11   20117076__

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8	repealed by the Legislature for a prescribed period.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

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30 opinion. Rules of court may be repealed by general law ~~enacted~~
31 ~~by two-thirds vote of the membership of each house of the~~
32 ~~legislature~~. <u>The supreme court may not readopt a rule within</u>
33 <u>three years after the rule has been repealed by general law.</u>
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 eliminates the requirement

62 that the general law pass by a two-thirds vote of each house.

63 Therefore, the Legislature could repeal a rule of court by a

64 general law approved by a majority vote of each house of the

65 Legislature. The proposed amendment also prohibits the Supreme

66 Court from readopting a rule within 3 years after the rule is

67 repealed by a general law.

68

69   BE IT FURTHER RESOLVED that the following statement be

70 placed on the ballot if a court declares the preceding statement

71 defective and the decision of the court is not reversed:

72   CONSTITUTIONAL AMENDMENT

73   ARTICLE V, SECTION 2

74   REPEAL OF SUPREME COURT RULES BY GENERAL LAW.—Under the

75 State Constitution, the Supreme Court adopts rules governing

76 practice and procedure in all courts in this state. The

77 constitution empowers the Legislature to repeal a court rule by

78 passing a general bill. The bill, however, must pass both the

79 Senate and the House of Representatives by a vote of two-thirds

80 of the membership of each respective chamber. If the bill

81 becomes law, the rule is repealed. There is currently no

82 prohibition in the State Constitution against the Supreme Court

83 readopting the same rule at any time. This proposed

84 constitutional amendment eliminates the requirement that a law

85 repealing a rule of court must be enacted by an extraordinary

86 vote of the Legislature. Thus, under this amendment, a general

87 law enacted by a majority vote of the membership of each house

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88 of the Legislature could repeal a rule of court. In addition,

89 this amendment specifies that the Supreme Court would have to

90 wait at least 3 years before readopting the rule.

91

92   BE IT FURTHER RESOLVED that the following statement be

93 placed on the ballot if a court declares the preceding statement

94 defective and the decision of the court is not reversed:

95   CONSTITUTIONAL AMENDMENT

96   ARTICLE V, SECTION 2

97   MAKING IT EASIER TO REPEAL A SUPREME COURT RULE BY GENERAL

98 LAW.—Proposing an amendment to the State Constitution to reduce

99 the vote requirement that the Legislature needs in order to

100 repeal a rule adopted by the Supreme Court. Currently under the

101 State Constitution, the Legislature may enact a general bill

102 that repeals a rule of court adopted by the Supreme Court. The

103 bill must pass both the Senate and the House of Representatives

104 by vote at least equal to two-thirds of the membership of each

105 house of the Legislature. If this bill becomes law, it repeals

106 the rule of court. This proposed constitutional amendment would

107 make it easier for the Legislature to repeal a rule of court by

108 eliminating the requirement for a two-thirds vote. The proposed

109 amendment also adds a new provision to the constitution which

110 prohibits the Supreme Court from readopting a rule within 3

111 years after the rule is repealed by a general law.

112

113   BE IT FURTHER RESOLVED that the following statement be

114 placed on the ballot if a court declares the preceding statement

115 defective and the decision of the court is not reversed:

116   CONSTITUTIONAL AMENDMENT

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117   ARTICLE V, SECTION 2
118   REDUCING THE LEGISLATIVE VOTE NECESSARY TO REPEAL A RULE OF
119   COURT.—Proposing an amendment to the State Constitution to
120   eliminate the requirement for an extraordinary vote of each
121   house of the Legislature in order to repeal a rule of court by
122   general law. The Supreme Court adopts rules governing practice
123   and procedure in all state courts. Currently under the
124   constitution, the Legislature can repeal a rule of court by
125   passing a general bill, but the bill must pass by a vote of at
126   least two-thirds of the membership of each of the Senate and the
127   House of Representatives. The proposed constitutional amendment
128   eliminates the requirement for a two-thirds vote in each house
129   of the Legislature. Currently, the constitution does not
130   prohibit the Supreme Court from readopting a rule that is
131   repealed by general law. The proposed amendment adds new
132   language specifying that the Court may not readopt a rule within
133   3 years after the rule is repealed in this manner.

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