

House Joint Resolution

A joint resolution proposing an amendment to Section 2 of Article V and the creation of a new section in Article XII of the State Constitution to require the procedures for postconviction or collateral review of capital cases resulting in a sentence of death to be governed exclusively by, and to the extent provided by, general law, and to provide an effective date.

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

That the following amendment to Section 2 of Article V and the creation of a new section in Article XII 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) 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

29 | appeal to submit questions relating to military law to the
 30 | federal Court of Appeals for the Armed Forces for an advisory
 31 | opinion. Rules of court may be repealed by general law enacted
 32 | by two-thirds vote of the membership of each house of the
 33 | legislature.

34 | (b) Notwithstanding subsection (a), the procedures for
 35 | postconviction or collateral review of capital cases resulting
 36 | in a sentence of death shall be governed exclusively by, and to
 37 | the extent provided by, general law.

38 | (c)~~(b)~~ The chief justice of the supreme court shall be
 39 | chosen by a majority of the members of the court; shall be the
 40 | chief administrative officer of the judicial system; and shall
 41 | have the power to assign justices or judges, including
 42 | consenting retired justices or judges, to temporary duty in any
 43 | court for which the judge is qualified and to delegate to a
 44 | chief judge of a judicial circuit the power to assign judges for
 45 | duty in that circuit.

46 | (d)~~(e)~~ A chief judge for each district court of appeal
 47 | shall be chosen by a majority of the judges thereof or, if there
 48 | is no majority, by the chief justice. The chief judge shall be
 49 | responsible for the administrative supervision of the court.

50 | (e)~~(d)~~ A chief judge in each circuit shall be chosen from
 51 | among the circuit judges as provided by supreme court rule. The
 52 | chief judge shall be responsible for the administrative
 53 | supervision of the circuit courts and county courts in his
 54 | circuit.

55 | ARTICLE XII

56 | SCHEDULE

57 | Procedures for postconviction or collateral review of
 58 | capital cases resulting in a sentence of death.—The amendment to
 59 | Section 2 of Article V requiring the procedures for
 60 | postconviction or collateral review of capital cases resulting
 61 | in a sentence of death to be governed exclusively by, and to the
 62 | extent provided by, general law shall take effect July 1, 2015,
 63 | and shall only apply to capital cases in which the conviction
 64 | and sentence of death have been affirmed on direct appeal on or
 65 | after July 1, 2015.

66 | BE IT FURTHER RESOLVED that the following statement be
 67 | placed on the ballot:

68 | CONSTITUTIONAL AMENDMENT

69 | ARTICLE V, SECTION 2

70 | ARTICLE XII

71 | POSTCONVICTION DEATH PENALTY PROCEEDINGS.—Proposing an
 72 | amendment to the State Constitution to require postconviction or
 73 | collateral review of capital cases resulting in a death sentence
 74 | to be governed exclusively by, and to the extent provided by,
 75 | general law.

76 | The constitution currently allows only the Supreme Court to
 77 | adopt rules relating to the practice and procedure in courts,
 78 | including rules relating to postconviction or collateral review
 79 | of capital cases resulting in a death sentence, so the
 80 | procedures in such cases are currently governed by Florida
 81 | Supreme Court rules.

82 | This amendment provides that the procedures for
 83 | postconviction or collateral review of capital cases resulting
 84 | in a death sentence be governed exclusively by, and to the

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85 | extent provided by, general law. A general law in Florida is
86 | enacted if passed by a majority of members voting in each
87 | chamber of the Legislature and then either signed by the
88 | Governor or, if vetoed by the Governor, then passed by a two-
89 | thirds vote of the members voting in each legislative chamber.

90 | The proposed amendment takes effect July 1, 2015, and
91 | applies to capital cases in which the conviction and sentence of
92 | death have been affirmed on direct appeal on or after July 1,
93 | 2015.