

# CONSTITUTIONAL AMENDMENT PETITION FORM

*Note: All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections. Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, to knowingly sign more than one petition for a candidate, a minor political party, or an issue. [Section 104.185, Florida Statutes] If all requested information on this form is not completed, the form will not be valid.*

**Your name:** \_\_\_\_\_  
Please Print Name as it appears on your Voter Information Card

**Your residential street address:**

\_\_\_\_\_

**City** \_\_\_\_\_ **Zip** \_\_\_\_\_ **County** \_\_\_\_\_

**Voter Registration Number** \_\_\_\_\_ **or Date of Birth** \_\_\_\_\_

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

**BALLOT TITLE: *FLORIDA CITIZENS ENHANCING INTEGRITY AND JUSTICE IN THEIR JUDICIAL BRANCH OF GOVERNMENT***

**BALLOT SUMMARY:** district appeals courts may have exclusive jurisdiction statewide on any subject, final orders of appeals and writs cases must cite binding precedent, a judicial conference is created to propose rules of practice and procedure, statutes may qualify a person seeking judgeship, judicial qualifications commission is reorganized, dedicated funding for the judiciary, judiciary and legislature have concurrent jurisdiction regulating persons practicing law, elector tribunals for last review of final orders and prosecuting court officers are created.

**ARTICLE AND SECTION BEING CREATED OR AMENDED:**

An amendment to sections 1, 2, 3, 4, 5, 8, 12, 14, 15, 17 and 20 of article V of the State Constitution

**FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:**

## **ARTICLE V JUDICIARY**

Preamble to Article V.

SECTION 1. Courts.

SECTION 2. Administration; practice and procedure.

SECTION 3. Supreme court.

Preamble to article V

WHEREAS, it seems, whether intentionally or not, the people are denied or deprived their DECLARATION OF RIGHTS, under Article I, Section 1. *Political Power* and Section 2. *Basic Rights* to be heard on procedural laws, obvious from the historic volumes of rules cases lacking their input nor giving them proper or adequate notice of such proceedings, and

WHEREAS, Florida citizens in enhancing integrity and justice in their court system through our state legislature, it is a true voice and source of the people exercising their political power, and

WHEREAS, it is the duty of the legislature to prescribe substantive law, and procedural law promulgated and adopted by the courts, is simply or merely supplementary to executing such substantive law, and

WHEREAS, not a few among the Bar openly and many silently have and do attest to the unfitness of many judges throughout the state, for example: the Florida bar news 2/15 and 3/1 of 2007 editions, and the media, and

WHEREAS, many citizens throughout the state have attested openly to the unfitness of the judiciary and the courts, for example: the 2006-2007 public meetings and transcripts done by the Florida Supreme Court committee on fairness and diversity, and the media, and

WHEREAS, the judicial qualifications commission disciplines the judicial officers of the courts, yet such vehicle fails to sufficiently keep accountability of such officers, though many complaints may be filed citing valid violations, ultimately, being in the discretion of the commission to prosecute, and

WHEREAS, if or when discipline is pursued successfully against any given judge the majority are very lightly sanctioned, being clearly, without question of moral and fiscal injustice to the people, for example: honorable Brandt Downey jr. III, Bonnie S. Newton, and

WHEREAS, Honorable judges Cliff Barnes in case SC06-2119 and Michael Allen in case SC07-774 have been clearly harassed and retaliated against by their colleagues for upholding their duty and oath as law abiding judicial officers to speak out against such judicial branch misconduct, and

WHEREAS, rulings and opinions rendered by the courts made without written expression (Per curiam) have been shunned or deprive the people justice as expressed by the bar and the people in the: *2006 Report on District Court of Appeal Workload & Jurisdiction, E. Public Trust and Confidence, pgs 19-20 and H. Other Recommendations, pg 32*, conducted by The District Court of Appeal Workload and Jurisdiction Assessment committee, and

WHEREAS, in *Newmons v. Lake Worth Drainage District*, 87 So 2d 49, 50-51[1,2](Fla 1956) it is obvious the resulting injustice in using a per curiam, where any litigant or lawyer must guess as to why or how the determination was adverse, and in all reality may never figure it out due to the myriad of grounds expressed by the court as to what may have prompt such an opinion, and a basis of such a opinion is to dispose of heavy caseloads as expressed in *Whipple v. State*, 431 so. 2d 1011, 1115(Fla. 2d DCA 1983), thereby, violating the rules of binding precedent, stare decisis and due process of law, and

WHEREAS, in the recent twenty to fifteen years numerous decisions sent down from the Florida supreme court have lacked clarity and thoroughness subjecting them to differing or conflicting constructions to such a extent that district court of appeals have struggled in resolving or comprehending them, thereby, eroding and undermining the rules of binding precedent, stare decisis and due process of law, and

WHEREAS, since it's mandate in The Florida Bar v. Furman, 376 So.2d 378, 382 (Fla.1979) the bar and courts have failed to provide adequate legal representation services to the poor and disadvantage, and their has been further a decline and unwillingness to provide pro bono services as expressed in the Florida bar news 2/15/2007, as to such, and

WHEREAS, the bar has conceded the majority of their members lack proper and adequate competence, yet, dismisses thousands of bar complaints as expressed by LOMAS, the bar and bench, thereby undermining the people claiming to protect the public from those who are incompetent, unethical or irresponsible in The Florida Bar v. Moses, 380 So.2d 412, 417 (Fla.1980), Ippolito v. State Of Florida, 824 F. Supp 1562, 1575 (M. D. Fla 1993), and

WHEREAS, due to the state of the bar and bench, any officer of the court must in any given circumstance, at any given time, compromise, or worst, forsake his or her oath and duty for fear or favor, and

WHEREAS, qualifying and aspiring bar members have been deprived a office of judgeship by being subject to for years a custom based on fear or favor of present judges claiming their office for life and that they dare not run for such a office until a particular judge retires, resigns or is impeached, and

WHEREAS, the people of Florida are made, whether intentionally or not, estranged to or ignorant of their judicial branch, as has been reported by the Florida bar and the media, and

WHEREAS, by the foregoing the people have developed a clear perception of lack of trust and confidence in their judiciary, bar and court system as expressed in recent public meetings and transcripts done by the supreme court committee on fairness and diversity, and the media, and

WHEREAS, the judicial branch of this state has been in dire need of proper funding to resolve many of the internal problems it bears presently as to misconduct, injustice and the rule of law, and

WHEREAS, the 44th governor of this state, Charlie Crist, expressed in voluminous recordings and public appearances that the people(Floridians) are the boss; and has declared "it is the checks and balances built into America's republican form of government that keeps the nation strong and he is committed to preserving the balance between the three branches of government" and "it is up to all Floridians to address the state's problems" and "Making sure that if we see an injustice, we try to stop it. If we see somebody that needs help, we give it. We need to do what we can to ensure that social justice is done and that Florida – our dear blessed Florida — leads the way." in Florida bar news dated 2/15/2007, and

WHEREAS, it is complement and a memorial to idea 38, 46, 93, or 97 of a past speaker of the house of representatives, Marco Rubio, 100 ideas, the people NOW, THEREFORE, mandate

#### **SECTION 1. Courts.—**

(a) The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines, except that a district court of appeal may have geographical jurisdiction up to and including the entire state respecting any subject matter granted within such jurisdiction exclusively to that court by general law. Commissions established by law, or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices. The legislature may establish by general law a civil traffic hearing officer system for the purpose of hearing civil traffic infractions. The

legislature may, by general law, authorize a military court-martial to be conducted by military judges of the Florida National Guard, with direct appeal of a decision to the District Court of Appeal, First District.

(b) Final judgments or orders of all courts, commissions, or administrative officers or bodies created and established by paragraph (a) of this section shall be subject to review of last resort by the “Electors Tribunal On Justice” whom powers and duties are to ensure the application of the rule of law and civic duty of Florida citizens as shall be prescribed by general law. Officers of the tribunal shall be designated as constitutional state officers and shall be funded in the state court system.

**SECTION 2.** Administration; practice and procedure.--

(a)(1) The supreme court shall adopt rules for the practice and procedure in all courts, in accordance with the judicial conference under this section, including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow the court and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion. ~~Rules of court may be repealed by general law enacted by two-thirds vote of the membership of each house of the legislature.~~

(2) a. A judicial conference is created. The responsibility of the judicial conference is to propose rules of practice and procedure in all courts.

b. The judicial conference shall be composed of members in the manner as provided by general law.

c. The judicial conference shall adopt rules governing conference proceedings. Meetings of the judicial conference shall be open to the public and provide opportunity for comment.

d. Rules proposed by the judicial conference shall be submitted to the supreme court for consideration.

e. Unless otherwise provided by general law, the supreme court shall submit a proposed rule to the legislature by November 30 of the year preceding the year in which the proposed rule would take effect. The legislature may adopt, reject, or amend a proposed rule by general law. If the legislature takes no action upon a proposed rule by adjournment sine die of the next regular session, the rule shall be deemed approved. Unless and until adopted by general law or approved as provided in this subsection, a rule proposed by the judicial conference shall have no force or effect.

(3) Rules of practice and procedure may not be inconsistent with general law and shall not abridge, enlarge, or modify any substantive right. Rules of practice and procedure may be repealed or amended by general law.

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

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

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

**SECTION 3. Supreme court.--**

(b) JURISDICTION.--The supreme court:

(10) The disposition by said court on matters heard, reviewed or in writ must be supported by at least one binding authority for each point for review or original proceeding which must be cited in the rendered final order or opinion.

**SECTION 4. District courts of appeal.--**

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

(b) JURISDICTION.--

(1) Unless the subject matter of the case is assigned by general law to another district court of appeal, and unless otherwise limited by general law, District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.

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

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts. The disposition by said court on matters heard, reviewed or in writ must be supported by at least one binding authority for each point for review or original proceeding which must be cited in the rendered final order or opinion.

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

**SECTION 5. Circuit courts.--**

(a) ORGANIZATION.--There shall be a circuit court serving each judicial circuit.

(b) JURISDICTION.--The circuit courts shall have original jurisdiction not vested in the county courts, and jurisdiction of appeals when provided by general law. They shall have the power to issue writs of mandamus, quo warranto, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction. Jurisdiction of the circuit court shall be uniform throughout the state. They shall have the power of direct review of administrative action prescribed by general law. The

disposition by said court on matters heard, reviewed or in writ or appeal must be supported by at least one binding authority for each point for review or original proceeding which must be cited in the rendered final order or opinion.

**SECTION 8.** Eligibility.--No person shall be eligible for office of justice or judge of any court unless the person is an elector of the state and resides in the territorial jurisdiction of the court. No justice or judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served. Unless otherwise provided by general law, nNo person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless the person is, and has been for the preceding ten years, a member of the bar of Florida. Unless otherwise provided by general law, nNo person is eligible for the office of circuit judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, no person is eligible for the office of county court judge unless the person is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, a person shall be eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or less if the person is a member in good standing of the bar of Florida.

**SECTION 12.** Discipline; removal and retirement.--

(a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

a. Two judges of district courts of appeal selected by the judges of those courts, ~~two~~ one circuit judges selected by the judges of the circuit courts and ~~two~~ one judges of county courts selected by the judges of those courts;

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

c. Two electors who reside in the state, who are court reporters, and who shall be chosen by the legislature by concurrent or joint resolution; and

d. Two electors who reside in the state, who are employed by the Florida department of law enforcement, and who shall be chosen by the Commissioner.

e. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida nor would be considered an officer of the court, and who shall be appointed by the governor.

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

member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

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

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

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives, president of the senate or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively. Notwithstanding, the commission or investigative panel shall always thirty days after initiating or receiving any complaint provide copies of such complaints to the speaker of the house of representatives, president of the senate and the governor.

(b) PANELS.--The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.--The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

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

(e) Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f) All other matters of procedure, organization and compensation of the commission and any panels thereof, the selection of persons to serve on the commission, and the power to recover costs of an investigation shall be governed by general law.

~~(f) SCHEDULE TO SECTION 12.--~~

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

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

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

~~b. The investigative panel shall be composed of:~~

~~1. Four judges,~~

~~2. Two members of the bar of Florida, and~~

~~3. Three non-lawyers.~~

~~c. The hearing panel shall be composed of:~~

~~1. Two judges,~~

~~2. Two members of the bar of Florida, and~~

~~3. Two non-lawyers.~~

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

~~e. The commission shall hire separate staff for each panel.~~

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

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

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

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

~~3. Group III. The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.~~

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

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



j. (g) The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.

k. (h) The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.

#### **SECTION 14. Funding.--**

##### **(e) Judicial Branch Trust Fund--**

(1) There is hereby created and established the 'Fiscal Stability Trust Fund' in the states courts system, which shall not be subject to termination pursuant to Article III, Section 19(f). The purpose of the Trust Fund is to make funds available to the courts so to conduct the duties under s. 25.382 f.s. and make provision for the judicial branch surplus and reserves. The judicial branch shall always receive one percent of the state fiscal budget from the general revenue fund which shall be deposited into the 'Fiscal Stability Trust Fund. The trust fund shall be administered by the chief justice and the Florida Supreme Court, or its successor agency, consistent with statutory law and with the oversight of the Florida legislature.

(2) The 'Fiscal Stability Trust Fund' may receive funds from any source, including gifts from individuals, corporations or other entities; funds from general revenue as determined by the Legislature; and any other funds so designated by the Legislature, by the United States Congress or by any other governmental entity.

**SECTION 15. Attorneys; admission and discipline.--**The supreme court, and the legislature by general law, shall have exclusive concurrent jurisdiction to regulate the admission of persons to the practice of law before the courts of this state and the discipline of persons admitted, as well as, authorizing those persons not admitted. The cost of such regulation and discipline shall be funded by appropriations, disciplinary penalties, and fees paid to the supreme court and as otherwise authorized by general law. The practice of law other than before the courts of this state will be regulated by general law.

#### **SECTION 17. State attorneys.—**

(a) In each judicial circuit a state attorney shall be elected for a term of four years. Except as otherwise provided in this constitution, the state attorney shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; provided, however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney shall be an elector of the state and reside in the territorial jurisdiction of the circuit; shall be and have been a member of the bar of Florida for the preceding five years; shall devote full time to the duties of the office; and shall not engage in the private practice of law. State attorneys shall appoint such assistant state attorneys as may be authorized by law.

(b) There is created and established in each judicial circuit the "Electors Tribunal On Security" with the powers and duties of the investigation and criminal prosecution of all persons defined as 'officers of the court' in the state of Florida and civic duty of Florida citizens as shall be prescribed by general law. The tribunal shall ensure public trust and confidence in the judicial branch of Florida government and shall be funded in the state court system. Officers of the tribunal shall be designated as constitutional state officers

#### **SECTION 20. Schedule to Article V.—**

~~(a) This article shall replace all of Article V of the Constitution of 1885, as amended, which shall then stand repealed.~~

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

(c) After this article becomes effective, and until changed by general law consistent with sections 1 through 19 of this article:

- (1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, and it shall determine all proceedings pending before it on the effective date of this article.
- (2) The appellate districts shall be those in existence on the date of adoption of this article. There shall be a district court of appeal in each district. The district courts of appeal shall have the jurisdiction immediately theretofore exercised by the district courts of appeal and shall determine all proceedings pending before them on the effective date of this article.
- (3) Circuit courts shall have jurisdiction of appeals from county courts and municipal courts, except those appeals which may be taken directly to the supreme court; and they shall have exclusive original jurisdiction in all actions at law not cognizable by the county courts; of proceedings relating to the settlement of the estate of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate; in all cases in equity including all cases relating to juveniles; of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged; in all cases involving legality of any tax assessment or toll; in the action of ejectment; and in all actions involving the titles or boundaries or right of possession of real property. The circuit court may issue injunctions. There shall be judicial circuits which shall be the judicial circuits in existence on the date of adoption of this article. The chief judge of a circuit may authorize a county court judge to order emergency hospitalizations pursuant to Chapter 71-131, Laws of Florida, in the absence from the county of the circuit judge and the county court judge shall have the power to issue all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.
- (4) County courts shall have original jurisdiction in all criminal misdemeanor cases not cognizable by the circuit courts, of all violations of municipal and county ordinances, and of all actions at law in which the matter in controversy does not exceed the sum of two thousand five hundred dollars (\$2,500.00) exclusive of interest and costs, except those within the exclusive jurisdiction of the circuit courts. Judges of county courts shall be committing magistrates. The county courts shall have jurisdiction now exercised by the county judge's courts other than that vested in the circuit court by subsection (c)(3) hereof, the jurisdiction now exercised by the county courts, the claims court, the small claims courts, the small claims magistrates courts, magistrates courts, justice of the peace courts, municipal courts and courts of chartered counties, including but not limited to the counties referred to in Article VIII, sections 9, 10, 11 and 24 of the Constitution of 1885.
- (5) Each judicial nominating commission shall be composed of the following:
  - a. Three members appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit;
  - b. Three electors who reside in the territorial jurisdiction of the court or circuit appointed by the governor; and
  - c. Three electors who reside in the territorial jurisdiction of the court or circuit and who are not members of the bar of Florida, selected and appointed by a majority vote of the other six members of the commission.
- (6) No justice or judge shall be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. No member shall be eligible for appointment to state judicial office so long as that person is a member of a judicial nominating commission and for a period of two years thereafter. All acts of a judicial nominating commission shall be made with a concurrence of a majority of its members.
- (7) The members of a judicial nominating commission shall serve for a term of four years except the terms of the initial members of the judicial nominating commissions shall expire as follows:
  - a. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1974;
  - b. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1975;
  - c. The terms of one member of category a. b. and c. in subsection (c)(5) hereof shall expire on July 1, 1976;
- (8) All fines and forfeitures arising from offenses tried in the county court shall be collected, and accounted for by clerk of the court, and deposited in a special trust account. All fines and forfeitures received from violations of ordinances or misdemeanors committed within a county or municipal ordinances committed within a municipality within the territorial jurisdiction of the county court shall be paid monthly to the county or municipality respectively. If any costs are assessed and collected in connection with offenses tried in county court, all court costs shall be paid into the general revenue fund of the state of Florida and such other funds as prescribed by general law.
- (9) Any municipality or county may apply to the chief judge of the circuit in which that municipality or county is situated for the county court to sit in a location suitable to the municipality or county and convenient in time and place to its citizens and police officers and upon such application said chief judge shall direct the court to sit in the location unless the chief judge shall determine the request is not justified. If the chief judge does not authorize the county court to sit in the location requested, the county or municipality may apply to the supreme court for an order directing the county court to sit in the location. Any municipality or county which so applies shall be required to provide the appropriate physical facilities in which the county court may hold court.
- (10) All courts except the supreme court may sit in divisions as may be established by local rule approved by the supreme court.
- (11) A county court judge in any county having a population of 40,000 or less according to the last decennial census, shall not be required to be a member of the bar of Florida.

~~(12) Municipal prosecutors may prosecute violations of municipal ordinances.~~

~~(13) Justice shall mean a justice elected or appointed to the supreme court and shall not include any judge assigned from any court.~~

~~(d) When this article becomes effective:~~

~~(1) All courts not herein authorized, except as provided by subsection (d)(4) of this section shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior orders and judgments shall vest in the court that would have jurisdiction of the cause if thereafter instituted. All records of and property held by courts abolished hereby shall be transferred to the proper office of the appropriate court under this article.~~

~~(2) Judges of the following courts, if their terms do not expire in 1973 and if they are eligible under subsection (d)(8) hereof, shall become additional judges of the circuit court for each of the counties of their respective circuits, and shall serve as such circuit judges for the remainder of the terms to which they were elected and shall be eligible for election as circuit judges thereafter. These courts are: civil court of record of Dade county, all criminal courts of record, the felony courts of record of Alachua, Leon and Volusia Counties, the courts of record of Broward, Brevard, Escambia, Hillsborough, Lee, Manatee and Sarasota Counties, the civil and criminal court of record of Pinellas County, and county judge's courts and separate juvenile courts in counties having a population in excess of 100,000 according to the 1970 federal census. On the effective date of this article, there shall be an additional number of positions of circuit judges equal to the number of existing circuit judges and the number of judges of the above named courts whose term expires in 1973. Elections to such offices shall take place at the same time and manner as elections to other state judicial offices in 1972 and the terms of such offices shall be for a term of six years. Unless changed pursuant to section nine of this article, the number of circuit judges presently existing and created by this subsection shall not be changed.~~

~~(3) In all counties having a population of less than 100,000 according to the 1970 federal census and having more than one county judge on the date of the adoption of this article, there shall be the same number of judges of the county court as there are county judges existing on that date unless changed pursuant to section 9 of this article.~~

~~(4) Municipal courts shall continue with their same jurisdiction until amended or terminated in a manner prescribed by special or general law or ordinances, or until January 3, 1977, whichever occurs first. On that date all municipal courts not previously abolished shall cease to exist. Judges of municipal courts shall remain in office and be subject to reappointment or reelection in the manner prescribed by law until said courts are terminated pursuant to the provisions of this subsection. Upon municipal courts being terminated or abolished in accordance with the provisions of this subsection, the judges thereof who are not members of the bar of Florida, shall be eligible to seek election as judges of county courts of their respective counties.~~

~~(5) Judges, holding elective office in all other courts abolished by this article, whose terms do not expire in 1973 including judges established pursuant to Article VIII, sections 9 and 11 of the Constitution of 1885 shall serve as judges of the county court for the remainder of the term to which they were elected. Unless created pursuant to section 9, of this Article V such judicial office shall not continue to exist thereafter.~~

~~(6) By March 21, 1972, the supreme court shall certify the need for additional circuit and county judges. The legislature in the 1972 regular session may by general law create additional offices of judge, the terms of which shall begin on the effective date of this article. Elections to such offices shall take place at the same time and manner as election to other state judicial offices in 1972.~~

~~(7) County judges of existing county judge's courts and justices of the peace and magistrates' court who are not members of bar of Florida shall be eligible to seek election as county court judges of their respective counties.~~

~~(8) No judge of a court abolished by this article shall become or be eligible to become a judge of the circuit court unless the judge has been a member of bar of Florida for the preceding five years.~~

~~(9) The office of judges of all other courts abolished by this article shall be abolished as of the effective date of this article.~~

~~(10) The offices of county solicitor and prosecuting attorney shall stand abolished, and all county solicitors and prosecuting attorneys holding such offices upon the effective date of this article shall become and serve as assistant state attorneys for the circuits in which their counties are situate for the remainder of their terms, with compensation not less than that received immediately before the effective date of this article.~~

~~(e) LIMITED OPERATION OF SOME PROVISIONS.—~~

~~(1) All justices of the supreme court, judges of the district courts of appeal and circuit judges in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. All members of the judicial qualifications commission in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. Each state attorney in office on the effective date of this article shall retain the office for the remainder of the term.~~

~~(2) No justice or judge holding office immediately after this article becomes effective who held judicial office on July 1, 1957, shall be subject to retirement from judicial office because of age pursuant to section 8 of this article.~~

~~(f) Until otherwise provided by law, the nonjudicial duties required of county judges shall be performed by the judges of the county court.~~

~~(g) All provisions of Article V of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this revision shall become statutes subject to modification or repeal as are other statutes.~~

~~(h) The requirements of section 14 relative to all county court judges or any judge of a municipal court who continues to hold office pursuant to subsection (d)(4) hereof being compensated by state salaries shall not apply prior to January 3, 1977, unless otherwise provided by general law.~~

~~(i) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature shall have power, by concurrent resolution, to delete from this article any subsection of this section 20 including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.~~

~~(j) EFFECTIVE DATE. Unless otherwise provided herein, this article shall become effective at 11:59 o'clock P.M., Eastern Standard Time, January 1, 1973.~~

page 12 of 12, Here ends text

\_\_\_\_\_  
DATE OF SIGNATURE

X  
\_\_\_\_\_  
SIGNATURE OF REGISTERED VOTER

Pd. pol. adv. paid for and sponsored by JUSTICE-2-JESUS, 1119 NEWTON AVENUE SOUTH,  
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**Paid Petition Circulator's Name**  
\_\_\_\_\_

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For Official Use Only:

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Serial Number: 09-08  
Date Approved: 11/18/2009