

By Senators Latvala, Scott, Horne, Lee, Dawson-White, Geller, Laurent, Mitchell, Meek and Clary

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Senate Joint Resolution No. \_\_\_\_

A joint resolution amending s. 16, Art. III of the State Constitution to revise the timeframes for apportionment by the Legislature.

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

That the following amendment to Section 16 of Article III 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:

ARTICLE III  
LEGISLATURE

SECTION 16. Legislative apportionment.--

(a) APPORTIONMENT SESSIONS ~~SENATORIAL AND REPRESENTATIVE DISTRICTS.~~ An apportionment session of the legislature shall convene on the third Tuesday in October in the year following each decennial census, or by proclamation of the Governor within thirty days after legislative apportionment is required by law of the United States or court order. An apportionment session of the legislature shall not exceed twenty-five consecutive days unless extended by a three-fifths vote of each house. ~~The legislature at its regular session in the second year following each decennial census,~~ by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either

1 contiguous, overlapping or identical territory. Also during an  
2 apportionment session, the legislature may by law divide the  
3 state into as many consecutively numbered congressional  
4 districts as there are representatives in congress apportioned  
5 to this state, but no other business may be transacted.

6 (b) SPECIAL APPORTIONMENT SESSIONS. If the  
7 apportionment ~~should that~~ session adjourns ~~adjourn~~ without  
8 adopting such joint resolution, the governor by proclamation  
9 shall reconvene the legislature by the third Tuesday of the  
10 following January ~~within thirty days~~ in special apportionment  
11 session, which shall not exceed fifteen ~~thirty~~ consecutive  
12 days, during which no other business shall be transacted, and  
13 it shall be the mandatory duty of the legislature to adopt a  
14 joint resolution of apportionment.

15 (c) ~~(b)~~ FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL  
16 REAPPORTIONMENT. If ~~in the event~~ a special apportionment  
17 session of the legislature finally adjourns without adopting a  
18 joint resolution of apportionment, the attorney general shall,  
19 within fifteen ~~five~~ days, petition the supreme court of the  
20 state to make such apportionment. No later than the sixtieth  
21 day after the filing of such petition, the supreme court shall  
22 file with the custodian of state records an order making such  
23 apportionment.

24 (d) ~~(e)~~ JUDICIAL REVIEW OF APPORTIONMENT. Within  
25 fifteen days after the passage of the joint resolution of  
26 apportionment, the attorney general shall petition the supreme  
27 court of the state for a declaratory judgment determining the  
28 validity of the apportionment. The supreme court, in  
29 accordance with its rules, shall permit adversary interests to  
30 present their views and, within thirty days after ~~from~~ the  
31 filing of the petition, shall enter its judgment.

1           ~~(e)(d)~~ EFFECT OF JUDGMENT IN APPORTIONMENT;  
2 EXTRAORDINARY APPORTIONMENT SESSION. A judgment of the  
3 supreme court of the state determining the apportionment to be  
4 valid shall be binding upon all the citizens of the state.  
5 Should the supreme court determine that the apportionment made  
6 by the legislature is invalid, the governor by proclamation  
7 shall reconvene the legislature ~~within five days thereafter~~ in  
8 extraordinary apportionment session within five days  
9 thereafter, or, if the legislature is then in session, within  
10 five days after adjournment sine die. The extraordinary  
11 apportionment session ~~which~~ shall not exceed fifteen days,  
12 during which the legislature shall adopt a joint resolution of  
13 apportionment conforming to the judgment of the supreme court.

14           ~~(f)(e)~~ EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF  
15 APPORTIONMENT. Within fifteen days after the adjournment of  
16 an extraordinary apportionment session, the attorney general  
17 shall file a petition in the supreme court of the state  
18 setting forth the apportionment resolution adopted by the  
19 legislature, or if none has been adopted reporting that fact  
20 to the court. Consideration of the validity of a joint  
21 resolution of apportionment shall be had as provided for in  
22 cases of such joint resolution adopted at a regular or special  
23 apportionment session, and within thirty days after the filing  
24 of the petition, the supreme court shall enter its judgment.

25           ~~(g)(f)~~ JUDICIAL REAPPORTIONMENT. Should an  
26 extraordinary apportionment session fail to adopt a resolution  
27 of apportionment or should the supreme court determine that  
28 the apportionment made is invalid, the court shall, not later  
29 than sixty days after receiving the petition of the attorney  
30 general, file with the custodian of state records an order  
31 making such apportionment.

1 BE IT FURTHER RESOLVED that the following statement be  
2 placed on the ballot:

3 CONSTITUTIONAL AMENDMENT

4 ARTICLE III, SECTION 16

5 LEGISLATIVE APPORTIONMENT.--Proposing an amendment to  
6 the State Constitution to provide that legislative  
7 apportionment occur during a special session instead of the  
8 regular session.

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