

By Senator Scott

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Senate Joint Resolution No. ____

A joint resolution relating to representative and senatorial districts; amending s. 16, Art. III of the State Constitution to provide for single-member senatorial and representative districts.

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) SENATORIAL AND REPRESENTATIVE DISTRICTS. 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, single-member, 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 contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be

1 the mandatory duty of the legislature to adopt a joint
2 resolution of apportionment.

3 (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL
4 REAPPORTIONMENT. In the event a special apportionment session
5 of the legislature finally adjourns without adopting a joint
6 resolution of apportionment, the attorney general shall,
7 within five days, petition the supreme court of the state to
8 make such apportionment. No later than the sixtieth day after
9 the filing of such petition, the supreme court shall file with
10 the custodian of state records an order making such
11 apportionment.

12 (c) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen
13 days after the passage of the joint resolution of
14 apportionment, the attorney general shall petition the supreme
15 court of the state for a declaratory judgment determining the
16 validity of the apportionment. The supreme court, in
17 accordance with its rules, shall permit adversary interests to
18 present their views and, within thirty days from the filing of
19 the petition, shall enter its judgment.

20 (d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY
21 APPORTIONMENT SESSION. A judgment of the supreme court of the
22 state determining the apportionment to be valid shall be
23 binding upon all the citizens of the state. Should the
24 supreme court determine that the apportionment made by the
25 legislature is invalid, the governor by proclamation shall
26 reconvene the legislature within five days thereafter in
27 extraordinary apportionment session which shall not exceed
28 fifteen days, during which the legislature shall adopt a joint
29 resolution of apportionment conforming to the judgment of the
30 supreme court.

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1 (e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF
2 APPORTIONMENT. Within fifteen days after the adjournment of
3 an extraordinary apportionment session, the attorney general
4 shall file a petition in the supreme court of the state
5 setting forth the apportionment resolution adopted by the
6 legislature, or if none has been adopted reporting that fact
7 to the court. Consideration of the validity of a joint
8 resolution of apportionment shall be had as provided for in
9 cases of such joint resolution adopted at a regular or special
10 apportionment session.

11 (f) JUDICIAL REAPPORTIONMENT. Should an extraordinary
12 apportionment session fail to adopt a resolution of
13 apportionment or should the supreme court determine that the
14 apportionment made is invalid, the court shall, not later than
15 sixty days after receiving the petition of the attorney
16 general, file with the custodian of state records an order
17 making such apportionment.

18 BE IT FURTHER RESOLVED that the following statement be
19 placed on the ballot:

20 CONSTITUTIONAL AMENDMENT

21 ARTICLE III, SECTION 16

22 SINGLE-MEMBER LEGISLATIVE DISTRICTS.--Requires
23 single-member senatorial and representative districts when
24 such districts are apportioned by the legislature following
25 each decennial census, instead of permitting some districts to
26 be represented by more than one person.

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