

By Senator Latvala

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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) SENATORIAL AND REPRESENTATIVE DISTRICTS. The legislature at its regular session in the second year following each decennial census or at an earlier special session or when required by law of the United States or court order, 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 contiguous, overlapping or identical territory. If the ~~should~~ that regular session adjourns ~~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

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

3 (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL
4 REAPPORTIONMENT. If in the event a special apportionment
5 session of the legislature after the regular session finally
6 adjourns without adopting a joint resolution of apportionment,
7 the attorney general shall, within fifteen ~~five~~ days, petition
8 the supreme court of the state to make such apportionment. No
9 later than the sixtieth day after the filing of such petition,
10 the supreme court shall file with the secretary of state an
11 order making such 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 after ~~from~~ the
19 filing of 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 within five days
28 thereafter, or, if the legislature is then in session, within
29 five days after adjournment sine die. The extraordinary
30 apportionment session ~~which~~ shall not exceed fifteen days,
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1 during which the legislature shall adopt a joint resolution of
2 apportionment conforming to the judgment of the supreme court.

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

14 (f) JUDICIAL REAPPORTIONMENT. If ~~Should~~ an
15 extraordinary apportionment session fails ~~fail~~ to adopt a
16 resolution of apportionment or ~~should~~ the supreme court finds
17 ~~determine~~ that the apportionment made is invalid, the court
18 shall, not later than sixty days after receiving the petition
19 of the attorney general, file with the secretary of state an
20 order making such apportionment.

21 BE IT FURTHER RESOLVED that, effective January 7, 2003,
22 Section 16 of Article III of the State Constitution is amended
23 as follows:

24 ARTICLE III

25 LEGISLATURE

26 SECTION 16. Legislative apportionment.--

27 (a) SENATORIAL AND REPRESENTATIVE DISTRICTS. The
28 legislature at its regular session in the second year
29 following each decennial census or at an earlier special
30 session or when required by law of the United States or court
31 order, by joint resolution, shall apportion the state in

1 accordance with the constitution of the state and of the
2 United States into not less than thirty nor more than forty
3 consecutively numbered senatorial districts of either
4 contiguous, overlapping or identical territory, and into not
5 less than eighty nor more than one hundred twenty
6 consecutively numbered representative districts of either
7 contiguous, overlapping or identical territory. If the ~~Should~~
8 ~~that~~ session adjourns ~~adjourn~~ without adopting such joint
9 resolution, the governor by proclamation shall reconvene the
10 legislature within thirty days in special apportionment
11 session, which shall not exceed thirty consecutive days,
12 during which no other business shall be transacted, and it
13 shall be the mandatory duty of the legislature to adopt a
14 joint resolution of apportionment.

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

24 (c) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen
25 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 (d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY
2 APPORTIONMENT SESSION. A judgment of the supreme court of the
3 state determining the apportionment to be valid shall be
4 binding upon all the citizens of the state. Should the
5 supreme court determine that the apportionment made by the
6 legislature is invalid, the governor by proclamation shall
7 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 (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 (f) JUDICIAL REAPPORTIONMENT. If ~~Should~~ an
26 extraordinary apportionment session fails ~~fail~~ to adopt a
27 resolution of apportionment or ~~should~~ the supreme court finds
28 ~~determine~~ that the apportionment made is invalid, the court
29 shall, not later than sixty days after receiving the petition
30 of the attorney general, file with the custodian of state
31 records an order 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 APPORTIONMENT TIMEFRAMES.--Proposing an amendment to
6 the State Constitution to allow legislative apportionment to
7 occur during a special session preceding the regular session
8 of the Legislature at which it would otherwise occur.

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