

By Senator Klein

30-1686-04

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Senate Joint Resolution No. _____

A joint resolution proposing an amendment to
Section 16 of Article III of the State
Constitution to prescribe additional standards
for legislative and congressional apportionment
and redistricting.

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
presented 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 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 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

1 shall not exceed thirty consecutive days, during which no
2 other business shall be transacted, and it shall be the
3 mandatory duty of the legislature to adopt a joint resolution
4 of apportionment.

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

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

22 (d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY
23 APPORTIONMENT SESSION. A judgment of the supreme court of the
24 state determining the apportionment to be valid shall be
25 binding upon all the citizens of the state. Should the
26 supreme court determine that the apportionment made by the
27 legislature is invalid, the governor by proclamation shall
28 reconvene the legislature within five days thereafter in
29 extraordinary apportionment session which shall not exceed
30 fifteen days, during which the legislature shall adopt a joint
31

1 resolution of apportionment conforming to the judgment of the
2 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.

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

20 (g) STANDARDS FOR APPORTIONMENT AND DISTRICTING. In
21 apportioning legislative and congressional districts, the
22 following standards, in addition to requirements provided by
23 this constitution and by the constitution of the United
24 States, apply:

25 (1) Districts shall be compact and shall, where
26 practicable, use existing political and geographical
27 boundaries;

28 (2) Districts shall, where practicable, preserve
29 communities of interest; and

30 (3) Districts may not be drawn to favor an incumbent,
31 a political party, or any other person.

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

3 CONSTITUTIONAL AMENDMENT

4 ARTICLE III, SECTION 16

5 STANDARDS FOR APPORTIONMENT AND

6 REDISTRICTING.--Proposing an amendment to the State
7 Constitution to require that, in legislative and congressional
8 redistricting, in addition to constitutional requirements,
9 districts be compact; where practicable, use existing
10 political and geographical boundaries; where practicable,
11 preserve communities of interest; and not favor an incumbent,
12 a political party, or another person.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31