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House Concurrent Resolution

A concurrent resolution creating a new Joint Rule 7 of the Joint Rules of the Florida Legislature relating to residency of members.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That a new Joint Rule 7 of the Joint Rules of the Florida Legislature is created to read:

JOINT RULE SEVEN
QUALIFICATIONS OF MEMBERS

7.1-Residency

(1) A member shall be a legal resident and elector of his or her district at the time of election and shall maintain his or her legal residence within that district for the duration of his or her term of office. While a member may have multiple residences, he or she shall have only one legal residence. The legal residence of a member at a designated location is demonstrated by a totality of the circumstances. Factors to be considered include, but are not limited to:

(a) Where one claims to reside, as reflected in statements to others or in official documents;

(b) The abandonment of a prior legal residence, as

27 evidenced by moving from or selling a prior legal residence;
 28 (c) The abandonment of rights and privileges associated
 29 with a prior legal residence;
 30 (d) Where one is registered as a voter;
 31 (e) Where one claims a legal residence for a homestead
 32 exemption;
 33 (f) Where one claims a legal residence for a driver
 34 license or other government privilege or benefit;
 35 (g) The transfer of one's bank accounts to the district
 36 where one maintains a legal residence;
 37 (h) Where one's spouse and minor children maintain a legal
 38 residence, work, and attend school;
 39 (i) Where one receives mail and other correspondence;
 40 (j) Where one customarily resides;
 41 (k) Where one conducts business affairs;
 42 (l) Where one rents or leases property; and
 43 (m) Where one plans the construction of a new legal
 44 residence.
 45 (2) In accordance with Section 3 of Article X of the
 46 Florida Constitution, a vacancy in office occurs when a member
 47 fails to maintain a legal residence within his or her district
 48 as required at the time of election.
 49 (3) In accordance with Section 2 of Article III of the
 50 Florida Constitution, each house of the Legislature shall be the
 51 sole judge of the qualifications of its members, including
 52 whether a member no longer satisfies his or her qualifications

53 for office.

54 (4) Each member shall affirm in writing that he or she is
55 a legal resident and elector of his or her district based on the
56 provisions of this Joint Rule. Each member shall file the
57 written affirmation with the Secretary of the Senate or the
58 Clerk of the House of Representatives before the convening of
59 Organization Session following each general election. For a
60 member who is elected pursuant to a special election, the member
61 must execute the written affirmation before or concurrent with
62 taking the oath of office and provide such affirmation to the
63 Secretary of the Senate or the Clerk of the House of
64 Representatives. The form of the written affirmation shall be
65 prescribed by the Secretary of the Senate and the Clerk of the
66 House of Representatives for members of their respective house
67 of the Legislature.