

By Senator Thrasher

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1 Senate Concurrent Resolution

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

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

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

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12 JOINT RULE SEVEN
13 QUALIFICATIONS OF MEMBERS

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15 7.1-Residency

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

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

26 (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;

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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 license
34 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 a
55 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

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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.