

House Joint Resolution

A joint resolution proposing an amendment to Section 16 of Article III of the State Constitution to revise the number of senatorial and representative districts that the Legislature is authorized to apportion.

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 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 forty nor more than fifty ~~thirty nor more than forty~~ consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than one hundred twenty nor more than one hundred fifty ~~eighty nor more than one hundred twenty~~

26 | consecutively numbered representative districts of either  
 27 | contiguous, overlapping or identical territory. Should that  
 28 | session adjourn without adopting such joint resolution, the  
 29 | governor by proclamation shall reconvene the legislature within  
 30 | thirty days in special apportionment session which shall not  
 31 | exceed thirty consecutive days, during which no other business  
 32 | shall be transacted, and it shall be the mandatory duty of the  
 33 | legislature to adopt a joint resolution of apportionment.

34 | (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL  
 35 | REAPPORTIONMENT. In the event a special apportionment session  
 36 | of the legislature finally adjourns without adopting a joint  
 37 | resolution of apportionment, the attorney general shall, within  
 38 | five days, petition the supreme court of the state to make such  
 39 | apportionment. No later than the sixtieth day after the filing  
 40 | of such petition, the supreme court shall file with the  
 41 | custodian of state records an order making such apportionment.

42 | (c) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen days  
 43 | after the passage of the joint resolution of apportionment, the  
 44 | attorney general shall petition the supreme court of the state  
 45 | for a declaratory judgment determining the validity of the  
 46 | apportionment. The supreme court, in accordance with its rules,  
 47 | shall permit adversary interests to present their views and,  
 48 | within thirty days from the filing of the petition, shall enter  
 49 | its judgment.

50 | (d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY

51 APPORTIONMENT SESSION. A judgment of the supreme court of the  
52 state determining the apportionment to be valid shall be binding  
53 upon all the citizens of the state. Should the supreme court  
54 determine that the apportionment made by the legislature is  
55 invalid, the governor by proclamation shall reconvene the  
56 legislature within five days thereafter in extraordinary  
57 apportionment session which shall not exceed fifteen days,  
58 during which the legislature shall adopt a joint resolution of  
59 apportionment conforming to the judgment of the supreme court.

60 (e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF  
61 APPORTIONMENT. Within fifteen days after the adjournment of an  
62 extraordinary apportionment session, the attorney general shall  
63 file a petition in the supreme court of the state setting forth  
64 the apportionment resolution adopted by the legislature, or if  
65 none has been adopted reporting that fact to the court.  
66 Consideration of the validity of a joint resolution of  
67 apportionment shall be had as provided for in cases of such  
68 joint resolution adopted at a regular or special apportionment  
69 session.

70 (f) JUDICIAL REAPPORTIONMENT. Should an extraordinary  
71 apportionment session fail to adopt a resolution of  
72 apportionment or should the supreme court determine that the  
73 apportionment made is invalid, the court shall, not later than  
74 sixty days after receiving the petition of the attorney general,  
75 file with the custodian of state records an order making such

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76 | apportionment.

77 | BE IT FURTHER RESOLVED that the following statement be  
78 | placed on the ballot:

79 | CONSTITUTIONAL AMENDMENT

80 | ARTICLE III, SECTION 16

81 | APPORTIONMENT OF STATE LEGISLATIVE DISTRICTS.—Revises the  
82 | permissible number of districts allotted to each house of the  
83 | Legislature. Authorizes between 40 and 50 districts for the  
84 | Senate and between 120 and 150 districts for the House of  
85 | Representatives. Any change in the number of districts must be  
86 | adopted by joint resolution of the Legislature. Under current  
87 | law, the Senate must be composed of between 30 and 40 districts  
88 | and between 80 and 120 districts for the House of  
89 | Representatives.