

By Senator Torres

15-01481-22

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Senate 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~~ 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

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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 of
36 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

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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
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

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88 and between 80 and 120 districts for the House of
89 Representatives.