

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Reapportionment Committee

BILL: SB 2284

INTRODUCER: Senator Negrón

SUBJECT: Legislature

DATE: March 11, 2010

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Guthrie	Guthrie	RE	Favorable
2.			RC	
3.				
4.				
5.				
6.				

I. Summary:

This bill provides that the 2012 Regular Session of the Legislature will convene on January 10, 2012.

II. Present Situation:

Subsection (b) of Section 3 of Article III of the State Constitution provides: “A regular session of the legislature shall convene on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year.”

In the year 2012, the first Tuesday after the first Monday in March is March 6, 2012. Because 2012 is an even-numbered year, the date the Legislature convenes may be changed by law.

Subsection (a) of Section 16 of Article III of the State Constitution provides: “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....”

Subsection (c) of Section 16 of Article III of the State Constitution provides: “Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.”

Five Florida counties are covered by preclearance requirements of Section 5 of the Voting Rights Act of 1965: Those counties are Collier, Hardee, Hendry, Hillsborough, and Monroe.

A covered State or political subdivision must obtain judicial or administrative preclearance for any new “qualification, prerequisite, standard, practice, or procedure” that it “neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color, or [status as a member of a language minority group]” (*see* 42 U.S.C. s. 1973c). Laws affecting voting in covered jurisdictions must get federal approval before they take effect. As an alternative to the seeking a declaratory judgment from the U.S. District Court for the District of Columbia, a jurisdiction may submit a voting change to the Attorney General of the United States (*see* 28 C.F.R. s. 51.52). The Attorney General has 60 calendar days in which to request more information, interpose an objection to the submitted change, or allow the submitted change to take effect (*see* 28 C.F.R. s. 51.9; *see also* 28 C.F.R. s. 51.37).

The dates for qualifying for federal or state office in 2012 will be June 18-22 (*see* s. 99.061(1) and (9), F.S.). Redistricting plans must be enacted, approved by the Florida Supreme Court, and precleared by federal authorities before candidates qualify for office.

Traditionally, the Legislature fixes an early start date for the regular session in apportionment years. Chapter 2001-128, Laws of Florida, provided that the 2002 Regular Session convene on January 22, 2002. Chapter 91-90, Laws of Florida, provided that the 1992 Regular Session convene on January 14, 1992.

III. Effect of Proposed Changes:

This bill provides that the 2012 Regular Session of the Legislature will convene Tuesday, January 10, 2012. The 60-day session then will conclude Friday, March 9, 2012, and the joint resolution of apportionment will take effect prior to June 18, 2012, if the following conditions are met:

- The joint resolution is passed during the 60-day Regular Session.
- The Attorney General petitions the Florida Supreme Court for a declaratory judgment on or before Friday, March 16, 2012 (i.e., fewer than 15 days after March 9, 2012).
- The Florida Supreme Court approves the joint resolution within the 30 days provided for in the State Constitution (i.e., by Monday, April 16, 2012).
- The joint resolution is submitted to the U.S. Attorney General on Monday, April 16, 2012, and the U.S. Attorney General does not request additional information or interpose an objection during the 60 days provided for in 28 C.F.R. s. 51.9 (concluding on June 15, 2012).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill will notify the public about when the 2012 Regular Session will convene.

C. Government Sector Impact:

This bill will notify state and local agencies about when the 2012 Regular Session will convene. In addition to meeting the constitutional mandate to apportion the state into senatorial and representative districts, this bill would require the Legislature to enact the state budget 8 weeks earlier than otherwise would be required.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.