

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: SJR 2-B

INTRODUCER: Gaetz

SUBJECT: Apportionment of the Senate

DATE: March 19, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bardos	Guthrie	RE	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This joint resolution apportions Florida into 40 state senate districts, as required by state and federal law.

This joint resolution substantially amends Chapter 10 of the Florida Statutes.

II. Present Situation:

On February 9, 2012, the Legislature enacted Senate Joint Resolution 1176, apportioning the state into state senate and state representative districts. As required by Article III, Section 16(c) of the Florida Constitution, the Attorney General submitted SJR 1176 to the Florida Supreme Court for a determination of its facial validity. On March 9, 2012, the Court concluded that the apportionment plan for senate districts was unconstitutional under Article III, Section 21 of the Florida Constitution. The Court explained:

We have held that Senate Districts 1, 3, 6, 9, 10, 29, 30, and 34 are constitutionally invalid. The Legislature should remedy the constitutional problems with respect to these districts, redrawing these districts and any affected districts in accordance with the standards as defined by this Court, and should conduct the appropriate functional analysis to ensure compliance with the Florida minority voting protection provision as well as the tier-two standards of equal population, compactness, and utilization of existing political and geographical boundaries. As to the City of Lakeland, the Legislature should determine whether it is feasible to utilize the municipal boundaries of Lakeland after applying the

standards as defined by this Court. In redrawing the apportionment plan, the Legislature is by no means required to adopt the Coalition's alternative Senate plan. Finally, we have held that the numbering scheme of the Senate plan is invalid. Accordingly, the Legislature should renumber the districts in an incumbent-neutral manner.

In re Senate Joint Resolution of Legislative Apportionment 1176, --- So. 3d ----, 2012 WL 753122, at *78 (Fla. Mar. 9, 2012).

In response to the decision of the Court, and pursuant to Article III, Section 16(d), the Governor reconvened the Legislature for an extraordinary apportionment session commencing at 1 p.m. on March 14, 2012. The constitutional responsibility of the Legislature is to "adopt a joint resolution of apportionment conforming to the judgment of the supreme court." Art. III, § 16(d), Fla. Const.

III. Effect of Proposed Changes:

The legislature will apportion the state into 40 single-member senate districts to conform to the judgment of the Florida Supreme Court.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

All redistricting plans are subject to Section 2 and Section 5 of the federal Voting Rights Act (42 U.S.C. § 1973c). Under Section 5, all statutory changes to procedures relating to voting and elections, to the extent they affect voters in the five counties of Collier, Hardee, Hendry, Hillsborough, and Monroe, are subject to preclearance by the United States Department of Justice or the federal District Court for the District of Columbia.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

The 2012 reapportionment will have an undetermined fiscal impact on Florida's election officials, including 67 Supervisor of Elections offices and the Department of State, Division of Elections. Local supervisors will incur the cost of data-processing and labor to change each of Florida's 11 million voter records to reflect new districts. As precincts are aligned to new districts, postage and printing will be required to provide each active voter whose precinct has changed with mail notification. Temporary staffing will be hired to assist with mapping, data verification, and voter inquiries.

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.