

THE FLORIDA SENATE
2012-B SUMMARY OF LEGISLATION PASSED
Committee on Reapportionment

CS/SJR 2-B — Joint Resolution of Apportionment

by Reapportionment and Senator Gaetz

This joint resolution divides the state into 40 state senate districts (plan [S016S9030](#)).

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

The joint resolution reconfigures Senate Districts 1, 3, 6, 9, 10, 29, 30, and 34, along with any affected districts, in accordance with constitutional standards as defined by the Court. The joint resolution also addresses the issue regarding the City of Lakeland. Senate professional staff and attorneys conducted 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.

The joint resolution rennumbers districts following a random, incumbent-neutral process conducted in public during the meeting of the Senate Committee on Reapportionment on March 21, 2012.

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The Attorney General, as prescribed in Art. III, s. 16(c) of the State Constitution, will again petition the Florida Supreme Court to determine the validity of the apportionment.

The districts established in this joint resolution shall apply to the qualification, nomination, and election of members of the Florida Legislature in the primary and general elections of 2012 and thereafter. Because the joint resolution relates to voting and elections in Collier, Hardee, Hendry, Hillsborough, and Monroe counties, it is subject to preclearance by the U.S. Department of Justice in accordance with Section 5 of the Voting Rights Act (42 U.S.C. §1973c).

Vote: Senate 31-6; House 61-47