

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 4E
SPONSOR: Senator Lee
SUBJECT: Apportionment
DATE: October 21, 2003 REVISED: _____

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

I. Summary:

The joint resolution provides that the interim House redistricting plan entered by the federal court for elections in 2002 will remain in effect for elections in 2004 and thereafter.

This joint resolution substantially amends the following sections of the Florida Statutes: 10.00002.

II. Present Situation:

On March 22, 2002, pursuant to Section 16 of Article III of the State Constitution, the Legislature enacted House Joint Resolution No. 1987. H.J.R. 1987 divided the state into 120 single-member representative districts and 40 single-member senatorial districts. It was filed with the Secretary of State on March 28, 2002.

The Florida Supreme Court validated and approved H.J.R. 1987 on May 3, 2002. *See, In re Constitutionality of House Joint Resolution 1987*, 817 So.2d 819 (Fla. 2002).

Section 5 of the Voting Rights Act of 1965, as amended, provides that any change in procedures relating to voting and elections – insofar as it affects voters in Collier, Hardee, Hendry, Hillsborough, or Monroe counties – is subject to federal approval before it can take effect. *See*, 42 U.S.C. §1973c.

In accordance with Section 5, the President of the Senate and Speaker of the House of Representatives submitted H.J.R. 1987 to the United States Department of Justice for preclearance review. In a letter dated June 20, 2002, the Assistant Attorney General of the United States, Civil Rights Division, interposed no objection to the senatorial plan. In a letter dated

July 1, 2002, the Assistant Attorney General of the United States, Civil Rights Division, did object to newly enacted House District 101, but not to any other representative district.

On July 10, 2002, The United States District Court for the Southern District of Florida adopted an interim remedial state House of Representatives redistricting plan for the 2002 elections. *See, Martinez, et al., v. Bush, et al.*, 234 F.Supp.2d 1275. The court-ordered House plan was identical to the House plan adopted by the Legislature in H.J.R. 1987, except that districts 76, 101, and 112 were modified to cure the Department of Justice objection. The court-ordered interim House redistricting plan was used for elections in 2002.

On October 20, 2003, the Governor expanded the call for Special Session E to include consideration and passage, “by joint resolution, of the interim state redistricting plan entered by the federal court to remedy the objections of the Department of Justice under Section 5 of the Voting Rights Act.”

III. Effect of Proposed Changes:

The joint resolution makes no changes to the House districts that were put in place as an interim remedy by the *Martinez v. Bush* court and used for elections in 2002. The joint resolution provides that those districts will remain in effect for elections in 2004 and thereafter.

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:

The remedial House redistricting plan is subject to the federal approval, as provided by Section 5 of the Voting Rights Act of 1965, as amended. *See*, 42 U.S.C. §1973c.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

Fiscal impact, if any, will be minimal. The joint resolution makes no changes in the interim representative districts used for elections in 2002.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
