

FILED
THOMAS D. HALL

IN THE SUPREME COURT OF FLORIDA
Case No. SC12-460

2012 APR -5 PM 12: 31

CLERK, SUPREME COURT

IN RE: JOINT RESOLUTION OF
LEGISLATIVE APPORTIONMENT

BY _____

PETITION FOR DECLARATORY JUDGMENT

Pursuant to Article III, Section 16(e), Florida Constitution, Pamela Jo Bondi, Attorney General of the State of Florida, petitions this Court for a declaratory judgment to determine the validity of Senate Joint Resolution (SJR) 2-B, which apportions the Florida Senate based on the population figures established in the 2010 census. In support of this petition, the Attorney General alleges:

1. This Court has jurisdiction to facially review the constitutionality of SJR 2-B pursuant to the provisions of article III, section 16 of the Florida Constitution. *See also, e.g., In re Senate Joint Resolution of Legislative Apportionment 1176*, 37 Fla. L. Weekly S181 (Fla. Mar. 9, 2012), *In re Constitutionality of House Joint Resolution 25E*, 863 So. 2d 1176 (Fla. 2003); *In re Constitutionality of House Joint Resolution 1987*, 817 So. 2d 819 (Fla. 2002).

2. The Attorney General is the state's chief legal officer and has standing to bring this petition pursuant to article III, section 16(c)-(e), which provides:

(c) JUDICIAL REVIEW OF APPORTIONMENT. 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.

(d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY APPORTIONMENT SESSION. A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF APPORTIONMENT. Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

3. On February 9, 2012, during the regular legislative session, the Legislature passed SJR 1176, the joint resolution of apportionment.
4. On March 9, 2012, this Court determined that the Senate apportionment plan within SJR 1176 was invalid.
5. On March 14, 2012, the Legislature reconvened in an extraordinary apportionment session. During this session, the Legislature passed SJR 2-B on March 27, 2012, a joint resolution of apportionment that revises the Senate plan to conform to this Court's previous judgment.

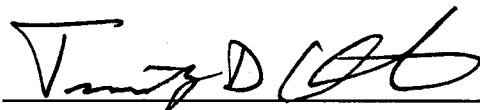
6. The Attorney General, in accordance with the requirements of article III, section 16(e), hereby submits SJR 2-B with the Florida Legislature's plans for apportioning state Senate districts.

7. Apportionment plans, statistical reports, and maps of current Senate districts, the Senate districts in SJR 1176, and newly created Senate districts, as well as other relevant information, also accompany this petition in the Appendix, as requested by this Court's Order of March 13, 2012. Electronic copies of these materials, in the formats requested by the Court are provided on the compact disc filed with this petition.

DATED this 5th day of April, 2012, at Tallahassee, Florida.

Respectfully submitted,

PAMELA JO BONDI
ATTORNEY GENERAL



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