

By Senator Dyer

14-1-98

1                   Senate Joint Resolution No. \_\_\_\_

2           A joint resolution proposing the repeal of

3           section 16 of Article III of the State

4           Constitution, relating to legislative

5           apportionment, and the addition of section 10

6           to Article II of the State Constitution,

7           relating to the establishment of a commission

8           to reapportion the state legislative districts

9           and redistrict congressional districts;

10          prescribing guidelines for such reapportionment

11          and redistricting; providing for judicial

12          review thereof.

14 Be It Resolved by the Legislature of the State of Florida:

16           That the repeal of Section 16 of Article III of the

17   State Constitution and the addition of Section 10 to Article

18   II of the State Constitution are agreed to and shall be

19   submitted to the electors of this state for approval or

20   rejection at the next general election or at an earlier

21   special election specifically authorized by law for that

22   purpose:

23                                   ARTICLE II

24                                   GENERAL PROVISIONS

25           SECTION 10. Legislative apportionment and

26   congressional redistricting.--

27           (a) REAPPORTIONMENT MANDATE. By the end of each year

28   that ends in one, the state shall be divided by the commission

29   created in this section into as many congressional districts

30   as there are United States Representatives apportioned to the

31   state; forty consecutively numbered senate districts; and one

1 hundred twenty consecutively numbered representative  
2 districts. All legislative districts shall be single-member  
3 districts.

4 (b) REAPPORTIONMENT COMMISSION.

5 (1) In each year that ends in zero and at any other  
6 time of court-ordered reapportionment, a commission shall be  
7 established to prepare a redistricting plan for congressional  
8 districts and a reapportionment plan for legislative  
9 districts. The commission shall consist of eleven electors of  
10 this state, none of whom may be an elected public official,  
11 party officer, registered lobbyist before the state  
12 legislature or the federal congress, or a legislative or  
13 congressional employee, as such terms are defined by law. Any  
14 other elector of this state may serve on the commission. By  
15 March 15 of the same year, or within sixty days following a  
16 final court order requiring redistricting or reapportionment,  
17 whichever is later, appointments to the commission shall be  
18 made as follows:

19 a. The president of the senate and the minority leader  
20 of the senate shall each appoint one former member of the  
21 senate.

22 b. The speaker of the house of representatives and the  
23 minority leader of the house of representatives shall each  
24 appoint one former member of the house of representatives.

25 c. The chief justice of the supreme court shall  
26 appoint six commissioners, including one commissioner each  
27 from a list of four persons submitted by each of the chief  
28 judges of the district courts of appeal. The lists submitted  
29 by the chief judges shall each contain two persons from each  
30 of the two major political parties in this state and the six  
31 commissioners appointed by the chief justice of the supreme

1 court shall consist of three persons from each of the two  
2 major political parties in this state.

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4 The appointing authorities shall consult with each other to  
5 ensure that such appointments reflect the state's ethnic,  
6 racial, and gender diversity as reflected by the most recent  
7 federal decennial census and are geographically representative  
8 of the state. No more than five commissioners may be from the  
9 same political party.

10 (2) Within thirty days after appointments have been  
11 made, the ten commissioners, by a vote of at least six  
12 commissioners, shall select one additional commissioner who  
13 shall serve as chair of the commission. The chair must not  
14 have been registered in either of the two major political  
15 parties during the two years preceding appointment. The chair  
16 shall be responsible for the administrative duties of the  
17 commission, including supervision of commission staff.  
18 Staffing of the commission shall be as provided by law.  
19 Failure to select the eleventh commissioner within the time  
20 prescribed shall constitute an impasse which shall  
21 automatically discharge the commission. Within thirty days  
22 after an impasse occurs, a new commission must be appointed in  
23 the same manner as the original commission. Within twenty days  
24 after the new appointments have been made, the ten  
25 commissioners shall select, by a vote of at least six  
26 commissioners, an eleventh commissioner, who shall serve as  
27 chair.

28 (3) As a condition of appointment, each commissioner  
29 must take an oath not to seek public office in any of the  
30 newly redistricted legislative or congressional districts for  
31 a period of two years after the effective date thereof.

1           (4) Vacancies shall be filled by the appointing  
2 authority who appointed the commissioner whose vacancy is to  
3 be filled, except if a vacancy occurs in the position of  
4 chair, the chair shall be selected in the manner set forth in  
5 paragraph (2).

6           (5) The legislature shall, by general appropriation,  
7 provide funds that the legislature determines to be adequate  
8 to enable the commission to carry out its duties.

9           (6) The commission shall hold public hearings  
10 necessary to carry out its responsibilities under this  
11 section. The commission shall adopt its plans by a  
12 three-fifths vote.

13           (c) REAPPORTIONMENT STANDARDS.

14           (1) Congressional districts and state legislative  
15 districts for each respective house must be as nearly equal in  
16 population as is practicable, based on the population reported  
17 in the federal decennial census, taken in each year ending in  
18 zero. A congressional district may not have a population that  
19 varies by more than one percent from the average population of  
20 all congressional districts in the state. A legislative  
21 district may not have a population that varies by more than  
22 five percent from the average population of all districts of  
23 the respective house. The average of the absolute values of  
24 the population deviations of all districts of the respective  
25 house may not vary by more than two percent from the average  
26 population of all districts. Any population variance must be  
27 justifiable as necessary for compliance with other standards  
28 in this section.

29           (2) Districts should be composed of convenient  
30 contiguous territory and, consistent with paragraph (1),  
31 should be drawn to coincide with the boundaries of local

1 political subdivisions as such terms may be defined by general  
2 law.

3 (3) Districts should be in compact form.

4 (d) JUDICIAL REVIEW. Within five days after  
5 completion of a plan of apportionment or redistricting, the  
6 commission shall file the plan with the secretary of state.  
7 Within fifteen days after the filing of an apportionment or  
8 redistricting plan by the commission, the attorney general  
9 shall petition the supreme court of the state for a  
10 declaratory judgment determining the validity of the plan,  
11 including its compliance with all criteria specified in this  
12 section, applicable federal law, and the constitution of the  
13 United States. The supreme court, in accordance with its  
14 rules, shall permit adversary interests to present their views  
15 and, within sixty days after the filing of the petition, shall  
16 enter its judgment. If the supreme court declares the  
17 apportionment or redistricting plan invalid in whole or in  
18 part, the commission shall forthwith reconvene and shall,  
19 within thirty days, adopt a revised plan that conforms to the  
20 judgment. The supreme court shall retain jurisdiction to  
21 review the revised plan, which shall be submitted to the court  
22 in the same manner as the original plan. Upon approval of the  
23 supreme court, a plan of apportionment or redistricting shall  
24 be filed with the secretary of state and, upon filing, shall  
25 be the official plan for the state.

26 (e) JUDICIAL REAPPORTIONMENT. If the supreme court  
27 determines that a revised plan does not comply with the  
28 applicable law or if the commission does not adopt an original  
29 plan by the end of each year that ends in one, or a revised  
30 plan within the timeframe in subsection (d), the commission  
31 shall, within five days, notify the secretary of state in

1 writing of its inability to adopt a plan. Within five days  
2 after the filing of such notice, the attorney general shall  
3 petition the supreme court to prepare a plan of apportionment  
4 or redistricting. The court shall, not later than sixty days  
5 after receiving the petition of the attorney general, file  
6 with the secretary of state an order making such apportionment  
7 or redistricting.

8 BE IT FURTHER RESOLVED that the following statement be  
9 placed on the ballot:

10 CONSTITUTIONAL AMENDMENT

11 ARTICLE II, SECTION 10

12 ARTICLE III, SECTION 16

13 LEGISLATIVE APPORTIONMENT AND CONGRESSIONAL

14 REDISTRICTING.--Proposing the repeal of Section 16 of Article  
15 III and the creation of Section 10 of Article II of the State  
16 Constitution, to transfer legislative authority to reapportion  
17 and redistrict the state to a commission; to provide for 120  
18 single-member House of Representative and 40 single-member  
19 Senate districts; to provide standards for reapportionment and  
20 to provide for review of the commission's plans by the Supreme  
21 Court and for reapportionment and redistricting by the Supreme  
22 Court when the commission fails.

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