

By Representative Geller

House Joint Resolution

A joint resolution proposing the repeal of section 16 of Article III of the State Constitution, relating to legislative apportionment, and the addition of section 10 to Article II of the State Constitution, relating to the establishment of a commission to reapportion the state legislative districts and redistrict congressional districts; prescribing guidelines for such reapportionment and redistricting; providing for judicial review thereof.

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

That the repeal of Section 16 of Article III of the State Constitution and the addition of Section 10 to Article II of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II

GENERAL PROVISIONS

SECTION 10. Legislative apportionment and congressional redistricting.--

(a) REAPPORTIONMENT MANDATE. By the end of each year which ends in one, the state shall be divided by the commission created in this section into: as many congressional districts as there are United States Representatives apportioned to the state; forty consecutively

1 numbered senate districts; and one hundred twenty
2 consecutively numbered representative districts. All
3 legislative districts shall be single-member 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 shall be from
9 any 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 will 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 the impasse has occurred, a new commission shall be
23 appointed in the same manner as the original commission.
24 Within twenty days after the new appointments have been made,
25 the ten 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 shall take an oath that such commissioner agrees not to seek
30 public office in any of the newly redistricted legislative or
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1 congressional districts for a period of two years after the
2 effective date thereof.

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

8 (5) The legislature shall, by general appropriations,
9 provide funds which the legislature determines to be adequate
10 to enable the commission to carry out its duties.

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

15 (c) REAPPORTIONMENT STANDARDS.

16 (1) Congressional districts and state legislative
17 districts for each respective house shall be as nearly equal
18 in population as is practicable, based on the population
19 reported in the federal decennial census, taken in each year
20 ending in zero. No congressional district shall have a
21 population which varies by more than one percent from the
22 average population of all congressional districts in the
23 state. No legislative district shall have a population which
24 varies by more than five percent from the average population
25 of all districts of the respective house. The average of the
26 absolute values of the population deviations of all districts
27 of the respective house shall not vary by more than two
28 percent from the average population of all districts. Any
29 population variance must be justifiable as necessary for
30 compliance with other standards in this section.

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1 (2) Districts should be composed of convenient
2 contiguous territory and, consistent with paragraph (1),
3 should be drawn to coincide with the boundaries of local
4 political subdivisions as such terms may be defined by general
5 law.

6 (3) Districts should be in compact form.

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

30 (e) JUDICIAL REAPPORTIONMENT. Should the supreme
31 court determine that a revised plan fails to comply with the

1 applicable law or should the commission fail to adopt an
2 original plan by the end of each year which ends in one, or a
3 revised plan within the timeframe provided in subparagraph
4 (d), the commission shall, within five days, notify the
5 secretary of state in writing of its inability to adopt a
6 plan. Within five days after the filing of such notice, the
7 attorney general shall petition the supreme court to prepare a
8 plan of apportionment or redistricting. The court shall, not
9 later than sixty days after receiving the petition of the
10 attorney general, file with the secretary of state an order
11 making such apportionment or redistricting.

12 BE IT FURTHER RESOLVED that in accordance with the
13 requirements of section 101.161, Florida Statutes, the title
14 and substance of the amendment proposed herein shall appear on
15 the ballot as follows:

16 LEGISLATIVE APPORTIONMENT AND
17 CONGRESSIONAL
18 REDISTRICTING

19 Proposing the repeal of Section 16 of Article III and
20 the creation of Section 10 of Article II of the State
21 Constitution, transferring legislative authority to
22 reapportion and redistrict the state to a commission;
23 providing for 120 single-member House of Representative and 40
24 single-member Senate districts; providing standards for
25 reapportionment; providing for review of the commission's
26 plans by the Supreme Court; and providing for reapportionment
27 and redistricting by the Supreme Court when the commission
28 fails.

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