

By Senator Klein

28-1430-98

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 the number one, the state shall be divided by the
29 commission created in this section into as many congressional
30 districts as there are United States Representatives
31 apportioned to the state; not fewer than thirty nor more than

1 forty consecutively numbered senate districts; and not fewer
2 than eighty nor more than one hundred twenty consecutively
3 numbered representative districts. All legislative districts
4 shall be single-member districts.

5 (b) REAPPORTIONMENT COMMISSION.--

6 (1) In each year that ends in zero and at any other
7 time of court-ordered reapportionment, a commission shall be
8 established to prepare a redistricting plan for congressional
9 districts and a reapportionment plan for legislative
10 districts. The commission shall consist of seven electors of
11 this state, none of whom may be an elected public official, a
12 party officer, a registered lobbyist, a legislative employee,
13 a congressional employee, or a relative of a state legislator
14 or a state congressman, as such terms are defined by law. 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, the governor, the president of the senate,
18 the speaker of the house of representatives, the minority
19 leader of the senate, the minority leader of the house of
20 representatives, and the chairperson of the party that
21 finished second in the most recent election for governor shall
22 each select one member. In making the appointments, the
23 appointing authorities shall endeavor to establish membership
24 on the commission to reflect the state's ethnic, racial, and
25 gender diversity, as reflected by the most recent federal
26 decennial census, and to be geographically representative of
27 the state.

28 (2) Within thirty days after appointments have been
29 made, the six commissioners shall select, by a vote of at
30 least four commissioners, a seventh commissioner who shall
31 serve as chairperson of the commission. The chairperson shall

1 be responsible for the administrative duties of the
2 commission, including supervision of commission staff. Failure
3 to select the seventh commissioner within the time prescribed
4 shall constitute an impasse that shall automatically discharge
5 the commission. Within thirty days after an impasse occurs, a
6 new commission must be appointed in the same manner as the
7 original commission. Within twenty days after the new
8 appointments have been made, the six commissioners shall
9 select, by a vote of at least four commissioners, a seventh
10 commissioner, who shall serve as chairperson. If the
11 commissioners reach a second impasse, the seventh commissioner
12 shall be appointed by the chief justice.

13 (3) As a condition of appointment, each commissioner
14 must take an oath not to seek public office in any of the
15 newly redistricted legislative or congressional districts for
16 a period of four years after the effective date thereof, and
17 not to lobby at the state or federal level for compensation
18 for one year after the effective date of the plan.

19 (4) Vacancies shall be filled by the appointing
20 authority who appointed the commissioner whose vacancy is to
21 be filled, except that if a vacancy occurs in the position of
22 chairperson, the chairperson shall be selected in the manner
23 set forth in paragraph (2).

24 (5) The legislature may establish by law other
25 qualifications of commissioners. The legislature shall
26 establish by law the duties and powers of the commission and
27 shall appropriate funds to enable the commission to carry out
28 its duties. Staff members shall be provided to assist the
29 commission as provided by law.

30 (6) The commission shall hold public hearings
31 necessary to carry out its responsibilities under this

1 section. The commission shall adopt its plans by a majority
2 vote. An ex parte communication relative to merits, threat, or
3 offer of reward may not be made to a commissioner.

4 (c) REAPPORTIONMENT STANDARDS.--

5 (1) State legislative districts in each house must be
6 as nearly equal in population as is practicable, based on the
7 population reported in the federal decennial census taken in
8 each year ending in zero. The absolute value of the total
9 population deviation of all districts of a house, divided by
10 the number of districts, may not exceed one percent. A
11 district may not have a population that varies by more than
12 one percent from the average population of all the districts
13 in the state unless a greater population variance is necessary
14 to comply with one of the other standards set forth in this
15 subsection. A single district may not have a population that
16 varies by more than five percent from the average population
17 of all districts in the respective house. If a petition
18 challenging a plan adopted by the commission is filed with the
19 supreme court, the commission has the burden of justifying any
20 variance between the population of a district and the average
21 population of all districts.

22 (2) Congressional districts shall have a population as
23 nearly equal as is practicable, based on the population
24 reported in the federal census taken in each year ending in
25 zero. A congressional district may not have a population that
26 varies by more than one percent from the average population of
27 all congressional districts in the state. If a petition
28 challenging a plan adopted by the commission is filed with the
29 supreme court, the commission has the burden of justifying any
30 variance between the population of a district and the average
31 population of all districts.

1 (3) To the extent consistent with paragraphs (1) and
2 (2), district lines shall be drawn to coincide with the
3 boundaries of local political subdivisions.

4 (4) Districts shall be composed of convenient
5 contiguous territory. Adjacent or adjoining land is considered
6 contiguous. If adjacent land is separated by water, the
7 district shall be considered contiguous only if connected by a
8 bridge or another section of land. Land or vessels surrounded
9 by water, but not connected to another abutting section of
10 land, shall be considered noncontiguous territory and shall be
11 drawn to be consistent with the appropriate political
12 boundaries or to be consistent with subsection (5).

13 (5) Districts shall be in compact form. The aggregate
14 length of all district boundaries shall be as short as
15 practicable, consistent with the standards contained in
16 paragraphs (1), (2), (3), and (4). The aggregate length of the
17 boundaries of all districts may not exceed by more than five
18 percent the shortest possible aggregate length of all the
19 districts under any other plan that is consistent with the
20 other standards contained in this constitution. In the case of
21 a local political subdivision that has a population sufficient
22 to establish two or more districts, the aggregate length of
23 the boundaries of all districts entirely within the political
24 subdivision may not exceed by more than five percent the
25 shortest possible aggregate length of the districts within the
26 political subdivision under any other plan that is consistent
27 with the other standards contained in this constitution.

28 (6) A district may not be drawn for the purpose of
29 favoring any political party, incumbent legislator or
30 representative to the United States Congress, or any other
31 person or group. In preparing a plan, the commission may not

1 take into account the addresses of incumbent legislators or
2 representatives to the United States Congress. The commission
3 may not use the political affiliations of registered voters,
4 previous election results, or demographic information, other
5 than population counts, for the purpose of favoring any
6 political party, incumbent legislator or representative, or
7 any other person or group.

8 (7) A district may not be drawn for the purpose of
9 diluting the voting strength of any persons who speak a
10 particular language or any racial minority group.

11 (8) The legislature may define by law any of the
12 standards enumerated in this subsection and may establish by
13 law additional standards, not in conflict with the
14 Constitution of the United States or this constitution,
15 designed to guarantee fair and effective representation for
16 all citizens. A law enacted under this subsection may not
17 modify a plan in effect at the time of the effective date of
18 such law.

19 (d) JUDICIAL REVIEW.--The supreme court shall have
20 original jurisdiction over any apportionment matter. Any
21 registered voter may file a petition with the supreme court
22 challenging a plan of the commission within forty-five days
23 after the adoption of a plan. The supreme court, in accordance
24 with its rules, shall permit adversary interests to present
25 their views and, within sixty days after the filing of the
26 petition, shall enter its judgment. If the supreme court finds
27 that the plan is not consistent with the requirements of any
28 federal or state constitutional or statutory provision, the
29 supreme court shall declare the plan invalid in whole or in
30 part. The commission shall forthwith reconvene and shall,
31 within sixty days, adopt a revised plan that conforms to the

1 judgment of the supreme court. The revised plan shall be
2 subject to judicial review by the supreme court in the same
3 manner as the original plan. Upon approval of the supreme
4 court, a plan of apportionment or redistricting shall be filed
5 with the secretary of state and, upon filing, shall be the
6 official plan for the state.

7 (e) DURATION OF PLAN.--A reapportionment plan shall be
8 in force until the effective date of a plan based upon the
9 following federal census taken in a year ending in zero unless
10 modified pursuant to order of the supreme court. A plan may
11 not be subject to amendment, approval, or repeal by
12 initiative, referendum, or act of the legislature.

13 BE IT FURTHER RESOLVED that the following statement be
14 placed on the ballot:

15 CONSTITUTIONAL AMENDMENT

16 ARTICLE II, SECTION 10

17 ARTICLE III, SECTION 16

18 LEGISLATIVE APPORTIONMENT AND CONGRESSIONAL

19 REDISTRICTING.--Proposing the repeal of Section 16 of Article
20 III and the creation of Section 10 of Article II of the State
21 Constitution, to transfer legislative authority to reapportion
22 and redistrict the state to a commission, provide standards
23 for reapportionment, and provide for review of the
24 commission's plans by the Supreme Court.