

By Senator Dyer

14-1343-00

See HB

1 A bill to be entitled
2 An act relating to the official census of
3 Florida; amending s. 11.031, F.S.; establishing
4 the federal decennial census determined by the
5 use of modern statistical methods as the
6 official census of the state; providing that
7 all acts of the Legislature based upon
8 population and all constitutional
9 apportionments and congressional redistrictings
10 shall be based upon such census; providing for
11 effect with respect to prior enacted
12 legislation affecting counties within a stated
13 population bracket; amending s. 1.01, F.S.;
14 revising a provision relating to construction
15 of the statutes, to conform; providing an
16 effective date.

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18 WHEREAS, a complete and accurate count of all persons
19 in the United States of America is vital to the interests of
20 the people of the State of Florida, and

21 WHEREAS, past censuses have been significantly
22 inaccurate despite the good faith efforts of the United States
23 Census Bureau and its personnel, and

24 WHEREAS, the United States Government asked the
25 National Academy of Sciences to devise a method for conducting
26 the 2000 census which would be more accurate and the National
27 Academy has done so, and

28 WHEREAS, the last federal decennial census conducted in
29 1990 was the first census that was less accurate than its
30 predecessor, and

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1 WHEREAS, recent federal decennial censuses, including
2 the 1990 census, significantly undercounted millions of
3 Americans and overcounted millions of others, and

4 WHEREAS, the Census Bureau has reported that the 1990
5 census undercounted 8.4 million persons and overcounted 4.4
6 million others, and

7 WHEREAS, out of the net 4 million undercount in the
8 1990 census, more than half were children, and

9 WHEREAS, the undercount has had a disproportionate
10 impact on the African-American, Hispanic-American,
11 Asian-American, and Native American populations, and

12 WHEREAS, the 1990 census was recognized as not living
13 up to American goals of fairness and equality due to the
14 racial differential, and

15 WHEREAS, the Census Bureau has initiated plans to
16 conduct the 2000 federal decennial census using modern
17 statistical methods that will produce a more accurate count of
18 the nation's population, and

19 WHEREAS, the Supreme Court has rendered a decision that
20 the Census Act enacted by Congress prohibits the use of the
21 modern statistical methods for the purpose of allocating
22 Congressional Representatives among the states, but the
23 court's decision recognized that the Census Act requires
24 sampling methods for all nonreapportionment purposes, and

25 WHEREAS, intrastate redistricting and the allocation of
26 federal funds are two such nonreapportionment purposes, and

27 WHEREAS, the use of traditional methods in conducting
28 the census affected state finances, because many federal grant
29 programs use census data to calculate allocations of funds to
30 the states, and

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1 WHEREAS, nearly \$220 million in additional federal
2 funds would have been shifted from programs and services in
3 other states to their counterparts in this state if the
4 more-accurate, modern statistical census methods had been
5 employed in the 1990 census instead of the traditional
6 methods, and

7 WHEREAS, the use of modern statistical methods will
8 result in a more accurate count of the population and thus the
9 greater allotment of federal grant funds distributed to the
10 State of Florida than if traditional, inaccurate methods are
11 used to conduct the 2000 census, and

12 WHEREAS, the traditional methods of conducting the
13 census not only will be less accurate than the modern
14 statistical methods developed by the National Academy of
15 Sciences, but the traditional methods also will be less
16 accurate regardless of the amount of funds Congress allocates
17 to conduct the 2000 census using such traditional methods,
18 NOW, THEREFORE,

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 11.031, Florida Statutes, is
23 amended to read:

24 11.031 Official census.--

25 (1) For the purpose of implementing s. 8(a), Art. X of
26 the State Constitution, the official census of the state shall
27 be the last decennial census of the state taken by the United
28 States using the most modern statistical methods, developed or
29 approved by the National Academy of Sciences.

30 (2)~~(1)~~ All acts of the Florida Legislature based upon
31 population and all constitutional apportionments and

1 congressional redistrictings shall be based upon the last
2 official federal decennial statewide census of the state, as
3 defined in subsection (1).

4 ~~(3)(2)~~ No special county or district census shall be
5 effective for any purposes other than to ascertain the
6 population for the purpose of interpreting an existing law
7 relating to additional judges of the circuit court and
8 additional county court judges, but no existing population or
9 apportionment act shall be affected by a special census.

10 ~~(4)(3)~~ The last official federal decennial statewide
11 census of the state, as defined in subsection (1), shall not
12 be effective for the purpose of affecting acts of the
13 Legislature enacted prior thereto which apply only to counties
14 of the state within a stated population bracket until July 1
15 of the year following the taking of such census.

16 Section 2. Subsection (7) of section 1.01, Florida
17 Statutes, is amended to read:

18 1.01 Definitions.--In construing these statutes and
19 each and every word, phrase, or part hereof, where the context
20 will permit:

21 (7) Reference to the population or number of
22 inhabitants of any county, city, town, village, or other
23 political subdivision of the state shall be taken to be that
24 as shown by the last ~~preceding~~ official decennial federal
25 census of the state, as defined in s. 11.031, beginning with
26 ~~the Federal Census of 1950, which shall also be the state~~
27 ~~census~~ and shall control in all population acts, and
28 constitutional apportionments, and congressional
29 redistrictings, unless otherwise ordered by the Legislature.

30 Section 3. This act shall take effect upon becoming a
31 law.

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LEGISLATIVE SUMMARY

Establishes that the official census of the state shall be the last decennial census of the state taken by the United States utilizing the most modern statistical methods developed or approved by the National Academy of Sciences. Provides that all acts of the Legislature based upon population and all constitutional apportionments and congressional redistrictings shall be based upon such census. Provides for effect with respect to prior enacted legislation affecting counties within a stated population bracket. Provides for application to the Florida Statutes.