

By Senator Myers

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Senate Joint Resolution No. _____

A joint resolution proposing the repeal of Section 16 of Article III of the State Constitution, relating to legislative apportionment, and the creation of Section 10 of Article II of the State Constitution to prescribe reapportionment standards and procedures.

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

That the following repeal of Section 16 of Article III of the State Constitution and creation of Section 10 of 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.--

(a) APPORTIONMENT AND DISTRICTING COMMISSION.--In the year following each decennial census or when required by the United States or by court order, a commission shall divide the state into not fewer than 30 or more than 40 consecutively numbered senatorial districts of either contiguous, overlapping, or identical territory and not fewer than 80 or more than 120 consecutively numbered representative districts of either contiguous, overlapping, or identical territory as provided by this constitution or by general law and shall divide the state to create as many congressional districts as

1 there are representatives in congress apportioned to this
2 state. Districts shall be established in accordance with the
3 constitution of this state and of the United States and shall
4 be as nearly equal in population as practical.

5 (1) On or before June 1 in the year following each
6 decennial census, or within 15 days after legislative
7 apportionment or congressional districting is required by law
8 or by court order, 16 commissioners shall be certified by the
9 respective appointing authorities to the custodian of records.
10 The President of the Senate and the Speaker of the House of
11 Representatives each shall select and certify four
12 commissioners. Members of minority parties in the Senate shall
13 elect one from their number who shall select and certify four
14 commissioners. Members of minority parties in the House of
15 Representatives shall elect one from their number who shall
16 select and certify four commissioners. Within 21 days after
17 the 16 members are certified to the custodian of records, the
18 commissioners by affirmative vote of 11 members shall elect
19 the 17th member, who shall be a registered voter who for the
20 previous two years was not registered as an elector of any
21 political party having a member holding office in the
22 appointing legislature. If no selection is made, the chief
23 justice of the supreme court shall select the 17th member from
24 a list of four persons, who shall be registered voters who for
25 the previous two years were not registered as electors of any
26 political party having a member holding office in the
27 appointing legislature, two selected by the Speaker's and
28 President's commissioners, and two by the minority parties'
29 commissioners.

30 a. No commissioner shall have served during the two
31 years prior to his or her certification as an elected state

1 official, member of Congress, party officer or employee, paid
2 registered lobbyist, or legislative or congressional employee,
3 and no commissioner shall be a relative, as defined by law, or
4 an employee of any of the above.

5 b. As a condition of appointment, each commissioner
6 shall take an oath affirming that the commissioner will not
7 receive compensation as a paid registered lobbyist or seek
8 elected office in any legislative or congressional district
9 for a period of four years after concluding service as a
10 commissioner.

11 (3) The commission shall elect one of its members to
12 serve as chair and shall establish its own rules and
13 procedures. All commission actions shall require 11
14 affirmative votes. Meetings and records of the commission
15 shall be open to the public and public notice of all meetings
16 shall be given.

17 (4) Within 180 days after the commission is certified
18 to the custodian of records, the commission shall file with
19 the custodian of records its final report, including all
20 required plans.

21 (5) After the supreme court determines that the
22 required plans are valid, the commission shall be dissolved.

23 (b) REAPPORTIONMENT STANDARDS.--

24 (1) Congressional districts and state legislative
25 districts for each respective house shall be as nearly equal
26 in population as is practicable, based on the population
27 reported in the federal decennial census, taken in each year
28 ending in zero. No congressional district shall have a
29 population that varies by more than one percent from the
30 average population of all congressional districts in the
31 state. No legislative district shall have a population that

1 varies by more than ten percent from the average population of
2 all districts of the respective house. The average of the
3 absolute values of the population deviations of all districts
4 of the respective house shall not vary by more than five
5 percent from the average population of all districts. Any
6 population variance must be justifiable as necessary for
7 compliance with the other standards in this section.

8 (2) Districts should be composed of convenient
9 contiguous territory and, consistent with paragraph (1),
10 should be drawn to coincide with the boundaries of local
11 political subdivisions, as such terms are defined by general
12 law.

13 (3) Districts should be compact in form.

14 (4) No district shall be drawn for the purpose of
15 favoring any political party, incumbent legislator,
16 representative to Congress, or other person. In preparing a
17 plan, the commission shall not take into account the addresses
18 of incumbent legislators or representatives to Congress.

19 (5) A district shall not be drawn to dilute the voting
20 strength of any racial or language minority group.

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22 On applying the reapportionment standards prescribed in this
23 subsection, the prohibition against drawing a district to
24 dilute the voting strength of any racial or language minority
25 groups shall be controlling over the standards prescribed in
26 paragraphs (2) and (3).

27 (c) FAILURE OF COMMISSION TO APPORTION; JUDICIAL
28 APPORTIONMENT.--If the commission does not timely file its
29 final report, including all required plans with the custodian
30 of records, the commission shall be dissolved, and the
31 attorney general shall, within 5 days, petition the supreme

1 court of the state to make such apportionment. No later than
2 the 60th day after the filing of such petition, the supreme
3 court shall file with the custodian of records an order making
4 such apportionment.

5 (d) JUDICIAL REVIEW OF APPORTIONMENT.--Within 15 days
6 after the final report of the commission is filed with the
7 custodian of records, the attorney general shall petition the
8 supreme court to review and determine the validity of the
9 apportionment.

10 (e) EFFECT OF JUDGMENT IN APPORTIONMENT.--A judgment
11 of the supreme court determining the apportionment to be valid
12 or ordering judicial apportionment shall be binding upon all
13 citizens of the state. Should the supreme court determine that
14 the apportionment made by the commission is invalid, the
15 commission, within 20 days after the ruling, shall adopt and
16 file with the custodian of records an amended plan that
17 conforms to the judgment of the supreme court. Within 5 days
18 after the filing of an amended plan, the attorney general
19 shall petition the supreme court of the state to determine the
20 validity of the amended plan, or if the commission has failed
21 to file an amended plan, report that fact to the court.

22 (f) JUDICIAL APPORTIONMENT.--If the commission fails
23 to file an amended plan or if the supreme court determines the
24 amended plan is invalid, the commission shall be dissolved,
25 and the supreme court shall, not later than 60 days after
26 receiving the petition of the attorney general, file with the
27 custodian of records an order making such apportionment.

28 BE IT FURTHER RESOLVED that the following statement be
29 placed on the ballot:

30 CONSTITUTIONAL AMENDMENT

31 ARTICLE III, SECTION 16; ARTICLE II, SECTION 10

1 REAPPORTIONMENT.--Proposing an amendment to the State
2 Constitution to abolish present provisions governing
3 legislative apportionment and to prescribe methods and
4 standards for legislative and Congressional reapportionment;
5 providing for a reapportionment commission and for its duties;
6 and providing duties of the Supreme Court and the Attorney
7 General with respect to reapportionment.
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