

By Senator Rossin

35-1036-02

1                   Senate Joint Resolution No. \_\_\_\_  
2           A joint resolution proposing the repeal of  
3           Section 16, Article III of the State  
4           Constitution, relating to legislative  
5           apportionment, and the addition of Section 10,  
6           Article II of the State Constitution, relating  
7           to requiring 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, and 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 the following Section  
18          10 of Article II of the State Constitution are agreed to and  
19          shall be submitted to the electors of this state for approval  
20          or rejection at the next general election or at an earlier  
21          special election specifically authorized by law for that  
22          purpose:

23                   ARTICLE II GENERAL PROVISIONS

24           SECTION 10. Legislative apportionment and  
25          congressional redistricting.--

26           (a) REAPPORTIONMENT MANDATE. By the end of each year  
27          that ends in the numeral one, the state shall be divided by  
28          the commission herein created into: as many congressional  
29          districts as there are United States Representatives  
30          apportioned to the state; not fewer than thirty nor more than  
31          forty-eight consecutively numbered senate districts; and not

1 fewer than eighty nor more than one hundred and 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 the numeral zero and at  
6 any other time of court-ordered reapportionment, a commission  
7 shall be established to prepare a redistricting plan for  
8 congressional districts and a reapportionment plan for  
9 legislative districts. The commission shall consist of seven  
10 electors, none of whom may be an elected public official,  
11 party officer, registered lobbyist, or legislative employee as  
12 such terms may be defined by law. Any other person may serve  
13 on the commission. By July 1 of the same year, the chief  
14 justice of the supreme court of this state, after consultation  
15 with the other justices, shall appoint six people to serve on  
16 the commission, and shall endeavor to establish membership on  
17 the commission to reflect the state's ethnic, racial, and  
18 gender diversity as reflected by the most recent federal  
19 decennial census.

20 (2) Within thirty days after the appointments have  
21 been made, the six commissioners shall select, by a vote of at  
22 least four commissioners, a seventh commissioner, who shall  
23 serve as chairperson. Failure to select the seventh  
24 commissioner within the time prescribed shall constitute an  
25 impasse that shall automatically discharge the commission. A  
26 new commission shall then be appointed in the same manner as  
27 the original commission. Within twenty days after the new  
28 appointments have been made, the six commissioners shall  
29 select, by a vote of at least four commissioners, a seventh  
30 commissioner, who shall serve as chairperson.

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

5           (4) The chief justice shall appoint an individual to  
6 fill any vacancy on the commission except that of the  
7 chairperson, who shall be selected in the manner set forth in  
8 paragraph (2).

9           (5) The legislature shall appropriate funds to enable  
10 the commission to carry out its duties. The commission shall  
11 hold public hearings as it deems necessary to carry out its  
12 responsibilities under this section.

13           (c) REAPPORTIONMENT STANDARDS.

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

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

1 with the boundaries of cities and counties as such terms may  
2 be defined by general law.

3 (3) Districts should be compact in form. The  
4 aggregate width and length of all district boundaries should  
5 be as short as practicable consistent with the standards in  
6 paragraphs (1) and (2).

7 (4) A district may not be drawn for the purpose of  
8 favoring any political party, incumbent legislator, or other  
9 person. In preparing a plan, the commission may not take into  
10 account the addresses of incumbent legislators.

11 (5) A district may not be drawn to dilute the voting  
12 strength of any racial or language minority group.

13 (d) JUDICIAL REVIEW. Within five days after  
14 completion of a plan of apportionment or redistricting, the  
15 commission shall file such plan with the custodian of state  
16 records. Within fifteen days after the filing of an  
17 apportionment or redistricting plan by the commission, the  
18 attorney general shall petition the supreme court of the state  
19 for a declaratory judgment determining the validity of the  
20 plan, including its compliance with all criteria herein  
21 specified, applicable federal law, and the constitution of the  
22 United States. The supreme court, in accordance with its  
23 rules, shall permit adversary interests to present their views  
24 and, within sixty days after the filing of the petition, shall  
25 enter its judgment. If the supreme court determines that the  
26 apportionment or redistricting plan is invalid in whole or in  
27 part, the commission shall forthwith reconvene and shall,  
28 within 30 days, adopt a revised plan that conforms to the  
29 judgment of the supreme court. The revised plan is subject to  
30 judicial review by the supreme court in the same manner as the  
31 original plan.

1           (e) JUDICIAL REAPPORTIONMENT. If the commission fails  
2 to adopt a plan or a revised plan by the end of each year that  
3 ends in the numeral one, the commission shall, within five  
4 days, notify the custodian of state records in writing of its  
5 inability to adopt a plan. Within five days after the filing  
6 of such notice, the attorney general shall petition the  
7 supreme court to prepare a plan of apportionment or  
8 redistricting. The court shall, not later than sixty days  
9 after receiving the petition of the attorney general, file  
10 with the custodian of state records an order making such  
11 apportionment or redistricting.

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

14                               CONSTITUTIONAL AMENDMENTS

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

16           LEGISLATIVE APPORTIONMENT AND CONGRESSIONAL

17 REDISTRICTING.--Proposing amendments to the State Constitution  
18 replacing existing provisions providing for legislative  
19 apportionment with new provisions that establish  
20 reapportionment standards and provide for the creation of a  
21 seven-member commission to prepare an apportionment plan for  
22 the state legislature and a redistricting plan for the  
23 congressional districts of the state.

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