

By Senator Geller

31-584-04

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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 repeal of Section 16 of Article III of the State Constitution and the following 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. By January 31 of each year that ends in two or when required by the United States or by court order, a commission shall divide the state into 40 consecutively numbered senatorial districts of contiguous, overlapping, or identical territory and 120 consecutively numbered representative districts of 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 there are

CODING:Words ~~stricken~~ are deletions; words underlined are additions.

1 representatives in congress apportioned to this state.
2 Districts shall be established in accordance with the
3 constitution of this state and of the United States, shall be
4 single-member districts, and shall be as nearly equal in
5 population as practical.

6 (b) REAPPORTIONMENT COMMISSION.

7 (1) In each year that ends in one and at any other
8 time of court-ordered reapportionment, a commission shall be
9 established to prepare a redistricting plan for congressional
10 districts and a reapportionment plan for legislative
11 districts. The commission shall consist of nine electors. By
12 March 1 of the same year, the president of the senate, the
13 minority leader of the senate, the speaker of the house of
14 representatives, and the minority leader of the house of
15 representatives shall each appoint two persons who are
16 registered in their respective parties to serve on the
17 commission. A person who has served as an elected public
18 official, a party officer or employee, a registered lobbyist,
19 or a legislative or congressional employee, as such terms are
20 defined by general law, during the two years prior to the time
21 commissioners are appointed may not be appointed as a
22 commissioner, nor may a relative of such a person, as defined
23 by law, or an employee of such a person be appointed as a
24 commissioner.

25 (2) Within thirty days after the appointments have
26 been made, the eight commissioners shall select, by a vote of
27 at least five commissioners, a ninth commissioner, who shall
28 serve as chairperson. The chairperson shall be responsible
29 for the administrative duties of the commission, including
30 supervision of commission staff. The commission shall have its
31 own staff, as provided by general law. Failure to select the

1 ninth commissioner within the time prescribed shall constitute
2 an impasse that shall automatically discharge the commission.
3 A new commission shall then be appointed in the same manner as
4 the original commission. Within twenty days after the new
5 appointments have been made, the eight commissioners shall
6 select, by a vote of at least five commissioners, a ninth
7 commissioner, who shall serve as chairperson.

8 a. A person who has served as an elected public
9 official, a party officer or employee, a registered lobbyist,
10 or a legislative or congressional employee, as such terms are
11 defined by general law, during the two years prior to the time
12 the chairperson is selected may not be selected as
13 chairperson, nor may a relative of such a person, as defined
14 by law, or an employee of such a person be selected as
15 chairperson.

16 b. The chairperson may not be registered as a member
17 of the majority party or as a member of the minority party.

18 (3) As a condition of appointment, each commissioner
19 shall take an oath that such commissioner will not seek the
20 position of state senator, state representative, or
21 representative to congress for a period of four years after a
22 plan of apportionment or redistricting is judicially
23 determined to be valid.

24 (4) Vacancies shall be filled by the person who
25 originally appointed the commissioner whose position has
26 become vacant, except that the chairperson shall be selected
27 in the manner set forth in paragraph (2).

28 (5) The legislature shall, by general appropriations,
29 provide adequate funds to enable the commission to carry out
30 its duties.

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1 (6) The commission shall hold public hearings as it
2 deems necessary to carry out its responsibilities under this
3 section. The commission may take any action, except the
4 adoption of a final plan of apportionment or redistricting, by
5 the affirmative vote of five commissioners. Adoption of a
6 final plan of apportionment or redistricting requires the
7 affirmative vote of at least six commissioners. No ex parte
8 communication relative to the merits, threat, or offer of
9 reward shall be made to any commissioner. A commissioner who
10 receives an ex parte communication, threat, or offer of reward
11 shall place on the record or otherwise make known the
12 existence of, and disclose, all written or oral
13 communications, threats, or offers received and all written or
14 oral responses made thereto. The prohibition against ex parte
15 communications shall not apply to commission staff. The
16 provisions of section 286.011, Florida Statutes (2003), shall
17 apply to the commission.

18 (c) REAPPORTIONMENT AND REDISTRICTING STANDARDS.

19 (1) Congressional districts and state legislative
20 districts for each respective house shall be as nearly equal
21 in population as is practicable, based on the population
22 reported in the federal decennial census taken in each year
23 ending in zero. No congressional district shall have a
24 population that varies by more than one-half of one percent
25 from the average population of all congressional districts in
26 the state. No legislative district shall have a population
27 that varies by more than one-half of one percent from the
28 average population of all districts of the respective house.
29 The average of the absolute values of the population
30 deviations of all districts of the respective house shall not
31 vary by more than one-quarter of one percent from the average

1 population of all districts. Any population variance must be
2 justifiable as necessary for compliance with the other
3 standards in this section.

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

9 (3) Districts should be compact in form.

10 (4) A district may not be drawn for the purpose of
11 favoring any political party, incumbent legislator,
12 representative to the United States Congress, or other person.
13 In preparing a plan, the commission shall not take into
14 account the addresses of incumbent legislators or
15 representatives to the United States Congress.

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

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

24 (d) JUDICIAL REVIEW. Within five days after adopting a
25 plan of apportionment or redistricting, the commission shall
26 file such plan with the custodian of state records. Within
27 fifteen days after the filing of an apportionment or
28 redistricting plan by the commission, the attorney general
29 shall petition the supreme court for a declaratory judgment
30 determining the validity of the plan, including its compliance
31 with all criteria specified in this section, applicable

1 federal law, and the constitution of the United States. The
2 supreme court, in accordance with its rules, shall permit
3 adversary interests to present their views and, within sixty
4 days after the filing of the petition, shall enter its
5 judgment. If the supreme court determines the apportionment or
6 redistricting plan to be invalid in whole or in part, the
7 commission shall forthwith reconvene and shall, within thirty
8 days, adopt a revised plan that conforms to the judgment of
9 the supreme court. The revised plan shall be reviewed by the
10 supreme court in the same manner as the original plan. Upon
11 approval of the supreme court, a plan of apportionment or
12 redistricting shall be filed with the custodian of state
13 records and, upon filing, shall be the official plan for the
14 state.

15 (e) JUDICIAL REAPPORTIONMENT. If the commission fails
16 to adopt a plan or revised plan by January 31 of a year that
17 ends in two, the commission shall, within five days, notify
18 the custodian of state records in writing of its inability to
19 adopt a plan. Within five days after the filing of such
20 notice, the attorney general shall petition the supreme court
21 to prepare a plan of apportionment or redistricting. If a plan
22 that was timely adopted is determined to be invalid in whole
23 or in part after January 31 of a year that ends in two, the
24 attorney general shall file such a petition within 5 days
25 after entry of that determination. The court shall, not later
26 than sixty days after receiving the petition of the attorney
27 general, file with the custodian of state records an order
28 making such apportionment or redistricting.

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

31 CONSTITUTIONAL AMENDMENTS

1 ARTICLE II, SECTION 10; ARTICLE III, SECTION 16
2 LEGISLATIVE APPORTIONMENT AND CONGRESSIONAL
3 REDISTRICTING.--Proposing amendments to the State Constitution
4 replacing existing provisions providing for legislative
5 apportionment with new provisions that establish standards for
6 legislative reapportionment and congressional redistricting
7 and provide for the creation of a nine-member commission to
8 prepare an apportionment plan for the state legislature and a
9 redistricting plan for the congressional districts of the
10 state.

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