

By Senator Justice

16-02815-08

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## Senate Joint Resolution

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 is 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 the number 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 representatives in congress apportioned to this state. Districts shall be established in accordance with the constitution of this

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30 state and of the United States, shall be single-member districts,  
31 and shall be as nearly equal in population as practicable.

32 (b) REAPPORTIONMENT COMMISSION.--

33 (1) In each year that ends in one and at any other time of  
34 court-ordered reapportionment, a commission shall be established  
35 to prepare a redistricting plan for congressional districts and a  
36 reapportionment plan for legislative districts. The commission  
37 shall consist of nine electors. By March 1 of the same year, the  
38 president of the senate, the minority leader of the senate, the  
39 speaker of the house of representatives, and the minority leader  
40 of the house of representatives shall each appoint two persons  
41 who are registered in their respective parties to serve on the  
42 commission. A person who has served as an elected public  
43 official, a party officer or employee, a registered lobbyist, or  
44 a legislative or congressional employee, as such terms are  
45 defined by general law, during the two years prior to the time  
46 commissioners are appointed may not be appointed as a  
47 commissioner, and a relative of such a person, as defined by law,  
48 or an employee of such a person may not be appointed as a  
49 commissioner.

50 (2) Within thirty days after the appointments have been  
51 made, the eight commissioners shall select, by a vote of at least  
52 five commissioners, a ninth commissioner, who shall serve as  
53 chairperson. The chairperson shall be responsible for the  
54 administrative duties of the commission, including supervision of  
55 commission staff. The commission shall have its own staff, as  
56 provided by general law. Failure to select the ninth commissioner  
57 within the time prescribed shall constitute an impasse that shall  
58 automatically discharge the commission. A new commission shall

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59 then be appointed in the same manner as the original commission.  
60 Within twenty days after the new appointments have been made, the  
61 eight commissioners shall select, by a vote of at least five  
62 commissioners, a ninth commissioner, who shall serve as  
63 chairperson.

64 a. A person who has served as an elected public official, a  
65 party officer or employee, a registered lobbyist, or a  
66 legislative or congressional employee, as such terms are defined  
67 by general law, during the two years prior to the time the  
68 chairperson is selected may not be selected as chairperson, and a  
69 relative of such a person, as defined by law, or an employee of  
70 such a person may not be selected as chairperson.

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

73 (3) As a condition of appointment, each commissioner shall  
74 take an oath that such commissioner will not seek the position of  
75 state senator, state representative, or representative to  
76 congress for a period of four years after a plan of apportionment  
77 or redistricting is judicially determined to be valid.

78 (4) Vacancies shall be filled by the person who originally  
79 appointed the commissioner whose position has become vacant,  
80 except that the chairperson shall be selected in the manner set  
81 forth in paragraph (2).

82 (5) The legislature shall, by general appropriations,  
83 provide adequate funds to enable the commission to carry out its  
84 duties.

85 (6) The commission shall hold public hearings as it deems  
86 necessary to carry out its responsibilities under this section.  
87 The commission may take any action, except the adoption of a

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88 final plan of apportionment or redistricting, by the affirmative  
89 vote of five commissioners. Adoption of a final plan of  
90 apportionment or redistricting requires the affirmative vote of  
91 at least six commissioners. No ex parte communication relative to  
92 the merits, threat, or offer of reward shall be made to any  
93 commissioner. A commissioner who receives an ex parte  
94 communication, threat, or offer of reward shall place on the  
95 record or otherwise make known the existence of, and disclose,  
96 all written or oral communications, threats, or offers received  
97 and all written or oral responses made thereto. The prohibition  
98 against ex parte communications does not apply to commission  
99 staff. The provisions of section 286.011, Florida Statutes, shall  
100 apply to the commission.

101 (c) REAPPORTIONMENT AND REDISTRICTING STANDARDS.--

102 (1) Congressional districts and state legislative districts  
103 for each respective house shall be as nearly equal in population  
104 as is practicable, based on the population reported in the  
105 federal decennial census taken in each year ending in zero. No  
106 congressional district shall have a population that varies by  
107 more than one-half of one percent from the average population of  
108 all congressional districts in the state. No legislative district  
109 shall have a population that varies by more than one-half of one  
110 percent from the average population of all districts of the  
111 respective house. The average of the absolute values of the  
112 population deviations of all districts of the respective house  
113 shall not vary by more than one-quarter of one percent from the  
114 average population of all districts. Any population variance must  
115 be justifiable as necessary for compliance with the other  
116 standards in this section.

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117       (2) Districts should be composed of convenient contiguous  
118 territory and, consistent with paragraph (1), should be drawn to  
119 coincide with the boundaries of local political subdivisions, as  
120 such terms are defined by general law.

121       (3) Districts should be compact in form.

122       (4) A district may not be drawn for the purpose of favoring  
123 any political party, incumbent legislator, representative to the  
124 United States Congress, or other person. In preparing a plan, the  
125 commission shall not take into account the addresses of incumbent  
126 legislators or representatives to the United States Congress.

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

129  
130 On applying the standards prescribed in this subsection, the  
131 prohibition against drawing a district to dilute the voting  
132 strength of any racial or language minority group shall be  
133 controlling over the standards prescribed in paragraphs (2) and  
134 (3).

135       (d) JUDICIAL REVIEW.--Within five days after adopting a  
136 plan of apportionment or redistricting, the commission shall file  
137 such plan with the custodian of state records. Within fifteen  
138 days after the filing of an apportionment or redistricting plan  
139 by the commission, the attorney general shall petition the  
140 supreme court for a declaratory judgment determining the validity  
141 of the plan, including its compliance with all criteria specified  
142 in this section, applicable federal law, and the constitution of  
143 the United States. The supreme court, in accordance with its  
144 rules, shall permit adversary interests to present their views  
145 and, within sixty days after the filing of the petition, shall

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146 enter its judgment. If the supreme court determines the  
147 apportionment or redistricting plan to be invalid in whole or in  
148 part, the commission shall forthwith reconvene and shall, within  
149 thirty days, adopt a revised plan that conforms to the judgment  
150 of the supreme court. The revised plan shall be reviewed by the  
151 supreme court in the same manner as the original plan. Upon  
152 approval by the supreme court, a plan of apportionment or  
153 redistricting shall be filed with the custodian of state records  
154 and, upon filing, shall be the official plan for the state.

155 (e) JUDICIAL REAPPORTIONMENT.--If the commission fails to  
156 adopt a plan or revised plan by January 31 of a year that ends in  
157 the number two, the commission shall, within five days, notify  
158 the custodian of state records in writing of its inability to  
159 adopt a plan. Within five days after the filing of such notice,  
160 the attorney general shall petition the supreme court to prepare  
161 a plan of apportionment or redistricting. If a plan that was  
162 timely adopted is determined to be invalid in whole or in part  
163 after January 31 of a year that ends in the number two, the  
164 attorney general shall file such a petition within 5 days after  
165 entry of that determination. The court shall, not later than  
166 sixty days after receiving the petition of the attorney general,  
167 file with the custodian of state records an order making such  
168 apportionment or redistricting.

169 BE IT FURTHER RESOLVED that the following statement be  
170 placed on the ballot:

171 CONSTITUTIONAL AMENDMENTS

172 ARTICLE II, SECTION 10

173 ARTICLE III, SECTION 16

174 LEGISLATIVE APPORTIONMENT AND CONGRESSIONAL

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175 REDISTRICTING.--Proposing amendments to the State Constitution  
176 replacing existing provisions providing for legislative  
177 apportionment with new provisions that establish standards for  
178 legislative reapportionment and congressional redistricting and  
179 that provide for the creation of a nine-member commission to  
180 prepare an apportionment plan for the state legislature and a  
181 redistricting plan for the congressional districts of the state.