

By Senator Justice

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Senate Joint Resolution

A joint resolution proposing 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  
31 districts, and shall be as nearly equal in population as  
32 practicable.

33 (b) REAPPORTIONMENT COMMISSION.

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

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

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

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

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

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

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

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

87 (6)a. The commission shall hold public hearings as it deems

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

102 b. A commissioner may not communicate with another  
103 commissioner about matters relating to a plan of apportionment  
104 outside of a meeting that is noticed and open to the public.  
105 This limitation does not apply to procedural matters and  
106 communications with an attorney to discuss pending litigation.  
107 The legislature may enact laws that are not inconsistent with  
108 the requirements of this subparagraph.

109 (c) REAPPORTIONMENT AND REDISTRICTING STANDARDS.

110 (1) Congressional districts and state legislative districts  
111 for each respective house shall be as nearly equal in population  
112 as is practicable, based on the population reported in the  
113 federal decennial census taken in each year ending in zero. No  
114 congressional district shall have a population that varies by  
115 more than one-half of one percent from the average population of  
116 all congressional districts in the state. No legislative

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117 district shall have a population that varies by more than one-  
118 half of one percent from the average population of all districts  
119 of the respective house. The average of the absolute values of  
120 the population deviations of all districts of the respective  
121 house shall not vary by more than one-quarter of one percent  
122 from the average population of all districts. Any population  
123 variance must be justifiable as necessary for compliance with  
124 the other standards in this section.

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

129 (3) Districts should be compact in form.

130 (4) A district may not be drawn for the purpose of favoring  
131 any political party, incumbent legislator, representative to the  
132 United States Congress, or other person. In preparing a plan,  
133 the commission shall not take into account the addresses of  
134 incumbent legislators or representatives to the United States  
135 Congress.

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

138  
139 On applying the standards prescribed in this subsection, the  
140 prohibition against drawing a district to dilute the voting  
141 strength of any racial or language minority group shall be  
142 controlling over the standards prescribed in paragraphs (2) and  
143 (3).

144 (d) JUDICIAL REVIEW. Within five days after adopting a plan  
145 of apportionment or redistricting, the commission shall file

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146 such plan with the custodian of state records. Within fifteen  
147 days after the filing of an apportionment or redistricting plan  
148 by the commission, the attorney general shall petition the  
149 supreme court for a declaratory judgment determining the  
150 validity of the plan, including its compliance with all criteria  
151 specified in this section, applicable federal law, and the  
152 constitution of the United States. The supreme court, in  
153 accordance with its rules, shall permit adversary interests to  
154 present their views and, within sixty days after the filing of  
155 the petition, shall enter its judgment. If the supreme court  
156 determines the apportionment or redistricting plan to be invalid  
157 in whole or in part, the commission shall forthwith reconvene  
158 and shall, within thirty days, adopt a revised plan that  
159 conforms to the judgment of the supreme court. The revised plan  
160 shall be reviewed by the supreme court in the same manner as the  
161 original plan. Upon approval by the supreme court, a plan of  
162 apportionment or redistricting shall be filed with the custodian  
163 of state records and, upon filing, shall be the official plan  
164 for the state.

165 (e) JUDICIAL REAPPORTIONMENT. If the commission fails to  
166 adopt a plan or revised plan by January 31 of a year that ends  
167 in the number two, the commission shall, within five days,  
168 notify the custodian of state records in writing of its  
169 inability to adopt a plan. Within five days after the filing of  
170 such notice, the attorney general shall petition the supreme  
171 court to prepare a plan of apportionment or redistricting. If a  
172 plan that was timely adopted is determined to be invalid in  
173 whole or in part after January 31 of a year that ends in the  
174 number two, the attorney general shall file such a petition

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175 within five days after entry of that determination. The court  
176 shall, not later than sixty days after receiving the petition of  
177 the attorney general, file with the custodian of state records  
178 an order making such apportionment or redistricting.

179 BE IT FURTHER RESOLVED that the following statement be  
180 placed on the ballot:

181 CONSTITUTIONAL AMENDMENTS

182 ARTICLE II, SECTION 10

183 ARTICLE III, SECTION 16

184 LEGISLATIVE APPORTIONMENT AND CONGRESSIONAL REDISTRICTING.—  
185 Proposing amendments to the State Constitution replacing  
186 existing provisions providing for legislative apportionment with  
187 new provisions that establish standards for legislative  
188 reapportionment and congressional redistricting and that provide  
189 for the creation of a nine-member commission to prepare an  
190 apportionment plan for the state legislature and a redistricting  
191 plan for the congressional districts of the state.