

By Senator Joyner

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Senate Joint Resolution

A joint resolution proposing amendments to Sections 16, 20, and 21 of Article III and the creation of a new section in Article XII of the State Constitution to reassign responsibility for establishing state senatorial, state representative, and congressional district boundaries from the Legislature to an independent commission.

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

That the following amendments to Sections 16, 20, and 21 of Article III and the creation of a new section in Article XII 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 III

LEGISLATURE

SECTION 16. Legislative and congressional redistricting;
independent commission apportionment.-

(a) INDEPENDENT COMMISSION.

(1) The legislature shall provide by general law for the appointment of an independent commission on legislative and congressional redistricting in the year following each decennial census. The commission shall be composed of registered electors who reside in the state, have been registered with the same political party or have had no party affiliation for the previous five years, and have voted in each of the previous two statewide general elections. The number of commission members shall be provided by general law. While a commission member, and during the five years preceding his or her appointment, a

19-01558-16

20161254__

33 commission member must not:

34 a. Serve as an officer, candidate for elected office, or
35 employee of the federal government or state government, or a
36 political subdivision or agency thereof, except for military
37 service;

38 b. Serve as an officer or employee of, or otherwise be
39 remunerated by, a political party or political committee;

40 c. Be employed or otherwise remunerated as a lobbyist to
41 influence or attempt to influence an officer or employee of the
42 federal government or state government, or a political
43 subdivision or agency thereof;

44 d. Have a financial relationship as provided by general law
45 with a person disqualified under this paragraph from membership
46 on the commission; or

47 e. Be disqualified from membership on the commission
48 pursuant to any restriction provided by general law to protect
49 the independence of the commission.

50 (2) At the time and in the manner provided by general law:

51 a. From among the qualified applicants for commission
52 membership, the auditor general shall randomly select a pool of
53 candidates, the number of which shall be provided by general
54 law, two-thirds of whom shall be equally divided among
55 registered electors of major political parties and one-third of
56 whom shall be registered electors of minor political parties and
57 registered electors who have no party affiliation. The pool of
58 candidates shall be selected in a manner that provides for
59 geographic balance to ensure statewide representation. The
60 auditor general shall submit the pool of selected candidates to
61 the legislature.

19-01558-16

20161254__

62 b. A majority leader and minority leader selected from
63 among the membership of the senate in accordance with its rules
64 of procedure and a majority leader and minority leader selected
65 from among the membership of the house of representatives in
66 accordance with its rules of procedure shall each be authorized
67 to eliminate an equal number of candidates from the pool
68 submitted by the auditor general until the number of remaining
69 candidates does not allow each of the majority and minority
70 leaders to eliminate a candidate and, after such elimination,
71 leaves remaining in the pool at least twice the total number of
72 members of the commission.

73 c. After the majority and minority leaders of the
74 legislature have eliminated candidates from the pool, the
75 auditor general shall randomly select the commission members,
76 two-thirds of whom shall be equally divided among registered
77 electors of major political parties and one-third of whom shall
78 be registered electors of minor political parties and registered
79 electors who have no party affiliation.

80 (b) ~~(a)~~ LEGISLATIVE AND CONGRESSIONAL SENATORIAL AND
81 REPRESENTATIVE DISTRICTS. Before adjournment sine die of the
82 legislature at its regular session of the legislature in the
83 second year following each decennial census, the independent
84 commission by joint resolution, shall file with the custodian of
85 state records redistricting plans that establish apportion the
86 state in accordance with the constitution of the state and of
87 the United States; into

88 (1) Not less than thirty nor more than forty consecutively
89 numbered senatorial districts of either contiguous, overlapping,
90 or identical territory; and into

19-01558-16

20161254__

91 (2) Not less than eighty nor more than one hundred twenty
 92 consecutively numbered representative districts of either
 93 contiguous, overlapping, or identical territory; and

94 (3) The number, as received by the state in accordance with
 95 federal law, of consecutively numbered congressional districts
 96 of either contiguous, overlapping, or identical territory.

97 ~~Should that session adjourn without adopting such joint~~
 98 ~~resolution, the governor by proclamation shall reconvene the~~
 99 ~~legislature within thirty days in special apportionment session~~
 100 ~~which shall not exceed thirty consecutive days, during which no~~
 101 ~~other business shall be transacted, and it shall be the~~
 102 ~~mandatory duty of the legislature to adopt a joint resolution of~~
 103 ~~apportionment.~~

104 (c)~~(b)~~ FAILURE OF INDEPENDENT COMMISSION LEGISLATURE TO
 105 ESTABLISH DISTRICTS APPORTION; JUDICIAL REDISTRICTING
 106 ~~REAPPORTIONMENT.~~ In the event the independent commission fails
 107 to file with the custodian of state records a redistricting plan
 108 establishing district boundaries within the time required by
 109 this section ~~a special apportionment session of the legislature~~
 110 ~~finally adjourns without adopting a joint resolution of~~
 111 ~~apportionment, the attorney general shall, within five days,~~
 112 ~~petition the supreme court of the state to make such~~
 113 redistricting apportionment. No later than the sixtieth day
 114 after the filing of such petition, the supreme court shall file
 115 with the custodian of state records an order making such
 116 redistricting apportionment.

117 (d)~~(e)~~ JUDICIAL REVIEW OF REDISTRICTING APPORTIONMENT.
 118 Within fifteen days after the independent commission files with
 119 the custodian of state records a redistricting plan ~~passage of~~

19-01558-16

20161254__

120 ~~the joint resolution of apportionment,~~ the attorney general
 121 shall petition the supreme court of the state for a declaratory
 122 judgment determining the validity of the redistricting
 123 ~~apportionment~~. The supreme court, in accordance with its rules,
 124 shall permit adversary interests to present their views and,
 125 within thirty days after ~~from~~ the filing of the petition, shall
 126 enter its judgment.

127 (e) ~~(d)~~ EFFECT OF JUDGMENT IN REDISTRICTING ~~APPORTIONMENT;~~
 128 ~~EXTRAORDINARY APPORTIONMENT SESSION~~. A judgment of the supreme
 129 court of the state determining the redistricting ~~apportionment~~
 130 to be valid shall be binding upon all ~~the~~ citizens of the state.
 131 Should the supreme court determine that the redistricting
 132 ~~apportionment~~ made by the independent commission legislature is
 133 invalid, the court shall remand the redistricting plan to the
 134 independent commission. Within twenty days, the independent
 135 commission shall revise the redistricting plan, ~~governor by~~
 136 ~~proclamation shall reconvene the legislature within five days~~
 137 ~~thereafter in extraordinary apportionment session which shall~~
 138 ~~not exceed fifteen days, during which the legislature shall~~
 139 ~~adopt a joint resolution of apportionment conforming the~~
 140 redistricting to the judgment of the supreme court, and file the
 141 revised redistricting plan with the custodian of state records.

142 (f) ~~(e)~~ JUDICIAL ~~EXTRAORDINARY APPORTIONMENT SESSION;~~ REVIEW
 143 OF REVISED REDISTRICTING ~~APPORTIONMENT~~. Within fifteen days
 144 after the independent commission files the revised redistricting
 145 plan with the custodian of state records ~~adjournment of an~~
 146 ~~extraordinary apportionment session,~~ the attorney general shall
 147 file a petition in the supreme court of the state setting forth
 148 the revised redistricting plan ~~apportionment resolution adopted~~

19-01558-16

20161254__

149 ~~by the legislature, or if a revised redistricting plan~~ none has
150 ~~not been filed, adopted~~ reporting that fact to the court.
151 Consideration of the validity of a revised redistricting plan
152 ~~joint resolution of apportionment~~ shall be had as provided for
153 in cases of an original redistricting plan ~~such joint resolution~~
154 ~~adopted at a regular or special apportionment session.~~

155 (g) (f) JUDICIAL REDISTRICTING REAPPORTIONMENT. If the
156 independent commission fails ~~Should an extraordinary~~
157 ~~apportionment session fail to file a redistricting plan adopt a~~
158 ~~resolution of apportionment or if should~~ the supreme court
159 determines ~~determine~~ that the redistricting apportionment made
160 is invalid, the court shall, within ~~not later than~~ sixty days
161 after receiving the petition of the attorney general, file with
162 the custodian of state records an order making such
163 redistricting apportionment.

164 SECTION 20. Standards for establishing congressional
165 district boundaries.—In establishing congressional district
166 boundaries:

167 (a) No redistricting apportionment plan or individual
168 district shall be drawn with the intent to favor or disfavor a
169 political party or an incumbent; and districts shall not be
170 drawn with the intent or result of denying or abridging the
171 equal opportunity of racial or language minorities to
172 participate in the political process or to diminish their
173 ability to elect representatives of their choice; and districts
174 shall consist of contiguous territory.

175 (b) Unless compliance with the standards in this subsection
176 conflicts with the standards in subsection (a) or with federal
177 law, districts shall be as nearly equal in population as is

19-01558-16

20161254__

178 practicable; districts shall be compact; and districts shall,
179 where feasible, utilize existing political and geographical
180 boundaries.

181 (c) The order in which the standards within subsections (a)
182 and (b) of this section are set forth shall not be read to
183 establish any priority of one standard over the other within
184 that subsection.

185 SECTION 21. Standards for establishing legislative district
186 boundaries.—In establishing legislative district boundaries:

187 (a) No redistricting ~~apportionment~~ plan or district shall
188 be drawn with the intent to favor or disfavor a political party
189 or an incumbent; and districts shall not be drawn with the
190 intent or result of denying or abridging the equal opportunity
191 of racial or language minorities to participate in the political
192 process or to diminish their ability to elect representatives of
193 their choice; and districts shall consist of contiguous
194 territory.

195 (b) Unless compliance with the standards in this subsection
196 conflicts with the standards in subsection (a) or with federal
197 law, districts shall be as nearly equal in population as is
198 practicable; districts shall be compact; and districts shall,
199 where feasible, utilize existing political and geographical
200 boundaries.

201 (c) The order in which the standards within subsections (a)
202 and (b) of this section are set forth shall not be read to
203 establish any priority of one standard over the other within
204 that subsection.

ARTICLE XII

SCHEDULE

19-01558-16

20161254__

207 Legislative and congressional redistricting.—The amendment
208 to Section 16 of Article III providing for the creation of an
209 independent commission on legislative and congressional
210 redistricting, and reassigning responsibility for establishing
211 legislative and congressional district boundaries from the
212 legislature to the independent commission, shall take effect
213 upon approval by the electors and applies to any remedial
214 redistricting from the 2010 decennial census and all
215 redistricting for the 2020 decennial census and thereafter.

216 BE IT FURTHER RESOLVED that the following statement be
217 placed on the ballot:

218 CONSTITUTIONAL AMENDMENT

219 ARTICLE III, SECTIONS 16, 20, AND 21

220 ARTICLE XII

221 LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.—Proposing an
222 amendment to the State Constitution to reassign responsibility
223 for establishing state senatorial, state representative, and
224 congressional district boundaries from the Legislature to an
225 independent commission. The amendment provides qualifications
226 for commission members and the process by which commission
227 members are randomly selected by the Auditor General after
228 legislative leaders are authorized to eliminate a specified
229 number of candidates from the candidate pool.