

House 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

27 who reside in the state, have been registered with the same
 28 political party or have had no party affiliation for the
 29 previous five years, and have voted in each of the previous two
 30 statewide general elections. The number of commission members
 31 shall be provided by general law. While a commission member, and
 32 during the five years preceding his or her appointment, a
 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
 45 law with a person disqualified under this paragraph from
 46 membership 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.

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

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
 95 with federal law, of consecutively numbered congressional
 96 districts of either contiguous, overlapping, or identical
 97 territory. Should that session adjourn without adopting such
 98 joint resolution, the governor by proclamation shall reconvene
 99 the legislature within thirty days in special apportionment
 100 session which shall not exceed thirty consecutive days, during
 101 which no 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~~
 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;~~
 143 REVIEW OF REVISED REDISTRICTING APPORTIONMENT. Within fifteen
 144 days after the independent commission files the revised
 145 redistricting plan with the custodian of state records
 146 ~~adjournment of an extraordinary apportionment session, the~~
 147 attorney general shall file a petition in the supreme court of
 148 the state setting forth the revised redistricting plan
 149 ~~apportionment resolution adopted by the legislature, or if a~~
 150 revised redistricting plan none has not been filed, adopted
 151 reporting that fact to the court. Consideration of the validity
 152 of a revised redistricting plan joint resolution of
 153 ~~apportionment~~ shall be had as provided for in cases of an
 154 original redistricting plan such joint resolution adopted at a
 155 ~~regular or special apportionment session.~~

156 ~~(g)-(f) JUDICIAL REDISTRICTING REAPPORTIONMENT. If the~~

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

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

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

176 (b) Unless compliance with the standards in this
 177 subsection conflicts with the standards in subsection (a) or
 178 with federal law, districts shall be as nearly equal in
 179 population as is practicable; districts shall be compact; and
 180 districts shall, where feasible, utilize existing political and
 181 geographical boundaries.

182 (c) The order in which the standards within subsections

183 (a) and (b) of this section are set forth shall not be read to
 184 establish any priority of one standard over the other within
 185 that subsection.

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

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

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

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

207 ARTICLE XII

208 SCHEDULE

