

By Senator Hutson

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1 A bill to be entitled
2 An act relating to legislative redistricting and
3 congressional reapportionment; creating s. 97.029,
4 F.S.; requiring a court to provide for an expedited
5 hearing and ruling in a challenge to state legislative
6 or congressional district boundaries; providing that
7 candidate qualifying, nomination, and election for
8 certain offices must proceed using current district
9 boundaries if revisions to districts are not made as
10 of a certain date; specifying public oversight
11 procedures that a court is encouraged to follow when
12 drafting a remedial redistricting plan; providing for
13 construction; providing an effective date.

14
15 WHEREAS, uncertainty regarding the boundaries of state
16 legislative and congressional districts can create confusion
17 among candidates and voters, with candidates uncertain as to
18 which districts they should run in and how they should allocate
19 finite campaign resources, and voters uncertain as to which
20 district they reside in or the polling place to which they are
21 assigned, and

22 WHEREAS, with each redistricting of state legislative
23 districts and each reapportionment of congressional districts,
24 supervisors of elections are tasked with the timely and
25 intricate process of redrawing precinct lines and reassigning
26 voters to new polling places, and

27 WHEREAS, finalizing the boundaries of state legislative and
28 congressional districts shortly before an election hampers the
29 ability of supervisors of elections and other election officials
30 to effectively administer an election, and

31 WHEREAS, in recent rulings relating to challenges to
32 district boundaries, courts have recognized the legal and

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33 logistical difficulties associated with implementing revised
34 district boundaries within an abbreviated timeframe, as well as
35 the financial cost of holding a special election to implement
36 new districts, NOW, THEREFORE,

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38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. Section 97.029, Florida Statutes, is created to
41 read:

42 97.029 Challenges to state legislative or congressional
43 districts.—

44 (1) If the validity of boundaries of senatorial,
45 representative, or congressional districts of the state is
46 challenged in state court, the court, including an appellate
47 court, must set an immediate hearing, giving the case priority
48 over other pending cases, and render a decision as expeditiously
49 as possible.

50 (2) If the challenge is still pending when the qualifying
51 period for persons seeking nomination or election to state or
52 multicounty district office, other than the office of state
53 attorney or the public defender, begins pursuant to s.
54 99.061(1), candidate qualifying, nomination, and election for
55 the offices in the plan subject to the challenge must proceed
56 using the districts that are in place on the 71st day before the
57 primary election. If a court orders revisions to senatorial,
58 representative, or congressional districts on or after the 71st
59 day before the primary election, the revised districts shall
60 govern beginning with the subsequent primary and general
61 elections in the next even-numbered year.

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62 (3) If a court orders revisions to congressional districts
63 after the qualifying period for persons seeking nomination or
64 election to federal office has concluded at noon of the 116th
65 day before the primary election, candidates for the United
66 States House of Representatives must requalify in accordance
67 with the revised congressional districts during the qualifying
68 period from noon on the 71st day before the primary election to
69 noon on the 67th day before the primary election.

70 (4) In the event that a court drafts a remedial
71 redistricting plan as a result of a successful challenge to the
72 validity of boundaries of senatorial, representative, or
73 congressional districts, the court is encouraged to use the
74 following procedures in drafting the remedial plan in order to
75 maintain public oversight:

76 (a) Conduct public hearings on proposed configurations of
77 district boundaries in the remedial plan.

78 (b) Record and maintain minutes of meetings on the remedial
79 plan which are closed to the public.

80 (c) Provide a mechanism for the public to submit and
81 comment on alternative maps.

82 (d) Offer an opportunity for the public to review and
83 comment on any proposed map before the remedial plan is
84 finalized.

85 (e) Maintain all e-mails and documents related to the
86 drafting of the remedial plan.

87 (5) This section does not supersede or impair the
88 procedures governing the judicial review of apportionment as set
89 forth in s. 16, Art. III of the State Constitution.

90 Section 2. This act shall take effect upon becoming a law.