

1 A bill to be entitled
2 An act relating to legislative redistricting and
3 congressional reapportionment; creating s. 97.029,
4 F.S.; prohibiting certain actions challenging
5 legislative reapportionment after entry of a judgment
6 validating the apportionment pursuant to the
7 constitution; providing that certain actions
8 challenging congressional reapportionment after a
9 specified period are barred; requiring that certain
10 actions challenging legislative or congressional
11 apportionment until after a general election be
12 stayed; providing that candidate qualifying,
13 nomination, and election for certain offices must
14 proceed using current district boundaries under
15 certain conditions; providing an alternative
16 qualifying period under certain conditions; providing
17 for construction; providing an effective date.

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19 WHEREAS, uncertainty regarding the boundaries of state
20 legislative and congressional districts creates confusion among
21 candidates and voters, with candidates uncertain as to which
22 districts they are qualified to run in and how they should
23 allocate finite campaign resources, and voters uncertain as to
24 which district they reside in or the polling place to which they
25 are assigned, and

26 WHEREAS, with each redistricting of state legislative
27 districts and each reapportionment of congressional districts,
28 supervisors of elections are tasked with the timely and
29 intricate process of redrawing precinct lines and reassigning
30 voters to new polling places, and

31 WHEREAS, population shifts with the passage of time, making
32 each subsequent redistricting based on a decennial census
33 unavoidably less reliable in meeting a one person, one vote
34 standard,

35 WHEREAS, finalizing the boundaries of state legislative and
36 congressional districts shortly before an election hampers the
37 ability of supervisors of elections and other election officials
38 to effectively administer an election, and

39 WHEREAS, the Florida Constitution expressly declares that
40 elections shall be regulated by general law, and

41 WHEREAS, the Florida Constitution directs that after the
42 Attorney General has filed the mandatory petition, "A judgment
43 of the supreme court of the state determining the apportionment
44 to be valid shall be binding upon all the citizens of the
45 state", and

46 WHEREAS, in recent rulings relating to challenges to
47 district boundaries, courts have recognized the legal and
48 logistical difficulties associated with implementing revised
49 district boundaries within an abbreviated timeframe, as well as
50 the financial cost of holding a special election to implement

51 new districts, NOW, THEREFORE,

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

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55 Section 1. Section 97.029, Florida Statutes, is created to
56 read:

57 97.029 Challenges to state legislative or congressional
58 districts.-

59 (1) A challenge to the validity of boundaries of
60 senatorial or representative districts of the state is barred
61 after the Supreme Court has entered a judgment determining an
62 apportionment to be valid under s. 16, Art. III, of the State
63 Constitution. A challenge to the validity of boundaries of
64 senatorial or representative districts must be consolidated with
65 any pending Supreme Court review of district boundaries by the
66 transmission of all claims raised to the Clerk of the Supreme
67 Court. If the petitioner does not transmit such claims and the
68 trial court does not issue orders necessary to implement this
69 requirement, the Attorney General, the Secretary of State, or
70 any other state officer defending the case shall file an
71 appropriate pleading in the Supreme Court to advise the Supreme
72 Court of the views and claims raised in accordance with the
73 purposes of s. 16(c), Art. III, of the State Constitution.

74 (2) A challenge to the validity of a congressional
75 apportionment or other legislative change in congressional

76 district boundaries is barred 60 days after adoption of such
77 apportionment or change by the Florida Legislature.

78 (3) Except as expressly provided in s. 16, Art. III, of
79 the State Constitution, if a challenge to the validity of
80 boundaries of congressional districts or legislative districts
81 is pending in court when the qualifying period for persons
82 seeking nomination or election to the affected office begins or
83 105 days before the primary election, whichever is later, the
84 action must be stayed until after the general election and
85 candidate qualifying, nomination, and election for the offices
86 in the plan subject to the challenge must proceed using the
87 districts that are in place based on legislation, an order or
88 judgment of a circuit court if the time for appeal has expired,
89 an order or judgment of an appellate court of this state, or a
90 binding order or judgment of a federal court on the first day of
91 qualifying for the primary election or 105 days before the
92 primary election, whichever is later. If any court orders
93 revisions to senatorial, representative, or congressional
94 districts on or after the date provided in this subsection for
95 staying such action, any revised districts may not govern until
96 after the general election following the date provided for
97 staying such action.

98 (4) If, before a stay provided in this section but after
99 the qualification period for the affected office, any court
100 enters a binding order not subject to appeal which alters

101 legislative or congressional districts, the Governor shall order
102 a new qualification period for such office to end not later than
103 the 67th day before the primary election and candidates must
104 requalify in such period.

105 (5) A party who recommends, an expert who testifies with
106 regard to, a special master who recommends, or a judge or
107 justice who orders a redistricting plan not adopted by the
108 Legislature, before entry of final judgment in such matter, upon
109 motion of any party, is subject to examination as to prohibited
110 intent set forth in ss. 20 and 21, Art. III, of the State
111 Constitution upon the same grounds and basis as members of the
112 legislature when a legislative plan is under judicial review.

113 (6) This section is intended to secure the binding
114 constitutional authority of procedures governing the judicial
115 review of apportionment as provided in s. 16, Art. III, of the
116 State Constitution and the express allocation of constitutional
117 power to regulate elections in s. 1, Art. VI, of the State
118 Constitution.

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