

By Commissioner Evans-Jones

1                               A proposal to repeal  
2       ARTICLE III, s. 16, Fla. Const., relating to  
3       legislative apportionment and the addition of  
4       s. 10 to ARTICLE II of the Fla. Const.,  
5       providing for the establishment of an  
6       independent commission to reapportion the state  
7       legislative districts and redistrict  
8       congressional districts; prescribing guidelines  
9       for such reapportionment and redistricting;  
10      providing for judicial review thereof.

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12   It is proposed by the Florida Constitution Revision Commission  
13   that:

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15               Section 1.   Section 16 of Article III of the Florida  
16   Constitution is repealed and Article II is revised by adding  
17   section 10 to that article to read:

18                               ARTICLE II  
19                               GENERAL PROVISIONS

20               SECTION 10.   Legislative apportionment and  
21   congressional redistricting.--

22               (a)   REAPPORTIONMENT MANDATE.   By the end of each year  
23   that ends in one, the state shall be divided by the commission  
24   created in this section into as many congressional districts  
25   as there are United States Representatives apportioned to the  
26   state; forty consecutively numbered senate districts; and one  
27   hundred twenty consecutively numbered representative  
28   districts.   All legislative districts shall be single-member  
29   districts.

30               (b)   REAPPORTIONMENT COMMISSION.  
31

1        (1) In each year that ends in zero and at any other  
2 time of court-ordered reapportionment, a commission,  
3 independent of the legislature, shall be established to  
4 prepare a redistricting plan for congressional districts and a  
5 reapportionment plan for legislative districts. The commission  
6 shall consist of nine electors of this state, none of whom may  
7 be an elected public official, party officer, registered  
8 lobbyist before the state legislature or the federal congress,  
9 a legislative or congressional employee, or a relative of a  
10 state legislator or a member of the United States House of  
11 Representatives, as such terms are defined by law. A member  
12 may not run for election to the state legislature or to the  
13 United States House of Representatives in the two elections  
14 following reapportionment. By May 1 of the same year, or  
15 within sixty days following a final court order requiring  
16 redistricting or reapportionment, whichever is later,  
17 appointments to the commission shall be made as follows:

18            a. The president of the senate and the minority leader  
19 of the senate shall each appoint two members.

20            b. The speaker of the house of representatives and the  
21 minority leader of the house of representatives shall each  
22 appoint two members.

23            c. The eight members so appointed shall elect a ninth  
24 member who shall be the chairperson.

25  
26 The appointing authorities shall consult with each other to  
27 ensure that such appointments reflect the state's ethnic,  
28 racial, and gender diversity as reflected by the most recent  
29 federal decennial census and are geographically representative  
30 of the state.  
31

1       (2) The chair of the commission shall be responsible  
2 for the administrative duties of the commission, including  
3 supervision of commission staff. Staffing of the commission  
4 shall be as provided by law.

5       (3) As a condition of appointment, each commissioner  
6 must take an oath not to seek public office in any of the  
7 newly redistricted legislative or congressional districts for  
8 a period of two years after the effective date thereof.

9       (4) Vacancies shall be filled by the appointing  
10 authority who appointed the commissioner whose vacancy is to  
11 be filled, except if a vacancy occurs in the position of  
12 chair, the chair shall be selected in the manner set forth in  
13 paragraph (1). An unfilled vacancy shall be filled by the  
14 supreme court.

15       (5) The legislature shall, by general appropriation,  
16 provide funds that the legislature determines to be adequate  
17 to enable the commission to carry out its duties.

18       (6) The commission shall hold public hearings  
19 necessary to carry out its responsibilities under this  
20 section. The commission shall adopt its plans by a  
21 three-fifths vote.

22       (c) REAPPORTIONMENT STANDARDS.

23       (1) Congressional districts and state legislative  
24 districts for each respective house must be as nearly equal in  
25 population as is practicable, based on the population reported  
26 in the federal decennial census, taken in each year ending in  
27 zero. A congressional district may not have a population that  
28 varies by more than one percent from the average population of  
29 all congressional districts in the state. A legislative  
30 district may not have a population that varies by more than  
31 five percent from the average population of all districts of

1 the respective house. The average of the absolute values of  
2 the population deviations of all districts of the respective  
3 house may not vary by more than two percent from the average  
4 population of all districts. Any population variance must be  
5 justifiable as necessary for compliance with other standards  
6 in this section.

7 (2) Districts should be composed of convenient  
8 contiguous territory and, consistent with paragraph (1),  
9 should be drawn to coincide with the boundaries of local  
10 political subdivisions as such terms may be defined by general  
11 law.

12 (3) Districts should be in compact form.

13 (4) Districts shall be drawn to protect minority  
14 rights under the Voting Rights Act.

15 (5) Districts shall not favor any political party,  
16 incumbent, or other person or group.

17 (d) JUDICIAL REVIEW. Within one hundred fifty days  
18 after the commission is appointed, the commission shall file a  
19 plan of apportionment or redistricting with the secretary of  
20 state. Within fifteen days after the filing of an  
21 apportionment or redistricting plan by the commission, the  
22 attorney general shall petition the supreme court of the state  
23 for a declaratory judgment determining the validity of the  
24 plan, including its compliance with all criteria specified in  
25 this section, applicable federal law, and the constitution of  
26 the United States. The supreme court, in accordance with its  
27 rules, shall permit adversary interests to present their views  
28 and, within sixty days after the filing of the petition, shall  
29 enter its judgment. If the supreme court declares the  
30 apportionment or redistricting plan invalid in whole or in  
31 part, the commission shall forthwith reconvene and shall,

1 within thirty days, adopt a revised plan that conforms to the  
2 judgment. The supreme court shall retain jurisdiction to  
3 review the revised plan, which shall be submitted to the court  
4 in the same manner as the original plan. Upon approval of the  
5 supreme court, a plan of apportionment or redistricting shall  
6 be filed with the secretary of state and, upon filing, shall  
7 be the official plan for the state.

8 (e) JUDICIAL REAPPORTIONMENT. If the supreme court  
9 determines that a revised plan does not comply with the  
10 applicable law or if the commission does not adopt an original  
11 plan by the end of each year that ends in one, or a revised  
12 plan within the timeframe in subsection (d), the commission  
13 shall, within five days, notify the secretary of state in  
14 writing of its inability to adopt a plan. Within five days  
15 after the filing of such notice, the attorney general shall  
16 petition the supreme court to prepare a plan of apportionment  
17 or redistricting. The court shall, not later than sixty days  
18 after receiving the petition of the attorney general, file  
19 with the secretary of state an order making such apportionment  
20 or redistricting.