

By Commissioner Evans-Jones

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

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16 Constitution is repealed and Article II is revised by adding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:

ARTICLE II

GENERAL PROVISIONS

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

30 (b) REAPPORTIONMENT COMMISSION.

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.

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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.

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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.

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