

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.

18  
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,

52

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

54

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.