

By Representatives Wiles, Lawson, Frankel, Stafford,
Ritchie, Rayson, Henriquez, Levine and L. Miller

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House Joint Resolution

A joint resolution proposing the repeal of
Section 16 of Article III of the State
Constitution, relating to legislative
apportionment, and the creation of Section 10
of Article II of the State Constitution,
relating to legislative apportionment and
congressional redistricting, and Section 26 of
Article XII of the State Constitution, relating
to implementation of such reapportionment
provisions.

Be It Resolved by the Legislature of the State of Florida:

That the repeal of Section 16 of Article III of the
State Constitution, as amended by Revision 8 of the
Constitution Revision Commission adopted in 1998, and the
creation of Section 10 of Article II and Section 26 of Article
XII of the State Constitution set forth below, are agreed to
and shall be submitted to the electors of Florida for approval
or rejection at the general election to be held in November
2000:

ARTICLE II

GENERAL PROVISIONS

SECTION 10. Legislative apportionment and
congressional redistricting.--

(a) REAPPORTIONMENT MANDATE.--By the end of each year
that ends in one, the state shall be divided by the commission
herein created into as many congressional districts as there
are United States Representatives apportioned to the state,
forty consecutively numbered senate districts, and one hundred

1 and twenty consecutively numbered representative districts.
2 All legislative districts shall be single-member districts.
3 (b) APPORTIONMENT AND DISTRICTING COMMISSION.--
4 (1) On or before June 1 in the year following each
5 decennial census, or within fifteen days after legislative
6 apportionment or congressional districting is required by
7 federal law or by court order, sixteen commissioners shall be
8 certified by the respective appointing authorities to the
9 secretary of state, each of whom must be an elector of the
10 state. The president of the senate and the speaker of the
11 house of representatives each shall select and certify four
12 commissioners. Members of minority parties in the senate
13 shall elect one from their number who shall select and certify
14 four commissioners. Members of minority parties in the house
15 of representatives shall elect one from their number who shall
16 select and certify four commissioners. Within twenty-one days
17 after the sixteen members are certified to the secretary of
18 state, the commissioners by affirmative vote of eleven members
19 shall elect the seventeenth member, who must be an elector of
20 the state who for the previous two years was not registered as
21 an elector of any political party having a member holding
22 office in the appointing legislature. If no selection is
23 made, then the chief justice of the supreme court shall select
24 the seventeenth member from a list of four persons, who must
25 be electors of the state who for the previous two years were
26 not registered as electors of any political party having a
27 member holding office in the appointing legislature, two
28 nominated by the commissioners selected by the senate
29 president and the house speaker and two nominated by the
30 commissioners selected by the representatives of the minority
31 parties of the legislature. In making their selections, the

1 appointing authorities should endeavor to establish a
2 commission that is geographically representative and that
3 reflects the diversity of the state with respect to race,
4 gender, and language.

5 (2) No commissioner shall have served during the two
6 years prior to his or her certification as an elected state
7 official, member of Congress, party officer or employee, paid
8 registered lobbyist, or legislative or congressional employee,
9 and no commissioner shall be a relative, as defined by general
10 law, or an employee of any such person.

11 (3) As a condition of appointment, each commissioner
12 shall take an oath affirming that the commissioner will not
13 receive compensation as a paid registered lobbyist, or seek
14 elected office in any legislative or congressional district,
15 for a period of four years after concluding service as a
16 commissioner.

17 (4) Vacancies on the commission shall be filled in the
18 same manner as the original appointments.

19 (5) The commission shall elect one of its members to
20 serve as chair. The chair shall be responsible for the
21 administrative duties of the commission, including supervision
22 of commission staff. Staffing of the commission shall be as
23 provided by general law.

24 (6) The commission shall establish its own rules and
25 procedures and shall hold public hearings as it deems
26 necessary to carry out its responsibilities under this
27 section. All commission actions shall require eleven
28 affirmative votes. Meetings and records of the commission
29 shall be open to the public, and public notice of all meetings
30 shall be given.

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1 (7) The legislature shall, by general appropriation,
2 provide adequate funds to enable the commission to carry out
3 its duties.

4 (8) No ex parte communication relative to the merits,
5 threat, or offer of reward shall be made to a commissioner. A
6 commissioner who receives an ex parte communication shall
7 place on the record or otherwise make known the existence of,
8 and disclose, all written communications received and all
9 written responses to such communications, and all oral
10 communications received and all oral responses made thereto.
11 The prohibition against ex parte communications shall not
12 apply to commission staff.

13 (9) By the end of the year in which certified, or
14 within one hundred eighty days after certification in response
15 to federal law or court order, the commission must have
16 completed all required plans.

17 (10) After the supreme court determines that the
18 required plans are valid, the commission shall be dissolved.

19 (c) REAPPORTIONMENT STANDARDS.--

20 (1) Congressional districts and state legislative
21 districts for each respective house shall be as nearly equal
22 in population as is practicable, based on the population
23 reported in the federal decennial census, taken in each year
24 ending in zero. No congressional district shall have a
25 population that varies by more than one percent from the
26 average population of all congressional districts in the
27 state. No legislative district shall have a population that
28 varies by more than ten percent from the average population of
29 all districts of the respective house. The average of the
30 absolute values of the population deviations of all districts
31 of the respective house shall not vary by more than five

1 percent from the average population of all districts. Any
2 population variance must be justifiable as necessary for
3 compliance with the other standards in this section.

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

9 (3) Districts should be compact in form.

10 (4) No district shall be drawn for the purpose of
11 favoring any political party, incumbent legislator,
12 representative to Congress, or other person. In preparing a
13 plan, the commission shall not take into account the addresses
14 of incumbent legislators or representatives to Congress.

15 (5) A district shall not be drawn to dilute the voting
16 strength of any racial or language minority group.

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18 On applying the reapportionment standards prescribed in this
19 subsection, the prohibition against drawing a district to
20 dilute the voting strength of any racial or language minority
21 groups shall be controlling over the standards prescribed in
22 paragraphs (2) and (3).

23 (d) JUDICIAL REVIEW.--Within five days after
24 completion of a plan of apportionment or redistricting, the
25 commission shall file such plan with the secretary of state.
26 Within fifteen days after the filing of an apportionment or
27 redistricting plan by the commission, the attorney general
28 shall petition the state supreme court for a declaratory
29 judgment determining the validity of the plan, including its
30 compliance with all criteria herein specified, applicable
31 federal law, and the constitution of the United States. The

1 supreme court, in accordance with its rules, shall permit
2 adversary interests to present their views and, within sixty
3 days after the filing of the petition, shall enter its
4 judgment. If the supreme court determines the apportionment
5 or redistricting plan to be invalid in whole or in part, the
6 commission shall forthwith reconvene and shall, within thirty
7 days, adopt a revised plan that conforms to the judgment of
8 the supreme court. The revised plan shall be subject to
9 judicial review by the supreme court in the same manner as the
10 original plan. Upon approval of the supreme court, a plan of
11 apportionment or redistricting shall be filed with the
12 secretary of state and, upon filing, shall be the official
13 plan for the state.

14 (e) JUDICIAL REAPPORTIONMENT.--If the commission fails
15 to adopt a plan or a revised plan by the end of each year that
16 ends in one, or within one hundred and eighty days after
17 certification if in response to federal law or court order,
18 the commission shall, within five days, notify the secretary
19 of state in writing of its inability to adopt a plan. Within
20 five days after the filing of such notice, the attorney
21 general shall petition the supreme court to prepare a plan of
22 apportionment or redistricting. The court shall, not later
23 than sixty days after receiving the petition of the attorney
24 general, file with the secretary of state an order making such
25 apportionment or redistricting.

26 ARTICLE XII

27 SCHEDULE

28 SECTION 26. Legislative apportionment and
29 congressional redistricting.--The requirements for legislative
30 apportionment and congressional redistricting in Section 10 of
31 Article II shall first apply to legislative apportionment and

1 congressional redistricting following and based on the
2 decennial census of 2000.

3 BE IT FURTHER RESOLVED that in accordance with the
4 requirements of section 101.61, Florida Statutes, the title
5 and substance of the amendment proposed herein shall appear on
6 the ballot as follows:

7 LEGISLATIVE APPORTIONMENT AND
8 CONGRESSIONAL REDISTRICTING

9 Creates a legislatively appointed commission, instead
10 of the Legislature, to redraw Florida congressional districts
11 and reapportion state legislative districts, beginning 2001.
12 Requires single-member districts. Sets the number of
13 legislative seats in each house at current numbers.
14 Establishes redistricting and reapportionment standards and
15 procedures. Authorizes the commission to adopt other
16 procedures by rule. Provides for Supreme Court review of
17 commission plans and for Supreme Court redistricting or
18 reapportionment when the commission fails to adopt plans.

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