

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Public Integrity & Ethics Committee

Representative Ahern offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

97.029 Challenges to state legislative or congressional districts.-

(1) A challenge to the validity of boundaries of senatorial or representative districts of the state is barred after the Supreme Court has entered a judgment determining an apportionment to be valid under Section 16, Article III, Florida Constitution. A challenge to the validity of boundaries of senatorial or representative districts must be consolidated with

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17 any pending Supreme Court review of district boundaries by the
18 transmission of all claims raised to the Clerk of the Supreme
19 Court. If the petitioner does not transmit such claims and the
20 trial court does not issue orders necessary to implement this
21 requirement, the Attorney General, Secretary of State, or any
22 other state officer defending the case shall file an appropriate
23 pleading in the Supreme Court to advise the Supreme Court of the
24 views and claims raised in accordance with the purposes of
25 Section 16(c), Article III, Florida Constitution.

26 (2) A challenge to the validity of a congressional
27 apportionment or other legislative change in congressional
28 district boundaries is barred 60 days after adoption of such
29 apportionment or change by the Florida Legislature.

30 (3) Except as expressly provided in Section 16, Article
31 III, Florida Constitution, if a challenge to the validity of
32 boundaries of congressional districts or legislative districts
33 is pending in court when the qualifying period for persons
34 seeking nomination or election to the affected office begins or
35 105 days before the primary election, whichever is later, the
36 action must be stayed until after the general election and
37 candidate qualifying, nomination, and election for the offices
38 in the plan subject to the challenge must proceed using the
39 districts that are in place based on legislation, an order or
40 judgment of a circuit court if the time for appeal has expired,
41 an order or judgment of an appellate court of this state, or a

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42 binding order or judgment of a federal court on the first day of
43 qualifying for the primary election or 105 days before the
44 primary election, whichever is later. If any court orders
45 revisions to senatorial, representative, or congressional
46 districts on or after the date provided in this subsection for
47 staying such action, any revised districts may not govern until
48 after the general election following the date provided for
49 staying such action.

50 (4) If prior to a stay provided in this section but after
51 the qualification period for the affected office, any court
52 enters a binding order not subject to appeal, altering
53 legislative or congressional districts, the Governor shall order
54 a new qualification period for such office to end not later than
55 the 67th day before the primary election and candidates must
56 requalify in such period.

57 (5) A party who recommends, an expert who testifies with
58 regard to, a special master who recommends, or a judge or
59 justice who orders a redistricting plan not adopted by the
60 Legislature, prior to entry of final judgment in such matter,
61 upon motion of any party, must be subject to cross-examination
62 as to prohibited intent set forth in Sections 20 and 21, Article
63 III, Florida Constitution upon the same grounds and basis as
64 members of the legislature when a legislative plan is under
65 judicial review.

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66 (6) This section is intended to secure the binding
67 constitutional authority of procedures governing the judicial
68 review of apportionment as set forth in Section 16, Article III,
69 Florida Constitution and the express allocation of
70 constitutional power to regulate elections in Section 1, Article
71 VI, Florida Constitution.

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

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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An act relating to legislative redistricting and congressional

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reapportionment; creating s. 97.029, F.S.; barring actions

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challenging legislative reapportionment after entry of a

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judgment validating the apportionment pursuant to the

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constitution; barring actions challenging congressional

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reapportionment after 60 days; staying certain actions

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challenging legislative or congressional apportionment until

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after a general election; providing that candidate qualifying,

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nomination, and election for certain offices must proceed using

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current district boundaries if revisions to districts subject to

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a court challenge are not made as of a certain date; providing

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an alternative qualifying period if congressional districts are

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changed by court order after the qualifying period provided by

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law; providing for construction; providing an effective date.

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

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

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

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

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

WHEREAS, the Florida Constitution expressly commands that after the Attorney General has filed the mandatory petition, "A

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116 judgment of the supreme court of the state determining the
117 apportionment to be valid shall be binding upon all the citizens
118 of the state", and

119 WHEREAS, in recent rulings relating to challenges to
120 district boundaries, courts have recognized the legal and
121 logistical difficulties associated with implementing revised
122 district boundaries within an abbreviated timeframe, as well as
123 the financial cost of holding a special election to implement
124 new districts, NOW, THEREFORE,

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