

House Joint Resolution

A joint resolution proposing amendments to Sections 16, 20, and 21 of Article III and the creation of a new section in Article XII of the State Constitution to reassign responsibility for establishing state senatorial, state representative, and congressional district boundaries from the Legislature to an independent commission.

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

That the following amendments to Sections 16, 20, and 21 of Article III and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III

LEGISLATURE

SECTION 16. Legislative and congressional redistricting; independent commission ~~apportionment~~.

(a) INDEPENDENT COMMISSION.

(1) The legislature shall provide by general law for the appointment of an independent commission on legislative and congressional redistricting in the year following each decennial census. The commission shall be composed of registered electors

27 who reside in the state, have been registered with the same  
 28 political party or have had no party affiliation for the  
 29 previous five years, and have voted in each of the previous two  
 30 statewide general elections. The number of commission members  
 31 shall be provided by general law. While a commission member, and  
 32 during the five years preceding his or her appointment, a  
 33 commission member must not:

34 a. Serve as an officer, candidate for elected office, or  
 35 employee of the federal government or state government, or a  
 36 political subdivision or agency thereof, except for military  
 37 service;

38 b. Serve as an officer or employee of, or otherwise be  
 39 remunerated by, a political party or political committee;

40 c. Be employed or otherwise remunerated as a lobbyist to  
 41 influence or attempt to influence an officer or employee of the  
 42 federal government or state government, or a political  
 43 subdivision or agency thereof;

44 d. Have a financial relationship as provided by general  
 45 law with a person disqualified under this paragraph from  
 46 membership on the commission; or

47 e. Be disqualified from membership on the commission  
 48 pursuant to any restriction provided by general law to protect  
 49 the independence of the commission.

50 (2) At the time and in the manner provided by general law:

51 a. From among the qualified applicants for commission  
 52 membership, the auditor general shall randomly select a pool of

53 candidates, the number of which shall be provided by general  
54 law, two-thirds of whom shall be equally divided among  
55 registered electors of major political parties and one-third of  
56 whom shall be registered electors of minor political parties and  
57 registered electors who have no party affiliation. The pool of  
58 candidates shall be selected in a manner that provides for  
59 geographic balance to ensure statewide representation. The  
60 auditor general shall submit the pool of selected candidates to  
61 the legislature.

62 b. A majority leader and minority leader selected from  
63 among the membership of the senate in accordance with its rules  
64 of procedure and a majority leader and minority leader selected  
65 from among the membership of the house of representatives in  
66 accordance with its rules of procedure shall each be authorized  
67 to eliminate an equal number of candidates from the pool  
68 submitted by the auditor general until the number of remaining  
69 candidates does not allow each of the majority and minority  
70 leaders to eliminate a candidate and, after such elimination,  
71 leaves remaining in the pool at least twice the total number of  
72 members of the commission.

73 c. After the majority and minority leaders of the  
74 legislature have eliminated candidates from the pool, the  
75 auditor general shall randomly select the commission members,  
76 two-thirds of whom shall be equally divided among registered  
77 electors of major political parties and one-third of whom shall  
78 be registered electors of minor political parties and registered

79 electors who have no party affiliation.

80 (b)-(a) LEGISLATIVE and CONGRESSIONAL SENATORIAL AND  
 81 REPRESENTATIVE DISTRICTS. Before adjournment sine die of the  
 82 legislature at its regular session of the legislature in the  
 83 second year following each decennial census, the independent  
 84 commission by joint resolution, shall file with the custodian of  
 85 state records redistricting plans that establish apportion the  
 86 state in accordance with the constitution of the state and of  
 87 the United States: into

88 (1) Not less than thirty nor more than forty consecutively  
 89 numbered senatorial districts of either contiguous, overlapping,  
 90 or identical territory; and into

91 (2) Not less than eighty nor more than one hundred twenty  
 92 consecutively numbered representative districts of either  
 93 contiguous, overlapping, or identical territory; and

94 (3) The number, as received by the state in accordance  
 95 with federal law, of consecutively numbered congressional  
 96 districts of either contiguous, overlapping, or identical  
 97 territory. Should that session adjourn without adopting such  
 98 joint resolution, the governor by proclamation shall reconvene  
 99 the legislature within thirty days in special apportionment  
 100 session which shall not exceed thirty consecutive days, during  
 101 which no other business shall be transacted, and it shall be the  
 102 mandatory duty of the legislature to adopt a joint resolution of  
 103 apportionment.

104 (c)-(b) FAILURE OF INDEPENDENT COMMISSION LEGISLATURE TO

105 ESTABLISH DISTRICTS APPORTION; JUDICIAL REDISTRICTING  
 106 REAPPORTIONMENT. In the event the independent commission fails  
 107 to file with the custodian of state records a redistricting plan  
 108 establishing district boundaries within the time required by  
 109 this section ~~a special apportionment session of the legislature~~  
 110 ~~finally adjourns without adopting a joint resolution of~~  
 111 ~~apportionment,~~ the attorney general shall, within five days,  
 112 petition the supreme court of the state to make such  
 113 redistricting apportionment. No later than the sixtieth day  
 114 after the filing of such petition, the supreme court shall file  
 115 with the custodian of state records an order making such  
 116 redistricting apportionment.

117 (d)-(e) JUDICIAL REVIEW OF REDISTRICTING APPORTIONMENT.  
 118 Within fifteen days after the independent commission files with  
 119 the custodian of state records a redistricting plan ~~passage of~~  
 120 ~~the joint resolution of apportionment,~~ the attorney general  
 121 shall petition the supreme court of the state for a declaratory  
 122 judgment determining the validity of the redistricting  
 123 ~~apportionment.~~ The supreme court, in accordance with its rules,  
 124 shall permit adversary interests to present their views and,  
 125 within thirty days after ~~from~~ the filing of the petition, shall  
 126 enter its judgment.

127 (e)-(d) EFFECT OF JUDGMENT IN REDISTRICTING APPORTIONMENT;  
 128 ~~EXTRAORDINARY APPORTIONMENT SESSION.~~ A judgment of the supreme  
 129 court of the state determining the redistricting apportionment  
 130 to be valid shall be binding upon all ~~the~~ citizens of the state.

131 Should the supreme court determine that the redistricting  
 132 ~~apportionment~~ made by the independent commission legislature is  
 133 invalid, the court shall remand the redistricting plan to the  
 134 independent commission. Within twenty days, the independent  
 135 commission shall revise the redistricting plan, governor by  
 136 ~~proclamation shall reconvene the legislature within five days~~  
 137 ~~thereafter in extraordinary apportionment session which shall~~  
 138 ~~not exceed fifteen days, during which the legislature shall~~  
 139 ~~adopt a joint resolution of apportionment conforming the~~  
 140 redistricting to the judgment of the supreme court, and file the  
 141 revised redistricting plan with the custodian of state records.

142 ~~(f)-(e) JUDICIAL EXTRAORDINARY APPORTIONMENT SESSION;~~  
 143 REVIEW OF REVISED REDISTRICTING APPORTIONMENT. Within fifteen  
 144 days after the independent commission files the revised  
 145 redistricting plan with the custodian of state records  
 146 ~~adjournment of an extraordinary apportionment session, the~~  
 147 attorney general shall file a petition in the supreme court of  
 148 the state setting forth the revised redistricting plan  
 149 ~~apportionment resolution adopted by the legislature, or if a~~  
 150 revised redistricting plan none has not been filed, adopted  
 151 reporting that fact to the court. Consideration of the validity  
 152 of a revised redistricting plan joint resolution of  
 153 ~~apportionment~~ shall be had as provided for in cases of an  
 154 original redistricting plan such joint resolution adopted at a  
 155 ~~regular or special apportionment session.~~

156 ~~(g)-(f) JUDICIAL REDISTRICTING REAPPORTIONMENT. If the~~

157 independent commission fails ~~Should an extraordinary~~  
 158 ~~apportionment session fail to~~ file a redistricting plan ~~adopt a~~  
 159 ~~resolution of apportionment~~ or if ~~should~~ the supreme court  
 160 determines ~~determine~~ that the redistricting ~~apportionment~~ made  
 161 is invalid, the court shall, within ~~not later than~~ sixty days  
 162 after receiving the petition of the attorney general, file with  
 163 the custodian of state records an order making such  
 164 redistricting ~~apportionment~~.

165 SECTION 20. Standards for establishing congressional  
 166 district boundaries.—In establishing congressional district  
 167 boundaries:

168 (a) No redistricting ~~apportionment~~ plan or individual  
 169 district shall be drawn with the intent to favor or disfavor a  
 170 political party or an incumbent; and districts shall not be  
 171 drawn with the intent or result of denying or abridging the  
 172 equal opportunity of racial or language minorities to  
 173 participate in the political process or to diminish their  
 174 ability to elect representatives of their choice; and districts  
 175 shall consist of contiguous territory.

176 (b) Unless compliance with the standards in this  
 177 subsection conflicts with the standards in subsection (a) or  
 178 with federal law, districts shall be as nearly equal in  
 179 population as is practicable; districts shall be compact; and  
 180 districts shall, where feasible, utilize existing political and  
 181 geographical boundaries.

182 (c) The order in which the standards within subsections

183 (a) and (b) of this section are set forth shall not be read to  
 184 establish any priority of one standard over the other within  
 185 that subsection.

186 SECTION 21. Standards for establishing legislative  
 187 district boundaries.—In establishing legislative district  
 188 boundaries:

189 (a) No redistricting ~~apportionment~~ plan or district shall  
 190 be drawn with the intent to favor or disfavor a political party  
 191 or an incumbent; and districts shall not be drawn with the  
 192 intent or result of denying or abridging the equal opportunity  
 193 of racial or language minorities to participate in the political  
 194 process or to diminish their ability to elect representatives of  
 195 their choice; and districts shall consist of contiguous  
 196 territory.

197 (b) Unless compliance with the standards in this  
 198 subsection conflicts with the standards in subsection (a) or  
 199 with federal law, districts shall be as nearly equal in  
 200 population as is practicable; districts shall be compact; and  
 201 districts shall, where feasible, utilize existing political and  
 202 geographical boundaries.

203 (c) The order in which the standards within subsections  
 204 (a) and (b) of this section are set forth shall not be read to  
 205 establish any priority of one standard over the other within  
 206 that subsection.

207 ARTICLE XII

208 SCHEDULE

209 Legislative and congressional redistricting.—The amendment  
 210 to Section 16 of Article III providing for the creation of an  
 211 independent commission on legislative and congressional  
 212 redistricting, and reassigning responsibility for establishing  
 213 legislative and congressional district boundaries from the  
 214 legislature to the independent commission, shall take effect  
 215 upon approval by the electors and applies to any remedial  
 216 redistricting from the 2010 decennial census and all  
 217 redistricting for the 2020 decennial census and thereafter.

218 BE IT FURTHER RESOLVED that the following statement be  
 219 placed on the ballot:

220 CONSTITUTIONAL AMENDMENT

221 ARTICLE III, SECTIONS 16, 20, AND 21

222 ARTICLE XII

223 LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.—Proposing an  
 224 amendment to the State Constitution to reassign responsibility  
 225 for establishing state senatorial, state representative, and  
 226 congressional district boundaries from the Legislature to an  
 227 independent commission. The amendment provides qualifications  
 228 for commission members and the process by which commission  
 229 members are randomly selected by the Auditor General after  
 230 legislative leaders are authorized to eliminate a specified  
 231 number of candidates from the candidate pool.