A proposal to repeal
ARTICLE III, s. 16, Fla. Const., relating to
legislative apportionment and the addition of
s. 10 to ARTICLE II of the Fla. Const.,
providing for the establishment of an
independent commission to reapportion the state
legislative districts and redistrict
congressional districts; prescribing guidelines
for such reapportionment and redistricting;
providing for judicial review thereof.

It is proposed by the Florida Constitution Revision Commission
that:

Section 1. Section 16 of Article III of the Florida
Constitution is repealed and Article II is revised by adding
section 10 to that article to read:

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
created in this section into as many congressional districts
as there are United States Representatives apportioned to the
state; forty consecutively numbered senate districts; and one
hundred twenty consecutively numbered representative
districts. All legislative districts shall be single-member
districts.

(b) REAPPORTIONMENT COMMISSION.

CODING: Words stricken are deletions; words underlined are additions.
(1) In each year that ends in zero and at any other
time of court-ordered reapportionment, a commission,
independent of the legislature, shall be established to
prepare a redistricting plan for congressional districts and a
reapportionment plan for legislative districts. The commission
shall consist of nine electors of this state, none of whom may
be an elected public official, party officer, registered
lobbyist before the state legislature or the federal congress,
a legislative or congressional employee, or a relative of a
state legislator or a member of the United States House of
Representatives, as such terms are defined by law. A member
may not run for election to the state legislature or to the
United States House of Representatives in the two elections
following reapportionment. By May 1 of the same year, or
within sixty days following a final court order requiring
redistricting or reapportionment, whichever is later,
appointments to the commission shall be made as follows:
   a. The president of the senate and the minority leader
      of the senate shall each appoint two members.
   b. The speaker of the house of representatives and the
      minority leader of the house of representatives shall each
      appoint two members.
   c. The eight members so appointed shall elect a ninth
      member who shall be the chairperson.

The appointing authorities shall consult with each other to
ensure that such appointments reflect the state's ethnic,
racial, and gender diversity as reflected by the most recent
federal decennial census and are geographically representative
of the state.
(2) The chair of the commission shall be responsible for the administrative duties of the commission, including supervision of commission staff. Staffing of the commission shall be as provided by law.

(3) As a condition of appointment, each commissioner must take an oath not to seek public office in any of the newly redistricted legislative or congressional districts for a period of two years after the effective date thereof.

(4) Vacancies shall be filled by the appointing authority who appointed the commissioner whose vacancy is to be filled, except if a vacancy occurs in the position of chair, the chair shall be selected in the manner set forth in paragraph (1). An unfilled vacancy shall be filled by the supreme court.

(5) The legislature shall, by general appropriation, provide funds that the legislature determines to be adequate to enable the commission to carry out its duties.

(6) The commission shall hold public hearings necessary to carry out its responsibilities under this section. The commission shall adopt its plans by a three-fifths vote.

(c) REAPPORTIONMENT STANDARDS.

(1) Congressional districts and state legislative districts for each respective house must be as nearly equal in population as is practicable, based on the population reported in the federal decennial census, taken in each year ending in zero. A congressional district may not have a population that varies by more than one percent from the average population of all congressional districts in the state. A legislative district may not have a population that varies by more than five percent from the average population of all districts of
the respective house. The average of the absolute values of
the population deviations of all districts of the respective
house may not vary by more than two percent from the average
population of all districts. Any population variance must be
justifiable as necessary for compliance with other standards
in this section.

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

(3) Districts should be in compact form.

(4) Districts shall be drawn to protect minority
 rights under the Voting Rights Act.

(5) Districts shall not favor any political party,
 incumbent, or other person or group.

(d) JUDICIAL REVIEW. Within one hundred fifty days
after the commission is appointed, the commission shall file a
plan of apportionment or redistricting with the secretary of
state. Within fifteen days after the filing of an
apportionment or redistricting plan by the commission, the
attorney general shall petition the supreme court of the state
for a declaratory judgment determining the validity of the
plan, including its compliance with all criteria specified in
this section, applicable federal law, and the constitution of
the United States. The supreme court, in accordance with its
rules, shall permit adversary interests to present their views
and, within sixty days after the filing of the petition, shall
enter its judgment. If the supreme court declares the
apportionment or redistricting plan invalid in whole or in
part, the commission shall forthwith reconvene and shall,
within thirty days, adopt a revised plan that conforms to the judgment. The supreme court shall retain jurisdiction to review the revised plan, which shall be submitted to the court in the same manner as the original plan. Upon approval of the supreme court, a plan of apportionment or redistricting shall be filed with the secretary of state and, upon filing, shall be the official plan for the state.

(e) JUDICIAL REAPPORTIONMENT. If the supreme court determines that a revised plan does not comply with the applicable law or if the commission does not adopt an original plan by the end of each year that ends in one, or a revised plan within the timeframe in subsection (d), the commission shall, within five days, notify the secretary of state in writing of its inability to adopt a plan. Within five days after the filing of such notice, the attorney general shall petition the supreme court to prepare a plan of apportionment or redistricting. The court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment or redistricting.

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