

Reapportionment Commission Initiative Constitutional Amendment.

Background

Every ten years, the federal census counts the number of people living in Florida. The Florida Constitution requires the Legislature after each census to adjust the boundaries of the districts used to elect public officials. This process is called "redistricting" (or sometimes "reapportionment"). The primary purpose of redistricting is to establish districts which are "equal" in population, as practicable. Redistricting affects districts for the State Legislature (House of Representatives and Senate) and the U.S. House of Representatives.

Currently, the Florida Legislature reapportions itself in the second year following the decennial census. The Legislature's plan must be reviewed by the Florida Supreme Court. In the event the Legislature fails to agree on a plan or pass a plan that is approved by the Florida Supreme Court, the Florida Supreme Court is empowered to promulgate a plan.

Congressional redistricting plans are included in legislation that become law after passage of the bill by the Legislature and approval by the Governor.

In the past, separate committees of the Florida House of Representatives and the Florida Senate have been created to develop separate plans for the House and the Senate, or both, or competing plans for redistricting of seats in the U.S. House of Representatives. At times, the House and the Senate have utilized separate data processing systems to accomplish redistricting. Both the House of Representatives and the Senate have hired legal teams to defend the plans developed against challenges in the state and federal courts.

Proposal

This measure amends the Florida Constitution to change the redistricting process for the State Legislature and for Florida members of the U.S. House of Representatives.

Independent Reapportionment Commission. This measure requires that a fifteen-member commission develop redistricting plans for the State Legislature and for Florida members of the U.S. House of Representatives. Twelve of the 15 members are selected by legislative leaders representing the majority and minority parties. Three members of the commission, not associated with the two major political parties in the state, are selected by the chief justice of the Florida Supreme Court from recommendations made by the chief judges of the district courts of appeal.

The measure requires that the members of the Commission meet a number of criteria, including that they have not been an elected state official, member of congress, party officer or employee, or legislative or congressional employee for four years prior to appointment to the commission. In addition, each member of the commission is precluded from serving as a lobbyist or from being elected to any legislative or congressional seat, for a period of four years of after service on the commission.

Schedule. The commission would be required to develop a redistricting plan for the State Legislature and for Florida members of the U.S. House of Representatives in the first year following each future federal census.

Approval Process. The commission is required to establish its own rules of procedure and all commission actions require ten affirmative votes. All meetings of the commission shall be open to the public and public notice of all meetings shall be given.

Funding. The proposal does not provide any specific funding for the operations of the Commission.

Fiscal Effects

Commission Costs. It is unknown what the Legislature spent on redistricting in 2001 and 2002. While there is a change in the timing for development of the of the redistricting plans from the second year after the decennial census to the first, the preparation of future redistricting plans, after 2010, would be generally on the same schedule as existing law.

In contrast to the duplicative legislative spending on separate redistricting efforts, it is anticipated that the commission would not need two sets computers, two sets of political and demographic analysts, or two sets of lawyers to accomplish its responsibilities. It is reasonable to anticipate that the commission would require approximately one-half of the amounts spent by the Legislature to accomplish its responsibilities, adjusted for inflation.