



FLORIDA
(Status quo)

KEY POINTS:

Congressional and state legislative districts are currently drawn by the state legislature, subject to a number of state and federal constitutional and statutory limitations. Under Article III, section 16, the legislature draws state legislative districts, and the governor has no opportunity to veto the plan; however all maps are automatically reviewed by the Florida Supreme Court. In the case of congressional districts, the governor may veto the proposed plan, but the governor may not veto the legislative plan. Standards for both state and congressional districts are governed by Article III of the Florida Constitution. FLA. CONST. art. III, §§ 20-21.

In March 2011, Florida submitted two amendments affecting redistricting to the Department of Justice for preclearance. Amendments 5 and 6, altering Article III, sections 20-21 were recently approved, establishing two tiers of redistricting criteria, and declaring that when in conflict, tier-one criteria will supplant second-tier standards. Within each tier, the criteria do not have an assigned priority.

PROCESS:

All districts are currently drawn by the state legislature, which has between January 10 and March 9, 2012 to pass bills with proposed plans. Within fifteen days of the passage of a state legislative plan, the state Attorney General must submit the maps to the Florida Supreme Court, which has 30 days to uphold their validity. For congressional plans, the governor must sign or veto the plan within 7-15 days. In both instances, the state must submit their plans to the Department of Justice within 60 days of their final approval in order to obtain preclearance according to Section 5 of the Voting Rights Act. Should the legislature finish its regular session without adopting plans, the governor may convene a special session to specifically address redistricting.

- **Independence from Legislators:** State legislative maps must be approved by the Supreme Court. This independence does not exist for the congressional plan.
- **Partisan Balance:** The initial mapmaking has only as much partisan balance as the legislature itself; currently the Florida legislature and governor's mansion are all controlled by the same party. The independent Supreme Court may provide a check on partisan balance in its review of state legislative maps.
- **Minority Participation:** The process will feature as much diversity as the legislature itself.
- **Public Input:** In addition to hearings associated with the ordinary legislative process, the state has plans to hold public hearings on redistricting between June and September 2011.
- **Timing:** Article III, section 16 of the Florida Constitution provides that redistricting shall take place in the regular session of the legislature in the second year following the decennial census.

CRITERIA

Amendments 5 and 6 substantially alter the state standards by which Florida redistricts both congressional and state legislative districts. They establish two tiers of criteria, and declare that where in conflict, tier-one criteria will supplant second-tier standards. Tier one criteria include provisions that no plan will be drawn to favor or disfavor an incumbent or a political party; that no plan shall be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process, nor shall they be drawn to diminish their ability to elect the representative of their choice; and finally that districts shall be contiguous. Second tier criteria include provisions that districts shall be as nearly equal in population as practicable; that they shall be compact; and that where feasible, they shall respect existing political and geographic boundaries. Within each tier, there is no assigned order of priority.

- **Population Equality**: A secondary criterion, district populations must be as nearly equal as practicable.
- **Minority Rights**: It is a first tier criterion that no plan shall be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process. Amendments 5 and 6 also provide that no map shall be drawn to diminish their ability to elect the representative of their choice.
- **District Competition**: Florida has no requirement to create competitive districts.
- **Statewide Partisan Balance**: It is a tier one criterion that no plan will be drawn to favor or disfavor a political party. This does not require proportionality.
- **Preservation of Political Boundaries**: It is a secondary criterion that mapmakers respect existing political boundaries.
- **Communities of Interest**: Florida has no requirement for the preservation of communities of interest.
- **Nesting**: Florida has no nesting requirement.
- **Incumbent Residence**: It is tier one criterion that no plan shall be drawn to favor or disfavor an incumbent. Presumably, consideration of incumbent residence may be construed as an effort to favor or disfavor an incumbent.