

# Supreme Court of Florida

WEDNESDAY, JUNE 25, 2008

CASE NOS.: SC08-1149; SC08-1165

ADVISORY OPINION TO THE ATTORNEY GENERAL RE: STANDARDS  
FOR LEGISLATURE TO FOLLOW IN CONGRESSIONAL REDISTRICTING

ADVISORY OPINION TO THE ATTORNEY GENERAL RE: STANDARDS  
FOR LEGISLATURE TO FOLLOW IN CONGRESSIONAL REDISTRICTING  
(FIS)

---

Bill McCollum, pursuant to the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, has requested this Court's opinion as to whether the text of the proposed amendment seeking to amend the Florida Constitution to establish standards for the Legislature to follow in congressional redistricting had met the registration complies with Article XI, section 3, Florida Constitution, and whether the proposed ballot title and substance comply with section 101.161, Florida Statutes. The petition provides:

Add a new section 20 to Article III

Section 20. STANDARDS FOR ESTABLISHING CONGRESSIONAL  
DISTRICT BOUNDARIES

In establishing Congressional district boundaries:

(1) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not 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 or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(2) Unless compliance with the standards in this subsection conflicts with the standards in subsection (1) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts

shall, where feasible, utilize existing political and geographical boundaries.  
(3) The order in which the standards within sub-sections (1) and (2) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

The ballot title and summary for the proposed amendment provides:

Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

Section 16.061, Florida Statutes, requires the Attorney General, within thirty days after receipt of the proposed amendment or revision to the State Constitution by initiative petition, to petition this Honorable Court for an advisory opinion regarding compliance of the text of the proposed amendment with Article XI, section 3, Florida Constitution, and compliance of the proposed ballot title and substance with section 101.161, Florida Statutes.

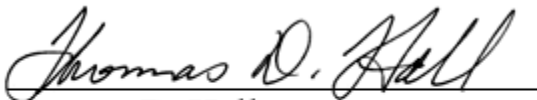
On June 18, 2008, the Financial Impact Estimating Conference, in accordance with the provisions of Chapter 04-33, Laws of Florida, forwarded to the Office of the Attorney General a financial impact statement on the initiative petition. Chapter 04-33 provides for this Honorable Court to review the financial impact statement to determine whether it is in accordance with 100.371, Florida Statutes.

The full text of the Attorney General's letter is attached hereto as an exhibit and made a part thereof.

IT IS, THEREFORE, the order of the Court that the above cases are hereby consolidated for the purpose of oral argument. Interested parties shall file their briefs on or before July 15, and serve a copy thereof on the Attorney General. Answer briefs shall be filed on or before August 4, 2008. Please file an original and eight copies of all briefs. In addition to paper briefs, per this Court's Administrative Order In Re: Mandatory Submission of Electronic Copies of Documents, AOSC04-84, dated September 13, 2004, counsel are directed to transmit a copy of all briefs in an electronic format as required by the provisions of that order. Briefs submitted on diskette will be placed on the Court's Internet site (<http://www.floridasupremecourt.org>). Oral argument is scheduled for 9:00 a.m., Wednesday, November 5, 2008. A maximum of twenty minutes to the side as consolidated is allowed for the argument. All parties who have filed a brief and have asked to be heard may, in the Court's discretion, be permitted to participate in oral argument.

A True Copy

Test:



Thomas D. Hall  
Clerk, Supreme Court



vm

Served:

EDWIN THOM RUMBERGER  
HON. CHARLES J. CRIST, JR.  
HON. KURT S. BROWNING  
FINANCIAL IMPACT  
ESTIMATING CONFERENCE

HON. BILL MCCOLLUM  
MARK HERRON  
HON. KEN PRUITT  
HON. MARCO ANTONIO RUBIO