

Supreme Court of Florida

WEDNESDAY, JUNE 4, 2008

CORRECTED ORDER

CASE NO.: SC08-986

ADVISORY OPINION TO THE ATTORNEY GENERAL RE: STANDARDS FOR ESTABLISHING LEGISLATIVE DISTRICT BOUNDARIES

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 legislative redistricting had met the registration, submission, and signature criteria set forth in section 15.21, Florida Statutes 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 21 to Article III

Section 21. STANDARDS FOR ESTABLISHING LEGISLATIVE DISTRICT BOUNDARIES

In establishing Legislative 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:

**STANDARDS FOR LEGISLATURE TO FOLLOW IN LEGISLATIVE
REDISTRICTING**

Legislative 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.

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

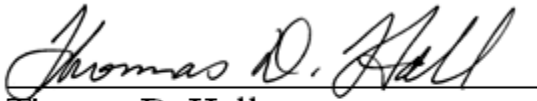
IT IS, THEREFORE, the order of the Court that interested parties shall file their briefs on or before July 1, 2008, and serve a copy thereof on the Attorney General. Answer briefs shall be filed on or before August 1, 2008. Please file an original and eight copies of all briefs. In addition to paper 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 will be placed on the Court's Internet site (<http://www.floridasupremecourt.org>).

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A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



vm

Served:

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MARK HERRON
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HON. KEN PRUITT
HON. BILL MCCOLLUM