

SUPREME COURT OF FLORIDA

In re Senate Joint Resolution of Legislative Apportionment 2-B

89 So. 3d 872 (Fla. 2012) · Decided April 27, 2012

SUMMARY

The Florida Supreme Court reviews the validity of Senate Joint Resolution 2-B, the Legislature’s revised plan for apportioning Florida Senate districts after the Court invalidated portions of the original plan. The Court addresses challenges involving partisan and incumbent-favoring intent, minority voting protections, district-specific requirements, and the scope of review in the second phase of the apportionment process. It ultimately declares the revised Senate apportionment plan constitutionally valid.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Canady; Justice Labarga; Justice Lewis; Justice Pariente; Justice Perry; Justice Polston; Justice Quince
JURISDICTION	Florida
DECIDED	April 27, 2012
DISPOSITION	approved
PROCEDURAL POSTURE	Mandatory original declaratory-judgment proceeding under article III, section 16(c), of the Florida Constitution to review the validity of the revised Senate legislative apportionment plan contained in Senate Joint Resolution 2-B.
STANDARD OF REVIEW	The court conducted an independent facial review of the revised apportionment plan under the federal and Florida Constitutions. The plan carried an initial presumption of validity, but opponents bore the burden of establishing a constitutional violation; facial invalidity did not have to be proven beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; binding precedent on the stated constitutional and procedural rules.

TOPICS

- redistricting
- election law
- constitutional law
- voting rights
- equal protection

PRACTICE AREAS

constitutional law

election law

redistricting

voting rights

QUESTIONS PRESENTED

1. Whether the revised Senate apportionment plan complied with the Florida Constitution's prohibitions on intent to favor or disfavor a political party or incumbent.
2. Whether the record demonstrated that the revised plan diminished the ability of racial or language minorities to elect representatives of their choice.
3. Whether challenges to districts that were unchanged, minimally changed, previously rejected, or previously unchallenged could properly be considered in the second-phase review.
4. Whether the challenged individual districts violated Florida's constitutional requirements concerning compactness, use of political and geographical boundaries, minority voting protections, and partisan or incumbent favoritism.
5. Whether Senate Joint Resolution 2-B was constitutionally valid as a whole.

HOLDINGS

1. The revised Senate apportionment plan contained in Senate Joint Resolution 2-B is constitutionally valid under the Florida Constitution.
2. Opponents of a legislative apportionment plan bear the burden of establishing a constitutional violation, and facial invalidity need not be proven beyond a reasonable doubt.
3. Although res judicata does not technically apply to the second-phase apportionment proceeding, it is fundamentally unfair to entertain challenges that could have been raised earlier or that were previously rejected when the Legislature no longer has an opportunity to correct the alleged defects.
4. The challengers failed to establish that Redrawn District 8 was facially invalid based on noncompactness, county or city splits, or an intent to favor a political party.
5. The challengers failed to establish that the redrawn Orlando-area districts were constitutionally invalid.

KEY QUOTATIONS

“For the reasons set forth in this opinion, we declare the redrawn plan apportioning the districts for the Florida Senate to be constitutionally valid under the Florida Constitution.” (877)

“The overarching question to be considered by the Court in this declaratory judgment proceeding is the constitutional validity of the plans contained within the Legislature’s joint resolution of apportionment.” (881)

“The duty ‘is not to select the best plan, but rather to decide whether the one adopted by the legislature is valid.’” (881)

“However, we agree with the Senate that when reviewing this apportionment plan after portions of the initial plan were held to violate constitutional mandates, the Court must consider the fact that other districts were either not challenged or challenges to those districts were rejected.” (886)

“Therefore, pursuant to article III, section 16(c), of the Florida Constitution, the Court enters this declaratory judgment declaring the revised Senate apportionment plan as contained in Senate Joint Resolution 2-B to be constitutionally valid under the Florida Constitution.” (891)

FACTUAL BACKGROUND

The Legislature redrew the eight Senate districts previously declared invalid, changed boundaries in other affected districts, kept the City of Lakeland wholly within one district, and adopted an incumbent-neutral random numbering scheme. The revised plan reconfigured twenty-six of the forty Senate districts in some manner. Opponents alleged improper partisan or incumbent favoritism, inadequate protection of minority voters, noncompactness, and improper county or municipal splits in several districts.

PROCEDURAL HISTORY

The Florida Legislature adopted Senate Joint Resolution 1176 in February 2012. The Supreme Court of Florida declared the Senate plan invalid in part, identified eight invalid districts and an invalid numbering scheme, and directed the Legislature to adopt a conforming plan. After a special legislative session, the Legislature adopted Senate Joint Resolution 2-B on March 27, 2012. The Attorney General petitioned the Supreme Court to determine the validity of the revised plan, and the Florida Democratic Party, the Coalition, and the NAACP opposed it and submitted challenges and alternative plans.

DISPOSITION

approved

CASES CITED

- In re Senate Joint Resolution of Legislative Apportionment 1176, 83 So. 3d 597 (Fla. 2012)
- In re Constitutionality of House Joint Resolution 1987, 817 So. 2d 819 (Fla. 2002)
- Advisory Op. to Att’y Gen. re Standards for Establishing Legislative Dist. Boundaries, 2 So. 3d 175 (Fla. 2009)
- In re Apportionment Law—1982, 414 So. 2d 1040 (Fla. 1982)
- In re Apportionment Law—1992, 597 So. 2d 276 (Fla. 1992)
- Youngblood v. Taylor, 89 So. 2d 503 (Fla. 1956)
- Fla. Dep’t of Transp. v. Juliano, 801 So. 2d 101 (Fla. 2001)
- McGregor v. Provident Trust Co., 162 So. 323 (Fla. 1935)
- Advisory Op. to Att’y Gen. re Referenda Required for Adoption & Amendment of Local Gov’t Comprehensive Land Use Plans, 938 So. 2d 501 (Fla. 2006)
- Bone Shirt v. Hazeltine, 461 F.3d 1011 (8th Cir. 2006)