

SUPREME COURT OF FLORIDA

Florida Senate v. Forman

826 So. 2d 279 (Fla. 2002) · No. SC02-1813 · Decided September 5, 2002

SUMMARY

The Supreme Court of Florida reviewed a circuit court judgment declaring the Florida Senate redistricting plan unconstitutional as a political gerrymander. The court held that Marion County voters were not an identifiable political group under the applicable political-gerrymandering standard and had not shown an actual discriminatory effect or disenfranchisement. It reversed the circuit court’s judgment, explaining that compactness and preservation of communities of interest are not constitutionally required redistricting principles.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Harding, Senior Justice; Wells, J.; Pariente, J.; Quince, J.; Anstead, C.J.; Shaw, J.; Lewis, J.
JURISDICTION	Florida
DECIDED	September 5, 2002
DOCKET	SC02-1813
DISPOSITION	reversed
PROCEDURAL POSTURE	Appellate review of a circuit court judgment declaring the Florida Senate legislative redistricting plan unconstitutional; the district court of appeal certified the case for immediate resolution under Florida Rule of Appellate Procedure 9.125.
STANDARD OF REVIEW	De novo review of the constitutional validity of the legislative redistricting plan.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Florida.
PARTIES	The Florida Senate, John McKay, as President of the Florida Senate, Tom Feeney, Speaker of the Florida House of Representatives, State of Florida, Robert A. Butterworth, Attorney General v. Charles R. Forman, Michael A. Finn

TOPICS

redistricting

gerrymandering

equal protection

election law

appellate jurisdiction

PRACTICE AREAS

constitutional law

election law

redistricting

appellate procedure

QUESTIONS PRESENTED

1. Whether voters or residents of Marion County constitute an identifiable political group for purposes of a political-gerrymandering equal protection claim.
2. Whether dividing Marion County into four senate districts established the actual discriminatory effect required under the political-gerrymandering test.
3. Whether the Florida or United States Constitution requires legislative districts to be compact or to preserve communities of interest.

HOLDINGS

1. Voters or residents of a political subdivision such as Marion County do not qualify, on the record and authorities presented, as an identifiable political group for purposes of a political-gerrymandering equal protection claim.
2. The circuit court erred in finding an actual discriminatory effect because dividing Marion County among four senate districts did not deprive its voters of a fair opportunity to influence the political process or establish that they had been shut out of that process.
3. Neither the United States Constitution nor the Florida Constitution requires the Legislature to draw compact legislative districts or preserve communities of interest.

KEY QUOTATIONS

"The discriminatory effect of political gerrymandering would only be found 'when the electoral system is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole.'" (281)

"'[N]either the United States nor the Florida Constitution requires that the Florida Legislature apportion legislative districts in a compact manner or that the Legislature preserve communities of interest.'" (282)

FACTUAL BACKGROUND

The Florida Senate redistricting plan divided Marion County into four senate districts. Forman and Finn alleged that the division constituted an impermissible political gerrymander under the federal and Florida equal protection provisions. The circuit court found that Marion County voters were an important political group, that the plan involved intentional discrimination and actual discriminatory effect, and that the voters had been completely disenfranchised, relying in part on alleged disparities in public funding for special projects.

PROCEDURAL HISTORY

Charles R. Forman and Michael A. Finn filed complaints for declaratory and injunctive relief challenging the Florida Senate redistricting plan. After trial, the circuit court found an unconstitutional political gerrymander and declared the plan unconstitutional, while declining to fashion a remedy. The Fifth District Court of Appeal certified the case to the Supreme Court of Florida as requiring immediate resolution.

DISPOSITION

reversed

CASES CITED

- Davis v. Bandemer, 478 U.S. 109, 106 S. Ct. 2797, 92 L. Ed. 2d 85 (1986)
- In re Constitutionality of House Joint Resolution 1987, 817 So. 2d 819, 830-832 (Fla. 2002)
- Kenai Peninsula Borough v. State, 743 P.2d 1352, 1371-72 (Alaska 1987)
- In re Apportionment Law Senate Joint Resolution 1305, 1972 Regular Session, 263 So. 2d 797, 801, 807 (Fla. 1972)
- Shaw v. Reno, 509 U.S. 630, 647, 113 S. Ct. 2816, 125 L. Ed. 2d 511 (1993)