

# Supreme Court of Florida

WEDNESDAY, JANUARY 4, 2012

CASE NO.: SC12-1

IN RE: JOINT RESOLUTION OF LEGISLATIVE APPORTIONMENT

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In order to ensure the prompt disposition of the duties placed upon the Court by article III, section 16(c), of the Florida Constitution, the Court has directed the Clerk of Court to open this case and issue this order.

The question to be considered by the Court in a proceeding filed pursuant to article III, section 16(c) is the validity of the joint resolution of apportionment. In addition to the standards set forth in article III, section 16(a), of the Florida Constitution, as of 2010, the Florida Constitution now provides the following in article III, section 21:

21. Standards for establishing legislative district boundaries

In establishing Legislative district boundaries:

(a) 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.

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) 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.

(c) The order in which the standards within sub-sections (a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

Art. III, Â§21, Fla. Const. (footnotes omitted).

In accordance with the provision that the Supreme Court of Florida "shall permit adversary interests to present their views," art. III, Â§16(c), Fla. Const., the Court will accept written submissions expressing views regarding this question. The Court will also hear oral arguments by such number of persons as the Court shall deem appropriate to present the issue fully. An order setting the date and time of oral argument and who will be allowed to participate in oral argument will be issued at a later date.

Submissions in this case must be filed with the Clerk of the Supreme Court of Florida no later than noon on the seventh day after the date the Attorney General petitions this Court for a declaratory judgment. The provisions of Florida Rule of Appellate Procedure 9.420(f) regarding computation of time for a period of time less than seven days are suspended. The Attorney General is authorized to file her views, if any, at a time separate from the filing of the petition for declaratory judgment, but no later than the time provided for other submissions. Submissions shall be in the form of briefs or comments and may include alternative plans. The Court will not accept alternative plans submitted separately from briefs or comments. Briefs must be in compliance with Florida Rule of Appellate Procedure 9.210 (except as otherwise suspended by this order). Comments, other than briefs, shall be double-spaced and shall not exceed ten pages. Replies will not be permitted, unless specifically authorized by the Court upon proper motion. No motion filed in this case will toll time.

For purposes of this case, Florida Rule of Appellate Procedure 9.210(g)(3) is suspended. Each submission shall include an original paper version plus fifteen (15) paper copies, including fifteen (15) copies of the appendix, if any. Each copy shall be the same quality as the original. Pursuant to Administrative Order In re: Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004), in addition to the paper filings, all filings shall be submitted electronically via e-mail to [redistricting2012@flcourts.org](mailto:redistricting2012@flcourts.org), and every document submitted via e-mail, other than alternative plans, shall be in a Word format and every document shall be accessible to persons with disabilities in the manner required by section 508 of the Federal Rehabilitation Act, the Americans with Disabilities Act, sections 282.601 through 282.606, Florida Statutes, and related regulations or guidelines. See also Fla. R. Jud. Admin. 2.526 (effective January 1, 2012). Appendices, if any, must also be submitted electronically

consistent with the parameters described in the administrative order. Every effort shall be made to provide the electronic appendix in a Word format. Where providing the appendix in Word format is not possible, those portions of the appendix shall be scanned at 300 D.P.I. into one or more files that are in searchable Portable Document Format (PDF). This Court will not scan documents. Submissions that include alternative plans shall include the alternative plans in both electronic format and fifteen (15) color paper copies. The electronic format for legislative apportionment plans, including alternative plans, will be set forth by the Court in a separate order. Submissions that include alternative plans must specify the software used to create the plan, explain the data and criteria used in drafting each plan, and include any other relevant information.

Absent a showing of undue hardship, this Court will not consider any submission that does not adhere to the filing requirements specified in this order. The Court will maintain a separate webpage dedicated solely to this case. All submissions that satisfy the above requirements will be considered "official filings" and will be posted on the Supreme Court's website. The address of the webpage is: [http://www.floridasupremecourt.org/pub\\_info/redistricting2012/index.shtml](http://www.floridasupremecourt.org/pub_info/redistricting2012/index.shtml). All compliant submissions will also be posted on the Clerk's Office portion of the Court's website at <http://www.floridasupremecourt.org/clerk/index.shtml>.

Submissions shall be filed only with the Clerk of the Supreme Court of Florida. Submissions or communications (e.g., comments, letters, resolutions by governmental entities, etc.) will not be considered by the Court or be filed in the official Court file unless such submissions or communications meet the filing requirements of this order. No e-mails will be accepted or considered by the Court. No submissions or communications shall be directed to any Justice. See Canon 3B(7), Code of Judicial Conduct ("A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding...."). Further, only those who submit filings that comport with this order will be considered parties in this case.

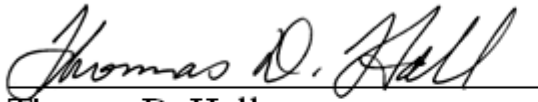
The Clerk's office will keep a daily revised service list, which will be posted on the Court's website. After the Legislature adopts a joint resolution of apportionment, those who intend to file an official filing with the Court shall, as soon as possible, file a notice of appearance with the Clerk to permit the Clerk to

update the service list. Copies of all official filings must be served on all parties that appear on the service list on the date of the filing. The certificate of service must also separately include a certification that the service was made to all parties appearing on the most recently revised service list existing at that time. The Attorney General need not serve parties on the service list (if any) when the petition for declaratory judgment is filed with this Court.

Clarifications of this order, if necessary, shall be posted on the websites noted above when they are released.

CANADY, C.J., and PARIENTE, LEWIS, QUINCE, POLSTON, LABARGA, and PERRY, JJ., concur.

A True Copy  
Test:

  
Thomas D. Hall  
Clerk, Supreme Court



bhp

Served:

HON. DEAN CANNON  
HON. MIKE HARIDOPOLIS  
HON. PAMELA JO BONDI