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State asks judge to toss Florida Senate map challenge

Miami attorney Adam Schachter argues a state circuit judge has the power to examine redistricting maps even after fast-track Florida Supreme Court review.

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Lawyers for the Legislature asked a Leon circuit judge to throw out a lawsuit seeking to scrap the new state Senate districts because the Florida Supreme Court already rejected a challenge to the lines. The dispute in a case filed by a group of citizens and a coalition of voting rights groups plows new ground and could set a standard in a redistricting environment altered by the approval in 2010 of the Fair Districts amendments aimed at ending gerrymandering.

Courts already have been forced to grapple with several new issues after lawmakers' first effort earlier this year to follow the rules during the once-a-decade redistricting process.

At issue in this case is a statement in a different section of the state Constitution about the Supreme Court's automatic review of legislative redistricting maps: "A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state."

The motion to dismiss the challenge to Senate districts would not affect a similar effort to overturn the map for the state's congressional delegation because those plans are not reviewed by the Supreme Court.

Because justices approved a second draft of the Senate map after voiding the first one in April, attorneys for the House and Senate said Wednesday that there was no room for new challenges.

"There is not a case anywhere to refute the notion that the Florida Supreme Court has exclusive jurisdiction over redistricting matters as it relates to the requirements in the state Constitution," said George Meros of GrayRobinson in Tallahassee, who represented the House during Wednesday's arguments.

The groups challenging the map, though, said Supreme Court review is meant only to handle facial challenges to the map that are easy to detect. More fact-intensive challenges can still be heard later, said Adam Schachter, a Gelber Schachter & Greenberg attorney in Miami challenging the map.

He said a full-fledged trial on the Senate map could turn up evidence that the Supreme Court didn't address and could prove lawmakers broke the new constitutional standards that bar them from twisting lines for political or personal advantage.

Those kinds of challenges have to be heard to enforce the Fair Districts standards, he said.

"If it doesn't happen here, it won't happen," Schachter said. "And that means that amendment, which the citizens have made the law of this land, will be nothing more than words on a page."

Circuit Judge Terry Lewis said he would try to rule on the state's motion soon.