

By Commissioner Barkdull

1 A proposal to revise
2 ARTICLE III, s. 16, Fla. Const.; providing for
3 legislative apportionment by an independent
4 commission if not accomplished by the
5 Legislature and the Supreme Court and ARTICLE
6 XII, Fla. Const.; adding s. 22 to provide for
7 the membership of the independent
8 reapportionment commission.

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10 It is proposed by the Florida Constitution Revision Commission
11 that:

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13 Section 1. Section 16 of Article III of the Florida
14 Constitution is revised by amending that section to read:

15 ARTICLE III

16 LEGISLATURE

17 SECTION 16. Legislative apportionment.--

18 (a) SENATORIAL AND REPRESENTATIVE DISTRICTS. The
19 legislature at its regular session in the first ~~second~~ year
20 following each decennial census, by joint resolution, shall
21 apportion the state in accordance with the constitution of the
22 state and of the United States into not less than thirty nor
23 more than forty consecutively numbered senatorial districts of
24 either contiguous, overlapping or identical territory, and
25 into not less than eighty nor more than one hundred twenty
26 consecutively numbered representative districts of either
27 contiguous, overlapping or identical territory. Should that
28 session adjourn without adopting such joint resolution, the
29 governor by proclamation shall reconvene the legislature
30 within thirty days in special apportionment session which
31 shall not exceed thirty consecutive days, during which no

1 other business shall be transacted, and it shall be the
2 mandatory duty of the legislature to adopt a joint resolution
3 of apportionment.

4 ~~(b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL~~
5 ~~REAPPORTIONMENT. In the event a special apportionment session~~
6 ~~of the legislature finally adjourns without adopting a joint~~
7 ~~resolution of apportionment, the attorney general shall,~~
8 ~~within five days, petition the supreme court of the state to~~
9 ~~make such apportionment. No later than the sixtieth day after~~
10 ~~the filing of such petition, the supreme court shall file with~~
11 ~~the secretary of state an order making such apportionment.~~

12 (b)(c) JUDICIAL REVIEW OF APPORTIONMENT. Within
13 fifteen days after the passage of the joint resolution of
14 apportionment, the attorney general shall petition the supreme
15 court of the state for a declaratory judgment determining the
16 validity of the apportionment. The supreme court, in
17 accordance with its rules, shall permit adversary interests to
18 present their views and, within thirty days from the filing of
19 the petition, shall enter its judgment.

20 (c) REAPPORTIONMENT COMMISSION. If no reapportionment
21 is accomplished by the legislature and the court within one
22 calendar year before the opening of qualifying for seats in
23 the legislature, at the next general election an independent
24 reapportionment commission (with no active legislative
25 members) provided for by general law, shall reapportion the
26 legislature and their plan, and judicial approval shall be
27 completed within one hundred and eighty days before the
28 qualifying for seats in the legislature at the next general
29 election. Each reapportionment commission shall convene at the
30 call of its chairperson and adopt appropriate rules of
31 procedure to permit it to accomplish its purpose.

1 ~~(d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY~~
2 ~~APPORTIONMENT SESSION. A judgment of the supreme court of the~~
3 ~~state determining the apportionment to be valid shall be~~
4 ~~binding upon all the citizens of the state. Should the~~
5 ~~supreme court determine that the apportionment made by the~~
6 ~~legislature is invalid, the governor by proclamation shall~~
7 ~~reconvene the legislature within five days thereafter in~~
8 ~~extraordinary apportionment session which shall not exceed~~
9 ~~fifteen days, during which the legislature shall adopt a joint~~
10 ~~resolution of apportionment conforming to the judgment of the~~
11 ~~supreme court.~~

12 ~~(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF~~
13 ~~APPORTIONMENT. Within fifteen days after the adjournment of~~
14 ~~an extraordinary apportionment session, the attorney general~~
15 ~~shall file a petition in the supreme court of the state~~
16 ~~setting forth the apportionment resolution adopted by the~~
17 ~~legislature, or if none has been adopted reporting that fact~~
18 ~~to the court. Consideration of the validity of a joint~~
19 ~~resolution of apportionment shall be had as provided for in~~
20 ~~cases of such joint resolution adopted at a regular or special~~
21 ~~apportionment session.~~

22 (d)(f) JUDICIAL REAPPORTIONMENT. Should an
23 extraordinary apportionment session fail to adopt a resolution
24 of apportionment or should the supreme court determine that
25 the apportionment made is invalid, the court shall, not later
26 than sixty days after receiving the petition of the attorney
27 general, file with the secretary of state an order making such
28 apportionment.

29 Section 2. Section 22 is added to Article XII of the
30 Florida Constitution to read:

31 ARTICLE XII

1 SCHEDULE

2 SECTION 22. Independent reapportionment
3 commission.--Until changed by general law, each independent
4 reapportionment commission shall consist of the
5 following: one member appointed by the chief judge of the
6 first district court of appeal, who shall act as chairman, one
7 member appointed by the majority leader of the senate, one
8 member appointed by the leader of the minority party of the
9 senate or, if there is more than one minority party, by the
10 leader of the minority party having the most members. One
11 member appointed by the majority leader of the house of
12 representatives, one member appointed by the minority leader
13 of the house of representatives, or, if there is more than one
14 minority party, by the leader of the minority party having the
15 most members.