

**By** the Committee on Legislative and Commissioners Thompson and Evans-Jones

1                                   A proposal to repeal  
2       ARTICLE III, s. 16, Fla. Const., relating to  
3       legislative apportionment and create ARTICLE  
4       II, s. 10, Fla. Const.; providing for a  
5       commission to establish legislative and  
6       congressional districts; providing for the  
7       appointment of members to the commission;  
8       requiring that the chief justice of the supreme  
9       court fill certain vacancies on the commission;  
10      requiring meetings and records of the  
11      commission to be open to the public; providing  
12      certain exceptions; requiring that the  
13      commission file its final report with the  
14      secretary of state within a specified period;  
15      requiring that the supreme court determine the  
16      validity of the plans; providing for the  
17      supreme court to establish the districts under  
18      specified circumstances; providing for the  
19      assignment of senatorial terms that are  
20      shortened as a result of apportionment;  
21      deleting requirements that the Legislature  
22      apportion the state into legislative districts.

23  
24   It is proposed by the Florida Constitution Revision Commission  
25   that:

26  
27           Section 1.   Section 16 of Article III of the Florida  
28   Constitution is repealed and Section 10 is added to Article II  
29   to read:

30                                   ARTICLE II  
31                                   GENERAL PROVISIONS

1           SECTION 10. Legislative apportionment and  
2 congressional districting.--

3           (a) REAPPORTIONMENT AND REDISTRICTING COMMISSION.--In  
4 the year following each decennial census or when required by  
5 law of the United States or by court order, a commission shall  
6 divide the state into 40 consecutively numbered senatorial  
7 districts, 120 consecutively numbered representative  
8 districts, and as many consecutively numbered congressional  
9 districts as there are representatives in congress apportioned  
10 to this state. The commission shall consist of 9 electors,  
11 none of whom may be an elected state official, member of  
12 congress, party officer, registered lobbyist, legislative or  
13 congressional employee, or relative of an elected state  
14 official or member of congress as provided by law. Each  
15 district shall be composed of contiguous territory and may not  
16 include territory of any other district of the same house.  
17 Districts shall be established in accordance with the  
18 constitution of the state and of the United States, shall be  
19 as nearly equal in population as practical, and may not be  
20 drawn in a manner that dilutes the voting strength of any  
21 racial or language minority group. The commission shall  
22 consider creating districts that consist of compact territory.

23           (1) On or before June 1 in the year following each  
24 decennial census, or within 15 days after legislative  
25 apportionment or congressional redistricting is required by  
26 law or by court order, eight commissioners shall be certified  
27 by the respective appointing authorities to the secretary of  
28 state. The president of the senate and the speaker of the  
29 house of representatives each shall appoint two commissioners.  
30 Members of the senate who are not members of the same party as  
31

1 the president shall designate one from their number who shall  
2 appoint two commissioners. Members of the house of  
3 representatives who are not members of the same party as that  
4 of the speaker shall designate one from their number who shall  
5 appoint two commissioners. The appointing authorities shall  
6 consider the state's ethnic, racial, and gender diversity.  
7 Failure to achieve such diversity shall not be grounds for  
8 challenging the authority of the commission.

9       (2) Within 45 days after the eight commissioners are  
10 certified to the secretary of state, one additional  
11 commissioner, who shall be designated chair of the commission,  
12 shall be appointed by a vote of at least five commissioners  
13 and certified to the secretary of state.

14       (3) As a condition of appointment, each commissioner  
15 shall take an oath affirming that the commissioner will not  
16 seek election to the senate or house of representatives and  
17 will not lobby the legislature for a period of 2 years after  
18 concluding service as a commissioner.

19       (4) A vacancy on the commission shall be filled by the  
20 initial appointing authority and certified to the secretary of  
21 state within 15 days after the vacancy occurs.

22       (5) Any appointment that is not timely certified to  
23 the secretary of state shall be filled within 15 days by the  
24 chief justice of the supreme court of the state.

25       (6) The commission shall act by majority vote of its  
26 membership and shall establish its own rules and procedures.  
27 Public notice must be given prior to all meetings of the  
28 commission and the meetings shall be open to the public. The  
29 commission shall hold hearings to receive public testimony as  
30 it deems necessary. All data and documents received, created,  
31

1 or used by the commission shall be open and accessible to the  
2 public, except that any plan or draft proposal prepared by a  
3 commissioner or by the commission staff is exempt from  
4 disclosure until such document is provided to another  
5 commissioner or to any member of the public other than  
6 commission staff.

7 (7) Within 150 days after the chair is first certified  
8 to the secretary of state, the commission shall file with the  
9 secretary of state its final report, including all required  
10 plans.

11 (8) The legislature shall appropriate sufficient funds  
12 for the operation of the commission, as provided by law.

13 (9) After the supreme court determines that the  
14 required plans are valid, the commission shall be dissolved.

15 (b) FAILURE OF COMMISSION TO APPORTION; JUDICIAL  
16 APPORTIONMENT.--If the commission does not timely file its  
17 final report, including all required plans, with the secretary  
18 of state, the commission shall be dissolved, and the attorney  
19 general shall, within 5 days, petition the supreme court of  
20 the state to divide the state into legislative or  
21 congressional districts. Within 60 days after the filing of  
22 such petition, the supreme court shall file with the secretary  
23 of state an order dividing the state into legislative or  
24 congressional districts.

25 (c) JUDICIAL REVIEW OF APPORTIONMENT.--Within 15 days  
26 after the final report of the commission is filed with the  
27 secretary of state, the attorney general shall petition the  
28 supreme court of the state to determine the validity of the  
29 plans. The supreme court, in accordance with its rules, shall  
30 permit adversary interests to present their views and, within  
31

30 days after the filing of the petition, shall enter its judgment.

(d) EFFECT OF JUDGMENT IN APPORTIONMENT.--A judgment of the supreme court of the state determining a plan to be valid is binding. If the supreme court determines that a plan adopted by the commission is invalid, the commission, within 20 days after the ruling, shall adopt and file with the secretary of state an amended plan that conforms to the judgment of the supreme court. Within 5 days after the filing of an amended plan, the attorney general shall petition the supreme court of the state to determine the validity of the plan, or, if the commission has failed to file a plan, report that fact to the court. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within 30 days after the filing of the petition, shall enter its judgment.

(e) JUDICIAL APPORTIONMENT.--If the commission fails to file an amended plan, or if the supreme court of the state determines that an amended plan is invalid, the commission shall be dissolved, and the supreme court shall, not later than 60 days after receiving the petition of the attorney general, file with the secretary of state an order dividing the state into legislative or congressional districts.

(f) SENATORIAL TERMS.--Any reelected senator whose prior term was shortened to 2 years as a result of apportionment shall, after apportionment, be assigned to serve a 4-year term. Any new senator or reelected senator whose prior term was not so shortened shall, after apportionment, be assigned to serve a 2-year term; however, if the number of senators assigned to serve a 2-year term exceeds 20, the

1 number of such senators shall be reduced to 20 by random  
2 selection as provided by law.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31