

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

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

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28 Constitution is repealed and Section 10 is added to Article II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:

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
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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,
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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 15 days after the filing of the petition, shall file its

1 30 days after the filing of the petition, shall enter its
2 judgment.

3 (d) EFFECT OF JUDGMENT IN APPORTIONMENT.--A judgment
4 of the supreme court of the state determining a plan to be
5 valid is binding. If the supreme court determines that a plan
6 adopted by the commission is invalid, the commission, within
7 20 days after the ruling, shall adopt and file with the
8 secretary of state an amended plan that conforms to the
9 judgment of the supreme court. Within 5 days after the filing
10 of an amended plan, the attorney general shall petition the
11 supreme court of the state to determine the validity of the
12 plan, or, if the commission has failed to file a plan, report
13 that fact to the court. The supreme court, in accordance with
14 its rules, shall permit adversary interests to present their
15 views and, within 30 days after the filing of the petition,
16 shall enter its judgment.

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

24 (f) SENATORIAL TERMS.--Any reelected senator whose
25 prior term was shortened to 2 years as a result of
26 apportionment shall, after apportionment, be assigned to serve
27 a 4-year term. Any new senator or reelected senator whose
28 prior term was not so shortened shall, after apportionment, be
29 assigned to serve a 2-year term; however, if the number of
30 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.
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