

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.

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

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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28   Constitution is repealed and Section 10 is added to Article II  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 Except to meet the foregoing requirements, division of  
24 counties should be avoided whenever possible. When counties  
25 are divided, the number of municipalities and towns whose  
26 territory is contained in more than one district of the same  
27 house shall be as small as possible.

28           (1) On or before June 1 in the year following each  
29 decennial census, or within 15 days after legislative  
30 apportionment or congressional redistricting is required by  
31 law or by court order, eight commissioners shall be certified

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

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

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

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

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

29 (6) The commission shall act by majority vote of its  
30 membership and shall establish its own rules and procedures.  
31 Public notice must be given prior to all meetings of the

1 commission and the meetings shall be open to the public. The  
2 commission shall hold hearings to receive public testimony as  
3 it deems necessary. All data and documents received, created,  
4 or used by the commission shall be open and accessible to the  
5 public, except that any plan or draft proposal prepared by a  
6 commissioner or by the commission staff is exempt from  
7 disclosure until such document is provided to another  
8 commissioner or to any member of the public other than  
9 commission staff.

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

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

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

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

28 (c) JUDICIAL REVIEW OF APPORTIONMENT.--Within 15 days  
29 after the final report of the commission is filed with the  
30 secretary of state, the attorney general shall petition the  
31 supreme court of the state to determine the validity of the

1 plans. The supreme court, in accordance with its rules, shall  
2 permit adversary interests to present their views and, within  
3 30 days after the filing of the petition, shall enter its  
4 judgment.

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

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

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

1 senators assigned to serve a 2-year term exceeds 20, the  
2 number of such senators shall be reduced to 20 by random  
3 selection as provided by law.  
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