

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28 Constitution is repealed and Section 10 is added to Article II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 17 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. Except to meet the
22 foregoing requirements, the commission shall consider creating
23 districts that consist of compact territory and division of
24 counties should be avoided whenever possible. When counties
25 are divided, the number of municipalities and towns contained
26 in more than one district of the same house shall be as small
27 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, 16 commissioners shall be certified by

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

13 (2) Within 45 days after the 16 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 nine 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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