

By Commissioner Thompson

1 A proposal to revise
2 ARTICLE III, s. 16, Fla. Const.; providing for
3 legislative districts to be apportioned by an
4 apportionment commission; providing for the
5 appointment of members to the apportionment
6 commission; requiring that the chief justice of
7 the supreme court fill any vacancy on the
8 commission; requiring meetings and records of
9 the commission to be open to the public;
10 providing certain exceptions; requiring that
11 the commission file an apportionment plan with
12 the secretary of state within a specified
13 period; requiring that the supreme court
14 determine the validity of the apportionment
15 plan; providing for the supreme court to
16 apportion the state if the commission fails to
17 timely file an apportionment plan or an amended
18 apportionment plan; 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 revised by amending that section to read:
29 ARTICLE III
30 LEGISLATURE
31 SECTION 16. Legislative apportionment.--

1 (a) SENATORIAL AND REPRESENTATIVE DISTRICTS.--In the
2 year following each decennial census or when required by court
3 order, an apportionment commission consisting of 11 electors,
4 none of whom may be an elected state official, registered
5 lobbyist, or legislative employee, shall apportion the state
6 into 40 consecutively numbered senatorial districts and 120
7 consecutively numbered representative districts. A district of
8 either house may not include territory of any other district
9 of the same house. Districts shall be composed of contiguous
10 territory and apportioned in accordance with the constitution
11 of the state and of the United States. Districts shall be as
12 nearly equal in population as practical. Districts may not be
13 drawn in a manner that dilutes the voting strength of any
14 racial or language minority group.

15 (1) On or before June 1 of each apportionment year, or
16 within 15 days after an apportionment is required by court
17 order, eight commissioners shall be certified by the
18 respective appointing authorities to the secretary of state.
19 The president of the senate and the speaker of the house of
20 representatives each shall appoint two commissioners. Members
21 of the senate who are members of parties different from that
22 of the president shall designate one from their number who
23 shall appoint two commissioners. Members of the house of
24 representatives who are members of parties different from that
25 of the speaker shall designate one from their number who shall
26 appoint two commissioners.

27 (2) Within 45 days after the eight commissioners are
28 certified to the secretary of state, three additional
29 commissioners, one of whom shall be designated chair of the
30 commission, shall be appointed by a vote of at least five
31 commissioners and certified to the secretary of state.

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

6 (4) Any appointment that is not timely certified to
7 the secretary of state shall be filled within 15 days by the
8 chief justice of the supreme court of the state.

9 (5) A vacancy on the commission shall be filled by the
10 initial appointing authority and certified to the secretary of
11 state within 15 days after the vacancy occurs.

12 (6) The commission shall act by majority vote of its
13 membership and shall establish its own rules and procedures.
14 Public notice must be given prior to all meetings of the
15 commission and the meetings shall be open to the public. All
16 data and documents received, created, or used by the
17 commission shall be open and accessible to the public, except
18 that any plan or draft proposal prepared by a commissioner or
19 by the commission staff is exempt from disclosure until such
20 document is provided to another commissioner or to any member
21 of the public other than commission staff.

22 (7) Within 150 days after the 11 commissioners are
23 certified to the secretary of state, the commission shall file
24 with the secretary of state an apportionment plan for the
25 senate and the house of representatives.

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

28 (9) After the supreme court determines than an
29 apportionment is valid, the commission shall be dissolved.

30 (b) FAILURE OF COMMISSION TO APPORTION; JUDICIAL
31 APPORTIONMENT.--If the commission does not timely file an

1 apportionment plan for the senate and house of representatives
2 with the secretary of state, the commission shall be
3 dissolved, and the attorney general shall, within 5 days,
4 petition the supreme court of the state to make such
5 apportionment. Within 60 days after the filing of such
6 petition, the supreme court shall file with the secretary of
7 state an order making such apportionment.

8 (c) JUDICIAL REVIEW OF APPORTIONMENT.--Within 15 days
9 after the apportionment plan of the commission is filed with
10 the secretary of state, the attorney general shall petition
11 the supreme court of the state for a declaratory judgment
12 determining the validity of the apportionment. The supreme
13 court, in accordance with its rules, shall permit adversary
14 interests to present their views and, within 30 days after the
15 filing of the petition, shall enter its judgment.

16 (d) EFFECT OF JUDGMENT IN APPORTIONMENT.--A judgment
17 of the supreme court of the state determining the
18 apportionment to be valid is binding. If the supreme court
19 determines that the apportionment made by the commission is
20 invalid, the commission, within 20 days after the ruling,
21 shall adopt an amended apportionment plan that conforms to the
22 judgment of the supreme court. Within 5 days after adoption of
23 the amended plan, the attorney general shall file a petition
24 in the supreme court of the state setting forth the amended
25 apportionment plan adopted by the commission, or if none has
26 been adopted, reporting that fact to the court. The court
27 shall consider the validity of an amended apportionment plan
28 as provided in subsection (c).

29 (e) JUDICIAL APPORTIONMENT.--If the commission fails
30 to adopt an amended apportionment plan, or if the supreme
31 court of the state determines that the amended apportionment

1 plan is invalid, the supreme court shall, not later than 60
2 days after receiving the petition of the attorney general,
3 file with the secretary of state an order making such
4 apportionment.

5 (f) SENATORIAL TERMS.--Any reelected senator whose
6 prior term was shortened to 2 years as a result of
7 apportionment shall, after apportionment, be assigned to serve
8 a 4-year term. Any new senator or reelected senator whose
9 prior term was not so shortened shall, after apportionment, be
10 assigned to serve a 2-year term; however, if the number of
11 senators assigned to serve a 2-year term exceeds 20, the
12 number of such senators shall be reduced to 20 by random
13 selection as provided by law.

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

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

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

17 ~~(d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY~~
18 ~~APPORTIONMENT SESSION. A judgment of the supreme court of the~~
19 ~~state determining the apportionment to be valid shall be~~
20 ~~binding upon all the citizens of the state. Should the~~
21 ~~supreme court determine that the apportionment made by the~~
22 ~~legislature is invalid, the governor by proclamation shall~~
23 ~~reconvene the legislature within five days thereafter in~~
24 ~~extraordinary apportionment session which shall not exceed~~
25 ~~fifteen days, during which the legislature shall adopt a joint~~
26 ~~resolution of apportionment conforming to the judgment of the~~
27 ~~supreme court.~~

28 ~~(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF~~
29 ~~APPORTIONMENT. Within fifteen days after the adjournment of~~
30 ~~an extraordinary apportionment session, the attorney general~~
31 ~~shall file a petition in the supreme court of the state~~

1 ~~setting forth the apportionment resolution adopted by the~~
2 ~~legislature, or if none has been adopted reporting that fact~~
3 ~~to the court. Consideration of the validity of a joint~~
4 ~~resolution of apportionment shall be had as provided for in~~
5 ~~cases of such joint resolution adopted at a regular or special~~
6 ~~apportionment session.~~

7 (f) ~~JUDICIAL REAPPORTIONMENT. Should an extraordinary~~
8 ~~apportionment session fail to adopt a resolution of~~
9 ~~apportionment or should the supreme court determine that the~~
10 ~~apportionment made is invalid, the court shall, not later than~~
11 ~~sixty days after receiving the petition of the attorney~~
12 ~~general, file with the secretary of state an order making such~~
13 ~~apportionment.~~