

By Senator Klein

30-1687-04

1
2
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

Senate Joint Resolution No. _____

A joint resolution proposing an amendment to Section 16 of Article III of the State Constitution to provide for an apportionment and districting commission to apportion legislative and congressional districts and for its selection and duties.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 16 of Article III of the State Constitution is agreed to and shall be presented to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III
LEGISLATURE

SECTION 16. Legislative apportionment.--

(a) APPORTIONMENT AND DISTRICTING COMMISSION. In the year following each decennial census or when required by the United States or by court order, a commission shall divide the state into not fewer than thirty or more than forty consecutively numbered senatorial districts of either contiguous, overlapping, or identical territory and not fewer than eighty or more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping, or identical territory as provided by this constitution or by general law and shall divide the state to create as many congressional districts as there are representatives in congress apportioned to this state.

1 Districts shall be established in accordance with the
2 constitution of this state and of the United States and shall
3 be as nearly equal in population as practicable.

4 (1) On or before June 1 in the year following each
5 decennial census, or within fifteen days after legislative
6 apportionment or congressional districting is required by law
7 or by court order, sixteen commissioners shall be certified by
8 the respective appointing authorities to the custodian of
9 state records. The president of the senate and the speaker of
10 the house of representatives each shall select and certify
11 four commissioners. Members of minority parties in the senate
12 shall elect one from their number who shall select and certify
13 four commissioners. Members of minority parties in the house
14 of representatives shall elect one from their number who shall
15 select and certify four commissioners. Within twenty-one days
16 after the sixteen members are certified to the custodian of
17 state records, the commissioners by affirmative vote of eleven
18 members shall elect the seventeenth member, who must be a
19 registered voter who for the previous two years was not
20 registered as an elector of any political party having a
21 member holding office in the appointing legislature. If no
22 selection is made, then the chief justice of the supreme court
23 shall select the seventeenth member from a list of four
24 persons who are registered voters who for the previous two
25 years were not registered as electors of any political party
26 having a member holding office in the appointing legislature,
27 two selected by the commissioners appointed by the president
28 of the senate and the speaker of the house of representatives
29 and two by the minority party commissioners. Upon selection,
30 the seventeenth commissioner shall be certified to the
31 custodian of state records.

1 (2)a. A commissioner may not have served during the
2 four years before his or her certification as an elected state
3 official, member of congress, party officer or employee, paid
4 registered lobbyist, or legislative or congressional employee,
5 nor may a relative, as defined by law, or an employee of any
6 such person be a commissioner.

7 b. As a condition of appointment, each commissioner
8 shall take an oath affirming that he or she will not, for a
9 period of four years after concluding his or her service as a
10 commissioner, act as a paid registered lobbyist or seek
11 elected legislative or congressional office.

12 (3) The commission shall elect one of its members to
13 serve as chair and shall establish its own rules and
14 procedures. The affirmative vote of eleven commissioners is
15 required for any commission action. Meetings and records of
16 the commission shall be open to the public and public notice
17 of all meetings shall be given.

18 (4) Within one hundred eighty days after the
19 seventeenth commissioner is certified to the custodian of
20 state records, the commission shall file with the custodian of
21 state records its final report, including all required plans.

22 (5) After the supreme court determines that the
23 required plans are valid, the commission shall be dissolved.
24 ~~SENATORIAL AND REPRESENTATIVE DISTRICTS. The legislature at~~
25 ~~its regular session in the second year following each~~
26 ~~decennial census, by joint resolution, shall apportion the~~
27 ~~state in accordance with the constitution of the state and of~~
28 ~~the United States into not less than thirty nor more than~~
29 ~~forty consecutively numbered senatorial districts of either~~
30 ~~contiguous, overlapping or identical territory, and into not~~
31 ~~less than eighty nor more than one hundred twenty~~

1 ~~consecutively numbered representative districts of either~~
2 ~~contiguous, overlapping or identical territory. Should that~~
3 ~~session adjourn without adopting such joint resolution, the~~
4 ~~governor by proclamation shall reconvene the legislature~~
5 ~~within thirty days in special apportionment session which~~
6 ~~shall not exceed thirty consecutive days, during which no~~
7 ~~other business shall be transacted, and it shall be the~~
8 ~~mandatory duty of the legislature to adopt a joint resolution~~
9 ~~of apportionment.~~

10 (b) FAILURE OF COMMISSION TO APPORTION; JUDICIAL
11 APPORTIONMENT. If the commission does not timely file its
12 final report, including all required plans with the custodian
13 of state records, the commission shall be dissolved and the
14 attorney general shall, within five days, petition the supreme
15 court of the state to make such apportionment. Not later than
16 the sixtieth day after such petition is filed, the supreme
17 court shall file with the custodian of state records an order
18 making such apportionment.~~FAILURE OF LEGISLATURE TO~~
19 ~~APPORTION; JUDICIAL REAPPORTIONMENT.~~ In the event a special
20 ~~apportionment session of the legislature finally adjourns~~
21 ~~without adopting a joint resolution of apportionment, the~~
22 ~~attorney general shall, within five days, petition the supreme~~
23 ~~court of the state to make such apportionment. No later than~~
24 ~~the sixtieth day after the filing of such petition, the~~
25 ~~supreme court shall file with the custodian of state records~~
26 ~~an order making such apportionment.~~

27 (c) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen
28 days after the final report is filed with the custodian of
29 state records, the attorney general shall petition the supreme
30 court of the state to review and determine the validity of the
31 apportionment. The supreme court, in accordance with its

1 rules, shall permit adversary interests to present their views
2 and, within thirty days after the petition is filed, shall
3 enter its judgment. ~~JUDICIAL REVIEW OF APPORTIONMENT. Within~~
4 ~~fifteen days after the passage of the joint resolution of~~
5 ~~apportionment, the attorney general shall petition the supreme~~
6 ~~court of the state for a declaratory judgment determining the~~
7 ~~validity of the apportionment. The supreme court, in~~
8 ~~accordance with its rules, shall permit adversary interests to~~
9 ~~present their views and, within thirty days from the filing of~~
10 ~~the petition, shall enter its judgment.~~

11 (d) EFFECT OF JUDGMENT IN APPORTIONMENT. A judgment
12 of the supreme court determining the apportionment to be valid
13 or ordering judicial apportionment shall be binding upon all
14 citizens of the state. If the supreme court determines that
15 the apportionment made by the commission is invalid, within
16 twenty days after the ruling the commission shall adopt and
17 file with the custodian of state records an amended plan that
18 conforms to the judgment of the supreme court. Within five
19 days after an amended plan is filed, the attorney general
20 shall petition the supreme court of the state to determine the
21 validity of the amended plan. If the commission has failed to
22 file an amended plan, the attorney general shall report that
23 fact to the supreme court within five days after the day by
24 which the commission should have filed an amended plan. ~~EFFECT~~
25 ~~OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY APPORTIONMENT~~
26 ~~SESSION. A judgment of the supreme court of the state~~
27 ~~determining the apportionment to be valid shall be binding~~
28 ~~upon all the citizens of the state. Should the supreme court~~
29 ~~determine that the apportionment made by the legislature is~~
30 ~~invalid, the governor by proclamation shall reconvene the~~
31 ~~legislature within five days thereafter in extraordinary~~

1 ~~apportionment session which shall not exceed fifteen days,~~
2 ~~during which the legislature shall adopt a joint resolution of~~
3 ~~apportionment conforming to the judgment of the supreme court.~~

4 (e) JUDICIAL APPORTIONMENT. If the commission fails
5 to file an amended plan or if the supreme court determines
6 that the amended plan is invalid, the commission shall be
7 dissolved and the supreme court shall, not later than sixty
8 days after receiving the petition of the attorney general,
9 file with the custodian of state records an order making such
10 apportionment. ~~EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF~~
11 ~~APPORTIONMENT.~~ ~~Within fifteen days after the adjournment of~~
12 ~~an extraordinary apportionment session, the attorney general~~
13 ~~shall file a petition in the supreme court of the state~~
14 ~~setting forth the apportionment resolution adopted by the~~
15 ~~legislature, or if none has been adopted reporting that fact~~
16 ~~to the court. Consideration of the validity of a joint~~
17 ~~resolution of apportionment shall be had as provided for in~~
18 ~~cases of such joint resolution adopted at a regular or special~~
19 ~~apportionment session.~~

20 (f) ~~JUDICIAL REAPPORTIONMENT.~~ ~~Should an extraordinary~~
21 ~~apportionment session fail to adopt a resolution of~~
22 ~~apportionment or should the supreme court determine that the~~
23 ~~apportionment made is invalid, the court shall, not later than~~
24 ~~sixty days after receiving the petition of the attorney~~
25 ~~general, file with the custodian of state records an order~~
26 ~~making such apportionment.~~

27 BE IT FURTHER RESOLVED that the following statement be
28 placed on the ballot:

29 CONSTITUTIONAL AMENDMENT
30 ARTICLE III, SECTION 16
31

1 APPORTIONMENT AND DISTRICTING COMMISSION.--Proposing an
2 amendment to the State Constitution to abolish the existing
3 system of apportioning legislative and congressional districts
4 with an apportionment and districting commission. The
5 commission will be comprised of 17 members, 4 selected by the
6 President of the Senate, 4 selected by the Speaker of the
7 House of Representatives, and 4 each by the minority parties
8 in the Senate and the House of Representatives; these 16
9 members will elect the 17th, who must be a registered elector
10 not a member of any party having a member in the Legislature.
11 The commission has 180 days to file a report and plans; if
12 this apportionment is found invalid by the Supreme Court, the
13 commission has 20 days to file an amended plan. If the amended
14 plan is found invalid, or if the commission fails to file a
15 report and plans, the Supreme Court must do so within 60 days
16 after receiving a petition by the Attorney General.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31