

By Senator Soto

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1 A bill to be entitled
2 An act relating to violations of apportionment
3 standards; providing that a member of the Legislature
4 who offers, or participates in the creation of, an
5 apportionment plan in violation of certain standards
6 for establishing congressional or legislative district
7 boundaries may be subject to penalties; specifying
8 methods for an aggrieved party to file a complaint;
9 specifying required contents of a complaint;
10 prescribing procedures for complaints filed in either
11 house of the Legislature or in circuit court,
12 respectively; providing penalties; specifying actions
13 that must be considered aggravating circumstances in
14 determining whether the member acted in bad faith or
15 with malice; providing a statute of repose; providing
16 for nonapplicability; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Violations of apportionment standards;
21 penalties.-

22 (1) If a member of the Legislature offers, or participates
23 in the creation of, an apportionment plan that violates the
24 standards for establishing congressional or legislative district
25 boundaries prescribed in ss. 20 and 21 of Article III of the
26 State Constitution, respectively, he or she may be subject to
27 the penalties set forth in this section.

28 (2) In alleging a violation of s. 20 or s. 21 of Article
29 III of the State Constitution, an aggrieved party may:

14-00003-15C

20156C__

30 (a) File a sworn complaint with the house of the
31 Legislature of the member who is the subject of the complaint;
32 or

33 (b) File a complaint in the circuit court of the Second
34 Judicial Circuit in and for Leon County.

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36 A filed complaint must specify the actions of the member of the
37 Legislature which form the basis for the complaint and attach
38 all documentation on which the complaint is based.

39 (3) Any complaint filed pursuant to paragraph (2) (a) shall
40 be referred to the appropriate committee for investigation and
41 action in accordance with the rules of the respective house of
42 the Legislature. If the committee finds that a violation has
43 occurred, it shall report its findings to the President of the
44 Senate or the Speaker of the House of Representatives, as
45 appropriate, together with a recommended penalty, including a
46 fine of up to \$5,000. If the committee finds that the member
47 acted in bad faith or with malice, the committee may recommend
48 that the member also be censured, reprimanded, or expelled. Upon
49 receipt of such report, the President of the Senate or the
50 Speaker of the House of Representatives shall cause the
51 committee report and recommendations to be brought before the
52 respective house and a final determination shall be made by a
53 majority of said house.

54 (4) If the complaint is filed in circuit court, the circuit
55 judge shall assess a fine of up to \$5,000 if the judge
56 determines that the member who is the subject of the complaint
57 has offered, or participated in the creation of, an
58 apportionment plan in violation of s. 20 or s. 21 of Article III

14-00003-15C

20156C__

59 of the State Constitution. If the circuit judge finds that the
60 member acted in bad faith or with malice, that finding shall be
61 an aggravating factor toward the assessment of a greater fine.

62 (5) For purposes of this section, offering, or
63 participating in the creation of, an apportionment plan that
64 violates a standard specified in subsection (a) of s. 20 or
65 subsection (a) of s. 21 of Article III of the State Constitution
66 shall be considered an aggravating circumstance by the circuit
67 judge or the appropriate legislative committee in determining
68 whether the member acted in bad faith or with malice.

69 (6) A complaint filed pursuant to this section must be
70 filed within 1 year after the date that the apportionment plan
71 is filed for consideration by the Legislature.

72 (7) This section does not apply to a member of the
73 Legislature who affirmatively voted for an offending
74 apportionment plan but did not sponsor or participate in the
75 creation of such plan.

76 Section 2. This act shall take effect upon becoming a law.