

1                                   A bill to be entitled  
 2           An act relating to violations of apportionment  
 3           standards; providing that a legislator who offers, or  
 4           participates in the creation of, an apportionment plan  
 5           in violation of certain standards for establishing  
 6           congressional or legislative district boundaries may  
 7           be subject to penalties; specifying methods for an  
 8           aggrieved party to file a complaint; specifying  
 9           required contents of a complaint; prescribing  
 10          procedures for complaints filed in either house of the  
 11          Legislature or in circuit court, respectively;  
 12          providing penalties; specifying actions that must be  
 13          considered aggravating circumstances in determining  
 14          whether the legislator acted in bad faith or with  
 15          malice; providing a statute of repose; providing  
 16          criminal penalties for a legislator who in bad faith  
 17          or with malice offers, or participates in the creation  
 18          of, an apportionment plan in violation of certain  
 19          standards; providing nonapplicability to a legislator  
 20          who does not participate in the creation of an  
 21          offending plan; providing an effective date.

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

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 25           Section 1. Violations of apportionment standards;  
 26           penalties.—

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

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

35 (a) File a sworn complaint with the house of the  
36 Legislature of the member who is the subject of the complaint;  
37 or

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

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41 A filed complaint must specify the actions of the member of the  
42 Legislature which form the basis for the complaint and attach  
43 all documentation on which the complaint is based.

44 (3) Any complaint filed pursuant to paragraph (2) (a) shall  
45 be referred to the appropriate committee for investigation and  
46 action in accordance with the rules of the respective house of  
47 the Legislature. If the committee finds that a violation has  
48 occurred, it shall report its findings to the President of the  
49 Senate or the Speaker of the House of Representatives, as  
50 appropriate, together with a recommended penalty, including a  
51 fine of up to \$5,000. If the committee finds that the member  
52 acted in bad faith or with malice, the committee may recommend

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53 that the member also be censured, reprimanded, or expelled. Upon  
54 receipt of such report, the President of the Senate or the  
55 Speaker of the House of Representatives shall cause the  
56 committee report and recommendations to be brought before the  
57 respective house and a final determination shall be made by a  
58 majority of said house.

59 (4) If the complaint is filed in circuit court, the  
60 circuit judge shall assess a fine of up to \$5,000 if the judge  
61 determines that the member who is the subject of the complaint  
62 has offered, or participated in the creation of, an  
63 apportionment plan in violation of s. 20 or s. 21 of Article III  
64 of the State Constitution. If the circuit judge finds that the  
65 member acted in bad faith or with malice, that finding shall be  
66 an aggravating factor toward the assessment of a greater fine.

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

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

77 (7) If a member of the Legislature offers, or participates  
78 in the creation of, in bad faith or with malice, an

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79 apportionment plan that violates the standards for establishing  
80 congressional or legislative district boundaries prescribed in  
81 s. 20 or s. 21, Article III of the State Constitution,  
82 respectively, the member commits a felony of the third degree,  
83 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
84 Florida Statutes.

85 (8) This section does not apply to a member of the  
86 Legislature who affirmatively voted for an offending  
87 apportionment plan but did not sponsor or participate in the  
88 creation of such plan.

89 Section 2. This act shall take effect July 1, 2016.