

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; providing for
13 recovery of attorney fees and court costs; specifying
14 actions that must be considered aggravating
15 circumstances in determining whether the member acted
16 in bad faith or with malice; providing a statute of
17 repose; providing for nonapplicability; providing an
18 effective date.

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

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22 Section 1. Violations of apportionment standards;
23 penalties.-

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

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

32 (a) File a sworn complaint with the house of the

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33 Legislature of the member who is the subject of the complaint;
34 or

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

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

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

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

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62 member acted in bad faith or with malice, that finding shall be
63 an aggravating factor toward the assessment of a greater fine.

64 (5) An aggrieved party who prevails in an action filed
65 under this section is entitled to recover reasonable attorney
66 fees and court costs.

67 (6) 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 (7) 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 (8) This section does not apply to a member of the
78 Legislature who affirmatively voted for an offending
79 apportionment plan but did not sponsor or participate in the
80 creation of such plan.

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