

House Joint Resolution

A joint resolution proposing an amendment to Section 16 of Article III of the State Constitution to revise reapportionment methods and revise upward the number of Senate and House districts.

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 submitted 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) INDEPENDENT REDISTRICTING COMMISSIONS. The state shall be apportioned by three independent redistricting commissions, one each for the senatorial, representative, and congressional reapportionment process.

(1)a. Each redistricting commission will establish a screening panel consisting of 37 members. The president of the senate, speaker of the house of representatives, minority leader of the house of representatives, and minority leader of the senate shall each appoint nine members. The chief justice of the

26 supreme court shall appoint one member.

27 b. To apply for the commissioner position, each applicant
 28 must have voted in two out of the last three presidential
 29 elections and two out of the last three gubernatorial elections.
 30 The following persons may not apply for a commissioner position
 31 or serve as commissioner:

32 1. Someone currently serving, or who has served, in an
 33 office or position which is filled by vote of the electors.

34 2. Someone who, within the past 14 years, has been a party
 35 officer, a registered lobbyist, paid while working as part of a
 36 campaign staff, or has worked for the executive office of the
 37 governor.

38 3. Someone who, within the past 18 years, has worked for
 39 the Florida Legislature.

40 4. Any parent, spouse, child, sibling, parent-in-law,
 41 child-in-law, or sibling-in-law of, or a cohabitating member of
 42 a household, of those mentioned in sub-subparagraphs 1. through
 43 3.

44 c. After review, the screening panel will select for
 45 further consideration 15 applicants from each of the following
 46 categories:

47 1. Applicants who are registered members of the political
 48 party that received the most votes in the last statewide
 49 election.

50 2. Applicants who are registered members of the political

51 party that received the second-most votes in the last statewide
52 election.

53 3. Applicants who are registered as independent or minor
54 party affiliates.

55
56 The screening panel shall ensure the selected applicants are, as
57 a whole, representative of the racial, ethnic, geographic, and
58 gender diversity of the state.

59 (2)a. The president of the senate, the speaker of the
60 house of representatives, the minority leader of the house of
61 representatives, and the minority leader of the senate may each
62 strike two applicants from each of the categories described in
63 sub-subparagraphs (1)b.1. through 3.

64 b. The screening panel shall then randomly draw five
65 applicants from each of the categories described in sub-
66 subparagraphs (1)b.1 through 3. to create each final independent
67 redistricting commission.

68 (3) The initial group of commissioners shall start their
69 terms in 2027. Each commissioner shall serve a 10-year term and
70 may not serve consecutive terms. A person running for office may
71 not have served on the commission that drew the district for
72 that office during their term or within 10 years after the
73 promulgation of those maps.

74 (4) A member of the commission shall receive compensation
75 fixed at the legislative per diem rate during commission travel

76 and meetings and shall be allowed all reasonable and necessary
 77 expenses incurred in the performance of their duties.

78 (5)a. All meetings shall take place in person and be
 79 streamed on the Florida channel.

80 b. All records and documents of the commission, including
 81 any individual or group performing delegated functions of the
 82 commission or advising the commission, related to the
 83 commission's work shall be considered public record. This
 84 includes internal communications of the commission and
 85 communications made to the commission.

86 c. Commissioners, staff of the commission, and any other
 87 advisor or consultant to the commission may only communicate
 88 with any person outside the commission about matters related to
 89 reapportionment in a public meeting or hearing. This does not
 90 include written public comments submitted to the commission,
 91 staff of the commission, or any other advisor or consultant to
 92 the commission.

93 (6) If the commission hires legal counsel the commission
 94 as an entity shall be considered the client.

95 (7) The commission shall establish and maintain a public
 96 website or other equivalent electronic platform to share
 97 information about the commission's activities. Prior to voting
 98 on any proposed plan, the commission must publish the proposed
 99 plan to the website. The website must:

100 a. Be capable of receiving comments and proposals by

101 citizens of the state.

102 b. Include a public submission portal, for map drawing,
103 which shall open on the website on January 1st of the year
104 ending in one.

105 c. Include all data used by the commission in the drawing
106 of districts. Such data, including census data, precinct maps,
107 election results, and shapefiles, shall be posted to the website
108 within three days of receipt by the commission.

109 (b) DISTRICT MAPS.

110 (1) Each commission shall reapportion the state by
111 creating three district maps. Each map shall be drawn according
112 to Sections 20 and 21 of Article III.

113 (2) The commission shall adopt three final district maps.
114 The maps must be approved by at least two-thirds of the
115 commissioners, including at least 2 commissioners registered as
116 independent or minor party affiliates.

117 (3) Before adopting a final map, the commission must hold
118 at least 2 public hearings in each state appellate district and
119 at least 2 public hearings in each county with a population of 1
120 million or more to seek public input. All meetings and hearings
121 held by the commission shall be adequately advertised and
122 planned to ensure the public is able to attend and participate
123 fully. Meetings and hearings must have advertisements in, at
124 minimum, the following languages: English, Spanish, Haitian
125 Creole, and Portuguese.

126 (c) ~~(a)~~ SENATORIAL AND REPRESENTATIVE DISTRICTS. The
127 legislature ~~at its regular session in the second year following~~
128 ~~each decennial census~~, by joint resolution approved by a
129 majority vote of each chamber, shall adopt one of the maps
130 created by the commission to apportion the state in accordance
131 with the constitution of the state and of the United States into
132 not less than thirty nor more than sixty ~~forty~~ consecutively
133 numbered senatorial districts of either contiguous, overlapping
134 or identical territory, and into not less than eighty nor more
135 than one hundred eighty ~~twenty~~ consecutively numbered
136 representative districts of either contiguous, overlapping or
137 identical territory. A map from the commission may be amended by
138 the legislature, but only if the amendment is approved by a
139 three-quarters vote of each chamber. The legislature must adopt
140 a final map by the earlier of July 1st of a year ending in one
141 or 60 days after receipt of census data. The legislature shall
142 be barred from all other involvement. The legislature may
143 authorize an extension until December 15th in the event of an
144 extraordinary circumstance. As used in this subsection, an
145 "extraordinary circumstance" means an invasion of the state by a
146 hostile foreign power and recognized as such by an act of
147 Congress, a pandemic declared as such by the President of the
148 United States, or a natural disaster declared as such by the
149 President of the United States ~~Should that session adjourn~~
150 ~~without adopting such joint resolution, the governor by~~

151 ~~proclamation shall reconvene the legislature within thirty days~~
152 ~~in special apportionment session which shall not exceed thirty~~
153 ~~consecutive days, during which no other business shall be~~
154 ~~transacted, and it shall be the mandatory duty of the~~
155 ~~legislature to adopt a joint resolution of apportionment.~~

156 (d) ~~(b)~~ FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL MAP
157 SELECTION REAPPORTIONMENT. In the event a ~~special apportionment~~
158 ~~session of the legislature~~ fails to adopt finally adjourns
159 ~~without adopting a joint resolution of apportionment, the~~
160 supreme court shall select the most compact map out of the three
161 submitted without amendment. The supreme court may hire up to
162 two special masters for assistance ~~the attorney general shall,~~
163 ~~within five days, petition the supreme court of the state to~~
164 ~~make such apportionment. No later than the sixtieth day after~~
165 ~~the filing of such petition, the supreme court shall file with~~
166 ~~the custodian of state records an order making such~~
167 ~~apportionment.~~

168 (e) ~~(c)~~ LEGAL CHALLENGES TO JUDICIAL REVIEW OF
169 APPORTIONMENT. ~~Within fifteen days after the passage of the~~
170 ~~joint resolution of apportionment, the attorney general shall~~
171 ~~petition~~ The supreme court of the state shall have original and
172 exclusive jurisdiction of any case for a declaratory judgment
173 ~~determining the validity of the apportionment. The supreme~~
174 ~~court, in accordance with its rules, shall permit adversary~~
175 ~~interests to present their views and, within thirty days from~~

176 | the filing of the petition, shall enter its judgment. A justice
 177 | who has a close relationship with a member of the United States
 178 | Congress or of the legislature has a conflict of interest in the
 179 | case and may not participate in any hearing or decision related
 180 | to a case brought under this paragraph. As used in this
 181 | paragraph, "close relationship means" a parent, spouse, child,
 182 | sibling, parent-in-law, child-in-law, or sibling-in-law of, or a
 183 | cohabitating member of a household with a member of the United
 184 | States Congress or of the legislature.

185 | (f)~~(d)~~ EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY
 186 | APPORTIONMENT SESSION. A judgment of the supreme court of the
 187 | state determining the apportionment to be valid shall be binding
 188 | upon all the citizens of the state. Should the supreme court
 189 | determine that the apportionment made by the legislature is
 190 | invalid, the governor by proclamation shall reconvene the
 191 | independent redistricting commissions to determine and propose a
 192 | reapportionment plan to remedy the unlawful or unconstitutional
 193 | district in a manner that minimally interferes with other
 194 | districts legislature within five days thereafter in
 195 | extraordinary apportionment session which shall not exceed
 196 | fifteen days, during which the legislature shall adopt a joint
 197 | resolution of apportionment conforming to the judgment of the
 198 | supreme court.

199 | ~~(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF~~
 200 | ~~APPORTIONMENT. Within fifteen days after the adjournment of an~~

201 ~~extraordinary apportionment session, the attorney general shall~~
 202 ~~file a petition in the supreme court of the state setting forth~~
 203 ~~the apportionment resolution adopted by the legislature, or if~~
 204 ~~none has been adopted reporting that fact to the court.~~
 205 ~~Consideration of the validity of a joint resolution of~~
 206 ~~apportionment shall be had as provided for in cases of such~~
 207 ~~joint resolution adopted at a regular or special apportionment~~
 208 ~~session.~~

209 ~~(f) JUDICIAL REAPPORTIONMENT. Should an extraordinary~~
 210 ~~apportionment session fail to adopt a resolution of~~
 211 ~~apportionment or should the supreme court determine that the~~
 212 ~~apportionment made is invalid, the court shall, not later than~~
 213 ~~sixty days after receiving the petition of the attorney general,~~
 214 ~~file with the custodian of state records an order making such~~
 215 ~~apportionment.~~

216
 217 BE IT FURTHER RESOLVED that the following statement be
 218 placed on the ballot:

219 CONSTITUTIONAL AMENDMENT
 220 ARTICLE III, SECTION 16

221 STATE REAPPORTIONMENT.—Proposing an amendment to the State
 222 Constitution to revise reapportionment methods by creating three
 223 independent redistricting commissions, for the House of
 224 Representatives, Senate, and congressional reapportionment
 225 process, respectively, require the legislature to approve a map

226 created by such commission, revise upward the number of Senate
 227 districts, from 40 to 60, and House districts, from 120 to 180,
 228 and establish procedures for when the legislature fails to
 229 select a district map.

230 BE IT FURTHER RESOLVED that the following statement be
 231 placed on the ballot if a court declares the preceding statement
 232 defective and the decision of the court is not reversed:

233 CONSTITUTIONAL AMENDMENT

234 ARTICLE III, SECTION 16

235 STATE REAPPORTIONMENT.—Proposing an amendment to the State
 236 Constitution to revise the reapportionment process by creating
 237 three independent redistricting commissions: one for the House
 238 of Representatives, one for the Senate, and one for
 239 congressional districts; establish a screening panel and
 240 procedure to review commission applicants; providing that
 241 commissioners will be compensated at the legislative per diem
 242 rate; providing commission meeting requirements and
 243 responsibilities; providing that if a commission hires an
 244 attorney, the commission shall be considered the client;
 245 requiring at least 15 public hearings be held across the state;
 246 requiring each commission to draw district maps based solely on
 247 constitutional provisions; requiring that three final maps be
 248 approved by at least a two-thirds supermajority, including votes
 249 from at least two independent or minor party affiliates;
 250 requiring the Legislature to select one map from the three

251 submitted, by a majority vote, not subject to a gubernatorial
252 veto; providing that the Supreme Court shall have original and
253 exclusive jurisdiction over any litigation related to a district
254 map; increasing the number of Senate districts from 40 to 60 and
255 House of Representative districts from 120 to 180; providing
256 requirements for the adoption of the final maps; providing that
257 if the Legislature fails to adopt a joint resolution, the
258 Supreme Court shall select the most compact map from the three
259 submitted, but may not amend any map; providing that if the
260 Supreme Court finds the Legislature's adopted map invalid, the
261 Governor shall reconvene the commissions to create a lawful
262 replacement.