A proposal to revise

ARTICLE III, s. 16, Fla. Const.; providing for legislative apportionment by an independent commission if not accomplished by the Legislature and the Supreme Court and ARTICLE XII, Fla. Const.; adding s. 22 to provide for the membership of the independent reapportionment commission.

It is proposed by the Florida Constitution Revision Commission that:

Section 1. Section 16 of Article III of the Florida Constitution is revised by amending that section to read:

ARTICLE III

LEGISLATURE

SECTION 16. Legislative apportionment.--

(a) SENATORIAL AND REPRESENTATIVE DISTRICTS. The legislature at its regular session in the first second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no

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other business shall be transacted, and it shall be the
mandatory duty of the legislature to adopt a joint resolution
of apportionment.

(b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL
REAPPORTIONMENT. In the event a special apportionment session
of the legislature finally adjourns without adopting a joint
resolution of apportionment, the attorney general shall,
within five days, petition the supreme court of the state to
make such apportionment. No later than the sixtieth day after
the filing of such petition, the supreme court shall file with
the secretary of state an order making such apportionment.

(b) (c) JUDICIAL REVIEW OF APPORTIONMENT. Within
fifteen days after the passage of the joint resolution of
apportionment, the attorney general shall petition the supreme
court of the state for a declaratory judgment determining the
validity of the apportionment. The supreme court, in
accordance with its rules, shall permit adversary interests to
present their views and, within thirty days from the filing of
the petition, shall enter its judgment.

(c) REAPPORTIONMENT COMMISSION. If no reapportionment
is accomplished by the legislature and the court within one
calendar year before the opening of qualifying for seats in
the legislature, at the next general election an independent
reapportionment commission (with no active legislative
members) provided for by general law, shall reapportion the
legislature and their plan, and judicial approval shall be
completed within one hundred and eighty days before the
qualifying for seats in the legislature at the next general
election. Each reapportionment commission shall convene at the
call of its chairperson and adopt appropriate rules of
procedure to permit it to accomplish its purpose.

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(d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY APPORTIONMENT SESSION. A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF APPORTIONMENT. Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

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

Section 2. Section 22 is added to Article XII of the Florida Constitution to read:

ARTICLE XII

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SCHEDULE

SECTION 22. Independent reapportionment

Commission.--Until changed by general law, each independent
reapportionment commission shall consist of the
following: one member appointed by the chief judge of the
first district court of appeal, who shall act as chairman, one
member appointed by the majority leader of the senate, one
member appointed by the leader of the minority party of the
senate or, if there is more than one minority party, by the
leader of the minority party having the most members. One
member appointed by the majority leader of the house of
representatives, one member appointed by the minority leader
of the house of representatives, or, if there is more than one
minority party, by the leader of the minority party having the
most members.

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