

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.

17  
 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:

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.

35  
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  
55 circuit 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  
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.