

By Senator Jones

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Senate 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 of Representatives 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 processes.

(1)a. Each redistricting commission will establish a screening panel composed of thirty-seven members. The president of the senate, speaker of the house of representatives, minority leader of the senate, and minority leader of the house of representatives shall each appoint nine members. The chief justice of the supreme court shall appoint one member.

b. To apply for the commissioner position, each applicant must have voted in two out of the last three presidential elections and two out of the last three gubernatorial elections.

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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 a position that is filled by vote of the electors.

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

38 3. Someone who, within the past eighteen years, has worked
39 for the 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 with, those mentioned in sub-subparagraphs 1.
43 through 3.

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

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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.

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59 (2)a. The president of the senate, the speaker of the house
60 of representatives, the minority leader of the senate, and the
61 minority leader of the house of representatives may each strike
62 two applicants from each of the categories described in sub-
63 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
67 independent redistricting commission.

68 (3) The initial group of commissioners shall begin their
69 terms in 2027. Each commissioner shall serve a ten-year term and
70 may not serve consecutive terms. A person who has served on a
71 commission may not run for an office for which the commission
72 established the districts during his or her term as a
73 commissioner or within ten years after the adoption of those
74 districts.

75 (4) A member of the commission shall receive compensation
76 fixed at the legislative per diem rate during commission travel
77 and meetings and shall be allowed all reasonable and necessary
78 expenses incurred in the performance of his or her duties.

79 (5)a. All meetings must take place in person and be
80 streamed on the Florida Channel.

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

87 c. Commissioners, staff of the commission, and any other

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

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

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

101 a. Be capable of receiving comments and proposals by
102 citizens of this state.

103 b. Include a public submission portal for map drawing,
104 which must open on the website on the first day of January of a
105 year ending in one.

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

110 (b) DISTRICT MAPS.

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

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

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as independent or minor party affiliates.

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

(c) ~~(a)~~ SENATORIAL AND REPRESENTATIVE DISTRICTS. The legislature ~~at its regular session in the second year following each decennial census,~~ by joint resolution approved by a majority vote of each chamber, shall adopt one of the maps created by the commission to apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than sixty ~~forty~~ consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred eighty ~~twenty~~ consecutively numbered representative districts of either contiguous, overlapping or identical territory. A map from the commission may be amended by the legislature, but only if the amendment is approved by a three-fourths vote of each chamber. The legislature shall adopt a final map by the earlier of the first day of July of a year ending in one or sixty days after receipt of census data. The legislature shall be barred from all other involvement. The legislature may authorize an extension until the fifteenth day of December in the event of an extraordinary circumstance. As

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146 used in this subsection, an "extraordinary circumstance" means
147 an invasion of the state by a hostile foreign power and
148 recognized as such by an act of the United States Congress, a
149 pandemic declared as such by the President of the United States,
150 or a natural disaster declared as such by the President of the
151 United States ~~Should that session adjourn without adopting such~~
152 ~~joint resolution, the governor by proclamation shall reconvene~~
153 ~~the legislature within thirty days in special apportionment~~
154 ~~session which shall not exceed thirty consecutive days, during~~
155 ~~which no other business shall be transacted, and it shall be the~~
156 ~~mandatory duty of the legislature to adopt a joint resolution of~~
157 ~~apportionment.~~

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

170 (e)-(c) LEGAL CHALLENGES TO JUDICIAL REVIEW OF
171 APPORTIONMENT. ~~Within fifteen days after the passage of the~~
172 ~~joint resolution of apportionment, the attorney general shall~~
173 ~~petition~~ The supreme court of the state shall have original and
174 exclusive jurisdiction over any case ~~for a declaratory judgment~~

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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 after ~~from~~ the filing of the petition, shall enter its judgment. A justice who has a close relationship with a member of the United States Congress or of the legislature has a conflict of interest in the case and may not participate in any hearing or decision related to a case brought under this subsection. As used in this subsection, "close relationship" means a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a household with, a member of the United States Congress or of the legislature.

~~(f)-(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 independent redistricting commissions to determine and propose a reapportionment plan to remedy the unlawful or unconstitutional district in a manner that minimally interferes with other districts ~~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~~

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~~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 custodian of state records an order making such apportionment.~~

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

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 16

STATE REAPPORTIONMENT.—Proposing an amendment to the State Constitution to revise reapportionment methods by creating three independent redistricting commissions, for the Senate, House of Representatives, and congressional reapportionment processes, respectively, require the Legislature to approve a map created by such commission, revise upward the number of Senate districts, from 40 to 60, and House districts, from 120 to 180, and establish procedures for when the Legislature fails to select a district map.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statement

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defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 16

STATE REAPPORTIONMENT.—Proposing an amendment to the State Constitution to revise the reapportionment process by creating three independent redistricting commissions: one for the Senate, one for the House of Representatives, and one for congressional districts; establishing a screening panel and procedure to review commission applicants; providing that commissioners will be compensated at the legislative per diem rate; providing commission meeting requirements and responsibilities; providing that if a commission hires an attorney, the commission shall be considered the client; requiring at least 15 public hearings be held across the state; requiring each commission to draw district maps based solely on constitutional provisions; requiring that three final maps be approved by at least a two-thirds supermajority, including votes from at least two independent or minor party affiliates; requiring the Legislature to select one map from the three submitted, by a majority vote, not subject to a gubernatorial veto; providing that the Supreme Court shall have original and exclusive jurisdiction over any litigation related to a district map; increasing the number of Senate districts from 40 to 60 and House of Representatives districts from 120 to 180; providing requirements for the adoption of the final maps; providing that if the Legislature fails to adopt a joint resolution, the Supreme Court shall select the most compact map from the three submitted, but may not amend any map; and providing that if the Supreme Court finds the Legislature's adopted map invalid, the Governor shall

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reconvene the commissions to create a lawful replacement.