

By Commissioner Schifino

schifinow-00065A-17

201780__

1 A proposal to repeal
2 Sections 16, 20, and 21 of Article III and Section 13
3 of Article XII and to create a new section in Article
4 VI of the State Constitution to establish an
5 independent redistricting commission.
6

7 Be It Proposed by the Constitution Revision Commission of
8 Florida:
9

10 Sections 16, 20, and 21 of Article III of the State
11 Constitution are repealed:

12 ARTICLE III

13 LEGISLATURE

14 ~~SECTION 16. Legislative apportionment.—~~

15 ~~(a) SENATORIAL AND REPRESENTATIVE DISTRICTS. The~~
16 ~~legislature at its regular session in the second year following~~
17 ~~each decennial census, by joint resolution, shall apportion the~~
18 ~~state in accordance with the constitution of the state and of~~
19 ~~the United States into not less than thirty nor more than forty~~
20 ~~consecutively numbered senatorial districts of either~~
21 ~~contiguous, overlapping or identical territory, and into not~~
22 ~~less than eighty nor more than one hundred twenty consecutively~~
23 ~~numbered representative districts of either contiguous,~~
24 ~~overlapping or identical territory. Should that session adjourn~~
25 ~~without adopting such joint resolution, the governor by~~
26 ~~proclamation shall reconvene the legislature within thirty days~~
27 ~~in special apportionment session which shall not exceed thirty~~
28 ~~consecutive days, during which no other business shall be~~
29 ~~transacted, and it shall be the mandatory duty of the~~
30 ~~legislature to adopt a joint resolution of apportionment.~~

31 ~~(b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL~~
32 ~~REAPPORTIONMENT. In the event a special apportionment session of~~

schifinow-00065A-17

201780__

33 ~~the legislature finally adjourns without adopting a joint~~
34 ~~resolution of apportionment, the attorney general shall, within~~
35 ~~five days, petition the supreme court of the state to make such~~
36 ~~apportionment. No later than the sixtieth day after the filing~~
37 ~~of such petition, the supreme court shall file with the~~
38 ~~custodian of state records an order making such apportionment.~~

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

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

57 ~~(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF~~
58 ~~APPORTIONMENT. Within fifteen days after the adjournment of an~~
59 ~~extraordinary apportionment session, the attorney general shall~~
60 ~~file a petition in the supreme court of the state setting forth~~
61 ~~the apportionment resolution adopted by the legislature, or if~~

schifinow-00065A-17

201780__

62 ~~none has been adopted reporting that fact to the court.~~
63 ~~Consideration of the validity of a joint resolution of~~
64 ~~apportionment shall be had as provided for in cases of such~~
65 ~~joint resolution adopted at a regular or special apportionment~~
66 ~~session.~~

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

74 ~~SECTION 20. Standards for establishing congressional~~
75 ~~district boundaries. In establishing congressional district~~
76 ~~boundaries:~~

77 ~~(a) No apportionment plan or individual district shall be~~
78 ~~drawn with the intent to favor or disfavor a political party or~~
79 ~~an incumbent; and districts shall not be drawn with the intent~~
80 ~~or result of denying or abridging the equal opportunity of~~
81 ~~racial or language minorities to participate in the political~~
82 ~~process or to diminish their ability to elect representatives of~~
83 ~~their choice; and districts shall consist of contiguous~~
84 ~~territory.~~

85 ~~(b) Unless compliance with the standards in this subsection~~
86 ~~conflicts with the standards in subsection (a) or with federal~~
87 ~~law, districts shall be as nearly equal in population as is~~
88 ~~practicable; districts shall be compact; and districts shall,~~
89 ~~where feasible, utilize existing political and geographical~~
90 ~~boundaries.~~

schifinow-00065A-17

201780__

91 ~~(c) The order in which the standards within subsections (a)~~
92 ~~and (b) of this section are set forth shall not be read to~~
93 ~~establish any priority of one standard over the other within~~
94 ~~that subsection.~~

95 ~~SECTION 21. Standards for establishing legislative district~~
96 ~~boundaries. In establishing legislative district boundaries:~~

97 ~~(a) No apportionment plan or district shall be drawn with~~
98 ~~the intent to favor or disfavor a political party or an~~
99 ~~incumbent; and districts shall not be drawn with the intent or~~
100 ~~result of denying or abridging the equal opportunity of racial~~
101 ~~or language minorities to participate in the political process~~
102 ~~or to diminish their ability to elect representatives of their~~
103 ~~choice; and districts shall consist of contiguous territory.~~

104 ~~(b) Unless compliance with the standards in this subsection~~
105 ~~conflicts with the standards in subsection (a) or with federal~~
106 ~~law, districts shall be as nearly equal in population as is~~
107 ~~practicable; districts shall be compact; and districts shall,~~
108 ~~where feasible, utilize existing political and geographical~~
109 ~~boundaries.~~

110 ~~(c) The order in which the standards within subsections (a)~~
111 ~~and (b) of this section are set forth shall not be read to~~
112 ~~establish any priority of one standard over the other within~~
113 ~~that subsection.~~

114
115 A new section is added to Article VI of the State
116 Constitution to read:

117 ARTICLE VI

118 SUFFRAGE AND ELECTIONS

119 Independent redistricting commission.-

schifinow-00065A-17

201780__

120 (a) By February 28 of each year that ends in the numeral 1,
121 an independent redistricting commission is established to
122 provide for the redistricting of congressional and state
123 legislative districts. The independent redistricting commission
124 is composed of eleven members. No more than five members of the
125 independent redistricting commission may be members of the same
126 political party. Of the first ten members appointed, no more
127 than four members may reside in the same county. Each member
128 must be a registered elector of this state who has been
129 continuously registered with the same political party or
130 registered with no party affiliation for three or more years
131 immediately preceding appointment, who is committed to applying
132 this section in an honest, independent, and impartial fashion,
133 and to upholding public confidence in the integrity of the
134 redistricting process. For three years before appointment, a
135 member may not have been appointed to, elected to, or a
136 candidate for any other public office, including precinct
137 committeeman or committeewoman, but not including member of a
138 school board, and may not have served as an officer of a
139 political party, a registered paid lobbyist, or as an officer of
140 a candidate's campaign or political committee.

141 (b) The supreme court judicial nominating commission shall
142 nominate candidates for appointment to the independent
143 redistricting commission.

144 (c) By January 8 of each year that ends in the numeral 1,
145 the supreme court judicial nominating commission shall establish
146 a pool of persons who are willing to serve on and are qualified
147 for appointment to the independent redistricting commission. The
148 pool of candidates shall consist of forty nominees, with fifteen

schifinow-00065A-17

201780__

149 nominees from each of the two largest political parties based on
150 the most recent voter registration statistics in the state and
151 ten nominees who are registered with no party affiliation or
152 registered with a minor political party.

153 (d) Appointments to the independent redistricting
154 commission shall be made in accordance with this subsection. No
155 later than January 31 of each year that ends in the numeral 1,
156 the speaker of the house of representatives shall make two
157 appointments to the commission from the pool of nominees.
158 Following the speaker's appointments, the minority leader of the
159 house of representatives, the president of the senate, the
160 minority leader of the senate, and the governor shall each
161 consecutively appoint two members from the remaining pool of
162 nominees. Each such official has a seven-day period in which to
163 select his or her appointments following the last official to
164 make appointments. Any official who fails to make an appointment
165 within the specified time period will forfeit his or her ability
166 to make the appointment. In the event that there are two or more
167 minority parties within the house of representatives or the
168 senate, the leader of the largest minority party by statewide
169 party registration shall make the appointments.

170 (e) Any vacancy for a seat of the commission that is filled
171 pursuant to subsection (d) that remains as of March 1 of a year
172 that ends in the numeral 1 shall be filled by the supreme court
173 judicial nominating commission. The supreme court judicial
174 nominating commission shall strive for political balance and
175 fairness and appoint a member from the political party of the
176 official who failed to appoint a member.

177 (f) At a meeting called by the state's chief election

schifinow-00065A-17

201780__

178 officer, the ten independent redistricting commission members
179 shall select from the nomination pool of candidates unaffiliated
180 with a political party or registered with a minor political
181 party, by majority vote, an eleventh member who shall serve as
182 chair. If the ten commissioners fail to appoint an eleventh
183 member within fifteen days, the supreme court judicial
184 nominating commission, striving for political balance and
185 fairness, shall appoint an eleventh member from the nomination
186 pool of candidates who are registered with no party affiliation
187 or registered with a minor political party, who shall serve as
188 chair.

189 (g) The eleven commissioners shall select and appoint a
190 vice-chair, by a majority vote, from among its members.

191 (h) After having been served written notice and provided
192 with an opportunity for a response, a member of the independent
193 redistricting commission may be removed by the governor, with
194 the concurrence of three-fifths of the senate, for substantial
195 neglect of duty, gross misconduct in office, or inability to
196 discharge the duties of office.

197 (i) If a commissioner or the chair does not complete the
198 term of office for any reason, the supreme court judicial
199 nominating commission shall nominate a pool of three candidates
200 within the first thirty days after the vacancy occurs. The
201 nominees shall be of the same political party or status as was
202 the member who vacated the office at the time of his or her
203 appointment, and the appointment other than the chair shall be
204 made by the current holder of the office designated to make the
205 original appointment. The appointment of a new chair shall be
206 made by the remaining commissioners. If the appointment of a

schifinow-00065A-17

201780__

207 replacement commissioner or chair is not made within fourteen
208 days following the presentation of the nominees, the supreme
209 court judicial nominating commission shall make the appointment,
210 striving for political balance and fairness. The newly appointed
211 commissioner shall serve out the remainder of the original term.

212 (j) Six commissioners, including the chair or vice-chair,
213 constitutes a quorum. Six or more affirmative votes, including
214 at least two from a commissioner from each of the two largest
215 political parties, are required for any official action. When a
216 quorum is present, the independent redistricting commission
217 shall conduct business in meetings open to the public, with 48
218 or more hours public notice provided.

219 (k) Each commission member shall conduct themselves in a
220 manner that is impartial and that reinforces public confidence
221 in the integrity of the redistricting process. A commission
222 member is ineligible for a period of ten years beginning from
223 the date of appointment to hold elective public office at the
224 federal, state, county, or municipal level in this state. A
225 member of the commission is ineligible for a period of five
226 years beginning from the date of appointment to hold appointive
227 federal, state, or local public office, to serve as paid staff
228 for, or as a paid consultant to the legislature, or any
229 individual legislator, or to register as a federal, state, or
230 local government lobbyist in this state.

231 (l) The independent redistricting commission shall
232 establish congressional and legislative districts. At the
233 commencement of the mapping process for both congressional and
234 state legislative districts, a grid-like pattern of districts of
235 equal population across the state shall be created. The

schifinow-00065A-17

201780__

236 commission shall make adjustments to the grid as necessary to
237 accommodate the goals prescribed in this subsection:

238 (1) Districts shall comply with the United States
239 Constitution and the federal Voting Rights Act of 1965, as
240 amended;

241 (2) Congressional districts shall have equal population to
242 the extent practicable, and state legislative districts shall
243 have equal population to the extent practicable;

244 (3) Any district may not be drawn with the intent to favor
245 or disfavor a political party or an incumbent; and districts may
246 not be drawn with the intent or result of denying or abridging
247 the equal opportunity of racial or language minorities to
248 participate in the political process or to diminish their
249 ability to elect representatives of their choice.

250 (4) Districts shall be geographically compact and
251 contiguous to the extent practicable;

252 (5) District boundaries must respect communities of
253 interest to the extent practicable;

254 (6) To the extent practicable, district lines must use
255 visible geographic features, municipal and county boundaries,
256 and undivided census tracts; and

257 (7) To the extent practicable, competitive districts should
258 be favored if doing so would not be significantly detrimental to
259 the other goals of this subsection.

260 (m) Party registration and voting history data must be
261 excluded from the initial phase of the mapping process but may
262 be used to test maps for compliance with the goals prescribed in
263 subsection (l). The places of residence of incumbents or
264 candidates may not be identified or considered.

schifinow-00065A-17

201780__

265 (n) The independent redistricting commission shall
266 advertise a draft map of congressional districts and a draft map
267 of state legislative districts to the public for comment, which
268 comment shall be taken for a period of at least thirty days.
269 Either one or both houses of the legislature may act within the
270 comment period to make recommendations to the independent
271 redistricting commission by resolution or by minority report,
272 which must be considered by the independent redistricting
273 commission. Thereafter, the independent redistricting commission
274 shall then establish final district boundaries.

275 (o) This section is self-executing. The independent
276 redistricting commission shall certify the establishment of
277 congressional and legislative districts to the custodian of
278 state records upon final adoption.

279 (p) Upon approval of this amendment, the department of
280 management services or its successor agency shall make adequate
281 office space available for the independent redistricting
282 commission. The chief financial officer shall make \$1,500,000
283 available for the work of the independent redistricting
284 commission pursuant to the most recent decennial census on an
285 annual basis. Half of the unused monies shall carry over and the
286 remainder shall be returned to the general revenue fund. In
287 years ending in seven or eight after the year 2019, the
288 department of management services or its successor agency shall
289 submit to the legislature a recommendation for an appropriation
290 for adequate redistricting expenses and shall make available
291 adequate office space for the operation of the independent
292 redistricting commission and those monies shall be included in
293 the budget for that respective year.

schifinow-00065A-17

201780__

294 (q) The independent redistricting commission, with fiscal
295 oversight from the department of management services or its
296 successor agency, has procurement and contracting authority and
297 may hire staff and consultants to assist in carrying out this
298 section, including legal representation.

299 (r) The independent redistricting commission has standing
300 in legal actions challenging the adoption of any redistricting
301 plan and the adequacy of resources provided for the operation of
302 the independent redistricting commission. Resources less than
303 the amount given to the prior commission, minus the monies
304 returned by that commission, shall be inadequate, unless the
305 current commission explicitly forfeits certain resources by
306 notifying the department of management services or its successor
307 agency. The independent redistricting commission has sole
308 authority to determine whether the attorney general or counsel
309 hired or selected by the independent redistricting commission
310 shall represent the people of the state in the legal defense of
311 a redistricting plan.

312 (s) Members of the independent redistricting commission
313 shall serve without compensation, but are entitled to
314 reimbursement for per diem and travel expenses in accordance
315 with Florida law, and a commission member's residence is deemed
316 to be the member's post of duty for purposes of calculating
317 reimbursement of per diem and travel expenses.

318 (t) Employees of the department of management services or
319 its successor agency may not influence or attempt to influence
320 the district-mapping decisions of the independent redistricting
321 commission.

322 (u) Each commissioner's duties established by this section

schifinow-00065A-17

201780__

323 expire upon the appointment of the first member of the next
324 redistricting commission. The independent redistricting
325 commission may not meet or incur expenses after the
326 redistricting plan is completed, except if litigation or any
327 government approval of the plan is pending, or to revise
328 districts if required by court decisions or if the number of
329 congressional or state legislative districts is changed.
330

331 Section 13 of Article XII of the State Constitution is
332 repealed:

ARTICLE XII

SCHEDULE

335 ~~SECTION 13. Legislative apportionment. The requirements of~~
336 ~~legislative apportionment in Section 16 of Article III of this~~
337 ~~revision shall apply only to the apportionment of the~~
338 ~~legislature following the decennial census of 1970, and~~
339 ~~thereafter.~~