

By Commissioner Schifino

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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11 Constitution are repealed: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~~

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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~~

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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.~~

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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.-

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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

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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

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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

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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



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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.

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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.

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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

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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:

333

## ARTICLE XII

334

## 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.~~