

1 A bill to be entitled
 2 An act relating to legislative and congressional
 3 redistricting; creating s. 11.31, F.S.; creating an
 4 independent commission on legislative and
 5 congressional redistricting; providing for the
 6 purpose, membership, and duties of the commission;
 7 providing public hearing and reporting requirements of
 8 the commission; providing for legislative
 9 appropriations; amending s. 120.80, F.S.; exempting
 10 the commission from the rulemaking requirements of the
 11 Administrative Procedure Act; providing a contingent
 12 effective date.

13
 14 Be It Enacted by the Legislature of the state of Florida:

15
 16 Section 1. Section 11.31, Florida Statutes, is created to
 17 read:

18 11.31 Independent commission on legislative and
 19 congressional redistricting.-

20 (1) (a) To implement s. 16, Art. III of the State
 21 Constitution, an independent commission on legislative and
 22 congressional redistricting is created within the legislative
 23 branch of state government.

24 (b) The commission shall conduct the state's decennial
 25 legislative and congressional redistricting, including, but not
 26 limited to, preparing and adopting redistricting plans and

27 conducting public hearings on proposed plans.

28 (2) The commission shall consist of 12 members appointed
29 pursuant to subsection (3). Each member shall be a private
30 citizen who meets the requirements of this section, who has been
31 registered to vote in Florida with the same political party or
32 without party affiliation as determined by statewide voter
33 registration for the 5 years immediately preceding his or her
34 appointment to the commission, and who has voted in each of the
35 last two statewide general elections immediately preceding his
36 or her appointment to the commission. A person is ineligible to
37 serve on the commission if he or she has donated a maximum
38 allowable political contribution to any candidate for any
39 statewide office within the last 5 years, or if the person or
40 his or her immediate family member:

41 (a) Has had, at any time during the 5 years immediately
42 preceding his or her appointment to the commission, or currently
43 has a financial relationship with an individual or group who
44 themselves would be ineligible to serve on the commission
45 pursuant to this section.

46 (b) Has served, at any time during the 5 years immediately
47 preceding his or her appointment to the commission, or currently
48 serves as an elected or appointed statewide officer or member of
49 the United States Congress, the Legislature, or a city council
50 or city or county board of commissioners.

51 (c) Has served, at any time during the 5 years immediately
52 preceding his or her appointment to the commission, or currently

53 serves as a federal, state, or local lobbyist.

54 (d) Has served, at any time during the 5 years immediately
 55 preceding his or her appointment to the commission, or currently
 56 serves as an employee of:

- 57 1. The Federal Government.
- 58 2. The United States Congress.
- 59 3. An executive agency of the state.
- 60 4. The Legislature.
- 61 5. A constitutional officer.
- 62 6. A political subdivision of the state.

63

64 For purposes of this paragraph, a person who has retired from
 65 active duty in any branch of the United States Armed Forces or
 66 currently serves or has previously served in the United States
 67 Armed Forces Reserve is not ineligible as a result of such
 68 military service.

69 (e) Has been employed or compensated, at any time during
 70 the 5 years immediately preceding his or her appointment to the
 71 commission, or is currently employed or compensated in any
 72 manner by the campaign committee of a candidate for United
 73 States Congress, the Legislature, or statewide office.

74 (f) Has been elected or appointed to serve a national,
 75 state, or local political party organization in the state.

76 (g) Has been employed or has been compensated in any
 77 manner by a national, state, or local political party
 78 organization in the state.

79
80 For purposes of this subsection, the term "immediate family
81 member" includes a current or former spouse, an in-law, a
82 parent, a current or former stepparent or stepchild, a sibling,
83 a child, or a current or former dependent.

84 (3) (a) A person interested in serving on the commission
85 may submit an application to the Auditor General for
86 consideration pursuant to this section.

87 (b) By December 10 of each year evenly divisible by 10,
88 the Auditor General shall create an initial pool of 60
89 candidates by selecting applications at random from all
90 applications received pursuant to paragraph (a). The initial
91 pool must contain equal representation from five geographic
92 areas of the state corresponding with geographic boundaries of
93 the district courts of appeal and must contain 20 Republicans,
94 20 Democrats, and 20 voters who are registered with other
95 political parties in the state or who are without party
96 affiliation.

97 (c) The Auditor General shall transmit a list containing
98 the initial pool of candidates to the Legislature. The Majority
99 Leader and Minority Leader of the Senate and the Majority Leader
100 and Minority Leader of the House of Representatives shall each
101 be permitted to eliminate an equal number of candidates from the
102 initial pool until the pool of candidates is narrowed to 24
103 persons. The Legislature shall return the narrowed list to the
104 Auditor General.

105 (d) From the narrowed list, the Auditor General shall, by
106 lottery, select 12 commission members consisting of four
107 Republicans, four Democrats, and four persons who are registered
108 with other political parties in the state or who are without
109 party affiliation.

110 (e) After the Auditor General completes the process of
111 selecting 12 commission members, he or she shall establish and
112 publish in the Florida Administrative Register the time, date,
113 and location of the first commission meeting.

114 (f)1. Seven commission members, including three
115 Republicans and three Democrats, shall constitute a quorum. The
116 chair and vice chair of the commission may each be one of the
117 commission members counted to establish a quorum.

118 2. Seven or more affirmative votes, including three votes
119 from a Republican member and three votes from a Democratic
120 member, shall be required for any official action of the
121 commission. However, the approval of any final redistricting
122 plan shall require an affirmative vote of at least eight
123 commission members, including three Republicans, three
124 Democrats, and two persons who are registered with other
125 political parties in the state or who are without party
126 affiliation.

127 3. The commission members shall, by seven or more
128 affirmative votes as described in subparagraph 2., select one
129 commission member to serve as chair and one commission member to
130 serve as vice chair. The chair and vice chair shall be

131 registered with a political party, but the vice chair may not be
132 registered with the same political party as the chair.

133 (4) (a) The commission shall conduct public hearings as
134 part of its preparation of a redistricting plan. The commission
135 shall establish and publish in the Florida Administrative
136 Register a schedule of hearings and hearing locations as soon as
137 practicable after its first meeting. The hearing process shall
138 include hearings to receive public input before the commission
139 draws a redistricting map. The commission shall also conduct
140 hearings following the drawing and display of draft
141 redistricting maps. The commission shall display the draft maps
142 to the public for comment in a timely manner so as to achieve
143 the widest public dissemination practicable. The commission
144 shall work to ensure that the hearings and display periods
145 provide opportunity for meaningful input from the public,
146 including elected and appointed public officials, at every stage
147 of the redistricting process. The commission shall accept the
148 submission of proposed plans and comments, and conduct hearings,
149 subject to the following:

150 1. The commission may not use partisan data, including,
151 but not limited to, the addresses of any incumbent officeholder,
152 in the redistricting process.

153 2. A member of the public may offer a complete or partial
154 proposed redistricting plan, written comments, and oral
155 testimony, which must be given under oath or affirmation.

156 3. The commission shall adopt rules for the submission of

157 draft and proposed redistricting plans and written comments, and
158 to facilitate the orderly receipt of materials and the taking of
159 sworn or affirmed oral testimony at public hearings. The rules
160 shall provide for full and fair public consideration and debate
161 regarding draft, proposed, and final redistricting plans and all
162 sworn or affirmed oral testimony and written materials received.

163 4. The commission shall hold public hearings in various
164 regions of the state to allow the widest public participation
165 practicable.

166 (b) The Legislature shall annually appropriate funds to
167 the commission for employing professional staff, procuring
168 office space and necessary equipment, and other expenses
169 necessary for the staff to perform their duties. The
170 commission's office shall be located in Orlando.

171 (c) Commission members and employees are subject to the
172 provisions of chapters 119 and 286, relating to public records
173 and public meetings, and shall comply with the applicable
174 financial disclosure requirements of ss. 112.3148 and 112.3149.

175 (d) The commission shall provide for access to United
176 States census data and shall make software available to the
177 public for drawing proposed district boundaries.

178 (e) The commission shall issue, with each final
179 redistricting plan, a report explaining the basis upon which the
180 commission made its decisions in achieving compliance with the
181 applicable standards required by the State Constitution,
182 particularly when compliance with one standard results in less

183 than full compliance with another standard. The report shall
184 define or describe, as applicable, the terms and standards used
185 in drawing the district boundaries.

186 Section 2. Subsection (19) is added to section 120.80,
187 Florida Statutes, to read:

188 120.80 Exceptions and special requirements; agencies.—

189 (19) INDEPENDENT COMMISSION ON LEGISLATIVE AND
190 CONGRESSIONAL REDISTRICTING.—The rulemaking provisions of this
191 chapter do not apply to the independent commission on
192 legislative and congressional redistricting.

193 Section 3. This act shall take effect upon approval by the
194 electors of HJR 201, or a similar joint resolution having
195 substantially the same specific intent and purpose, if that
196 joint resolution is approved by the electors at the general
197 election to be held in November 2016.