

By Senator Joyner

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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

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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.

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62       6. A political subdivision of the state.

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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 manner  
77       by a national, state, or local political party organization in  
78       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 may  
85       submit an application to the Auditor General for consideration  
86       pursuant to this section.

87       (b) By December 10 of each year evenly divisible by 10, the  
88       Auditor General shall create an initial pool of 60 candidates by  
89       selecting applications at random from all applications received  
90       pursuant to paragraph (a). The initial pool must contain equal

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91 representation from five geographic areas of the state  
92 corresponding with geographic boundaries of the district courts  
93 of appeal and must contain 20 Republicans, 20 Democrats, and 20  
94 voters who are registered with other political parties in the  
95 state or who are without party affiliation.

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

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

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

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

117 2. Seven or more affirmative votes, including three votes  
118 from a Republican member and three votes from a Democratic  
119 member, shall be required for any official action of the

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120 commission. However, the approval of any final redistricting  
121 plan shall require an affirmative vote of at least eight  
122 commission members, including three Republicans, three  
123 Democrats, and two persons who are registered with other  
124 political parties in the state or who are without party  
125 affiliation.

126 3. The commission members shall, by seven or more  
127 affirmative votes as described in subparagraph 2., select one  
128 commission member to serve as chair and one commission member to  
129 serve as vice chair. The chair and vice chair shall be  
130 registered with a political party, but the vice chair may not be  
131 registered with the same political party as the chair.

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

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

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

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

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

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

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

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

177 (e) The commission shall issue, with each final

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178 redistricting plan, a report explaining the basis upon which the  
179 commission made its decisions in achieving compliance with the  
180 applicable standards required by the State Constitution,  
181 particularly when compliance with one standard results in less  
182 than full compliance with another standard. The report shall  
183 define or describe, as applicable, the terms and standards used  
184 in drawing the district boundaries.

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

187 120.80 Exceptions and special requirements; agencies.—

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

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