

CONSTITUTIONAL AMENDMENT FULL TEXT

Article and Section Being Created or Amended:

Create Article X, Section 33; Amend Article III, Section 20

Full Text of the Proposed Amendment:

SECTION 33. Independent Citizens Redistricting Commission for Congressional Districts. –

- (a) An independent citizens redistricting commission for congressional districts (hereinafter, the “commission”) is hereby established as a permanent commission. The commission shall consist of fifteen commissioners. The commission shall adopt a redistricting plan for congressional district boundaries that only occur in the year following the decennial census.
- (b) The power to propose congressional district boundaries is reserved to the commission, provided that, the proposed district boundaries as a whole or individual districts shall not be drawn with the intent to favor or disfavor a political party or an incumbent; and the district boundaries shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and the district boundaries shall consist of contiguous territory; and the district boundaries shall keep whole any municipality with a population less than 250,000.
- (c) Unless compliance with the standards in this subsection conflicts with the standards in subsection (b) or with federal law, district boundaries shall be as nearly equal in population as is practicable; district boundaries shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
- (d) The order in which the standards within subsections (b) and (c) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.
- (e) Each commissioner shall:
- a. Be registered and eligible to vote in the State of Florida;
 - b. Not currently be or in the past 10 years have been any of the following:
 - i. A declared candidate for partisan federal, state, or local office;
 - ii. An elected official to partisan federal, state, or local office;
 - iii. An officer or member of the governing body of a national, state, or local political party;
 - iv. A paid consultant or employee of a federal, state, or local elected official or political candidate of a federal, state, or local political candidate’s campaign, or of a political committee as defined in by Florida Statutes Section 106.03 in effect of January 1, 2025.
 - v. An employee of the legislature;
 - vi. Any person who is registered as a lobbyist agent with the State of Florida, county or municipality, or any employee of such person; or
 - vii. Any state employee, county employee, or municipality employee.
 - c. Not be a parent, stepparent, child, stepchild, or spouse of any individual disqualified under subsection (e)(b); or
 - d. Not be otherwise disqualified for appointed or elected office by this constitution.
 - e. For ten years after the date of appointment, a commissioner is ineligible to hold a partisan elective office at the state, county, or municipal level in Florida.

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- (f) Commissioners shall be selected through the following process:
- a. The custodian of state records shall do all of the following:
 - i. Make applications for commissioner available to the general public not later than January 1 of the year of the federal decennial census.
 - ii. Require applicants to provide a completed application.
 - iii. Require applicants to attest under oath that they meet the qualifications set forth in this section; and provide their state voter identification number to determine which party they affiliate with or have no party affiliation.
 - iv. The custodian of state records shall accept applications for commissioner until June 1 of the year of the federal decennial census.
 - v. By July 1 of the year of the federal decennial census, from all of the applications submitted, the custodian of state records shall eliminate incomplete applications and applications of applicants who do not meet the qualifications in subsection (e)(a) through (e)(d) based solely on the information contained in the applications;
 - vi. By August 1 of the year of the federal decennial census, the custodian of state records shall randomly draw the names of five commissioners who affiliate with the party with the most registered voters in the state as of January 1 of the year of the federal decennial census, five commissioners who affiliate with the party with the second most registered voters in the state as of January 1 of the year of the federal decennial census, and five commissioners who do not affiliate with the party with the most registered voters in the state or the party with the second most registered voters in the state as of January 1 of the year of the federal decennial census.
 - (g) Except as provided below, commissioners shall hold office the term set forth in subsection (v). If a commissioner's seat becomes vacant for any reason, the custodian of state records shall fill the vacancy by randomly drawing a name from the remaining qualifying applicants with the same party affiliation. A commissioner's office shall become vacant upon the occurrence of any of the following:
 - a. Death or mental incapacity of the commissioner;
 - b. The custodian of state records' receipt of the commissioner's written resignation;
 - c. The commissioner ceases to be qualified to serve as a commissioner under subsection (e); or
 - d. After written notice and an opportunity for the commissioner to respond, a vote of eleven of the commissioners finding substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of the office.
 - (h) The custodian of state records shall be the secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all technical services that the commission deems necessary. The commission shall elect its own chairperson. The commission shall have procurement and contracting authority and may hire staff and consultants for the purposes of drawing congressional district boundaries, including legal representation.
 - (i) Beginning no later than December 1 of the year preceding the federal decennial census, and continuing each year in which the commission operates, sufficient funds shall be appropriated to compensate the commissioners and to enable the commission to carry out its functions, operations and activities, which activities include retaining independent, nonpartisan

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subject-matter experts and legal counsel, conducting hearings, publishing notices and maintaining a record of the commission's proceedings, and any other activity necessary for the commission to conduct its business. The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law. Each commissioner shall receive compensation at least equal to 25 percent of the governor's salary annually. The State of Florida shall indemnify commissioners for costs incurred if sufficient funds to cover such costs are not appropriated.

(j) The commission shall have legal standing to prosecute an action regarding the adequacy of resources provided for the operation of the commission, and to defend any action regarding an adopted plan. The commission shall inform the governor if the commission determines that funds or other resources provided for operation of the commission are not adequate. Adequate funding shall be provided to allow the commission to defend any action regarding an adopted plan.

(k) The custodian of state records shall issue a call convening the commission by October 15 in the year of the federal decennial census. Not later than November 1 in the year immediately following the federal decennial census or 90 days after receiving the redistricting census data from the federal government, whichever is later, the commission shall adopt a redistricting plan under this section for congressional districts.

(l) Before commissioners draft any plan, the commission shall hold at least ten public hearings throughout the state for the purpose of informing the public about the redistricting process and the purpose and responsibilities of the commission and soliciting information from the public about potential plans. The commission shall receive for consideration written submissions of proposed redistricting plans and any supporting materials, including underlying data, from any member of the public. These written submissions are public records.

(m) After developing at least one proposed redistricting plan for congressional districts, the commission shall publish the proposed redistricting plans and any data and supporting materials used to develop the plans. Each commissioner may only propose one redistricting plan. The commission shall hold at least five public hearings throughout the state for the purpose of soliciting comment from the public about the proposed plans. Each of the proposed plans shall include such census data as is necessary to accurately describe the plan and verify the population of each district, and a map and legal description that include the political subdivisions, such as counties, cities, and townships; man-made features, such as streets, roads, highways, and railroads; and natural features, such as waterways, which form the boundaries of the districts.

(n) Each commissioner shall perform his or her duties in a manner that is impartial and reinforces public confidence in the integrity of the redistricting process. The commission shall conduct all of its business at open meetings. Eleven commissioners shall constitute a quorum, and all meetings shall require a quorum. The commission shall provide advance public notice of its meetings and hearings. The commission shall conduct its hearings in a manner that invites wide public participation throughout the state. The commission shall use technology to provide contemporaneous public observation and meaningful public participation in the redistricting process during all meetings and hearings.

(o) The commission, its members, staff, attorneys, and consultants shall not discuss redistricting matters with members of the public outside of an open meeting of the commission, except that a commissioner may communicate about redistricting matters with members of the public to gain information relevant to the performance of his or her duties if such communication occurs (a) in writing or (b) at a previously publicly noticed forum or town hall open to the general public.

(p) The commission, its members, staff, attorneys, experts, and consultants may not directly or indirectly solicit or accept any gift or loan of money, goods, services, or other thing of value greater than \$20 for the benefit of any person or organization, which may influence the manner in which the commissioner, staff, attorney, expert, or consultant performs his or her duties.

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- (q) Except as provided in subsection (r), a final decision of the commission requires the concurrence of a majority of the commissioners. All decisions of the commission shall be recorded, and the record of its decisions shall be readily available to any member of the public without charge.
- (r) The commission shall follow the following procedure in adopting a plan:
- a. Before voting to adopt a plan, the commission shall ensure that the plan is tested, using appropriate technology, for compliance with the criteria subsections (b) and (c).
 - b. Before voting to adopt a plan, the commission shall provide public notice of each plan that will be voted on and provide at least 45 days for public comment on the proposed plan or plans. Each plan that will be voted on shall include such census data as is necessary to accurately describe the plan and verify the population of each district, and shall include the map and legal description required in subsection (m).
 - c. A final decision of the commission to adopt a redistricting plan requires eleven votes of the commission. If no plan satisfies this requirement, the commission shall use the following procedure to adopt a plan:
 - i. Each commissioner may submit one proposed plan to the full commission for consideration.
 - ii. Each commissioner shall rank the plans submitted according to preference. Each plan shall be assigned a point value inverse to its ranking among the number of choices, giving the lowest ranked plan one point and the highest ranked plan a point value equal to the number of plans submitted.
 - iii. The commission shall adopt the plan receiving the highest total points. If plans are tied for the highest point total, the custodian of state records shall randomly select the final plan from those plans.
- (s) Within 30 days after adopting a plan, the commission shall publish the plan and the material reports, reference materials, and data used in drawing it, including any programming information used to produce and test the plan. The published materials shall be such that an independent person is able to replicate the conclusion without any modification of any of the published materials.
- (t) The commission shall issue a report that explains the basis on which the commission made its decisions in achieving compliance with plan requirements and shall include the map and legal description required in subsection (m). A commissioner who votes against a redistricting plan may submit a dissenting report which shall be issued with the commission's report.
- (u) An adopted redistricting plan shall become law 60 days after its publication. The custodian of state records shall keep a public record of all proceedings of the commission and shall publish and distribute each plan and required documentation.
- (v) The terms of the commissioners shall expire once the commission has completed its obligations for a census cycle but not before any judicial review of the redistricting plan is complete.
- (w) The supreme court, in the exercise of original jurisdiction, shall direct the custodian of state records or the commission to perform their respective duties, may review a challenge to any plan adopted by the commission, and shall remand a plan to the commission for further action if the plan fails to comply with the requirements of this constitution, the constitution of the United States or superseding federal law. In no event shall any body, except the independent citizens redistricting commission acting pursuant to this section, promulgate and adopt a redistricting plan or plans for this state.
- (x) This section is self-executing and shall become effective immediately upon approval by the voters. If a final court decision holds any part or parts of this section to be in conflict with the United States constitution or federal law, the section shall be implemented to the maximum extent that the United States constitution and federal law permit. Any provision held invalid is severable from the remaining portions of this section.

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(y) Notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee because of the employee's membership on the commission or attendance or scheduled attendance at any meeting of the commission.

(z) Notwithstanding any other provision of this constitution, or any prior judicial decision, as of the effective date of the constitutional amendment adding this provision for purposes of interpreting this constitutional amendment the people declare that the powers granted to the commission are functions not subject to the control or approval of the legislature or governor, and are exclusively reserved to the commission. The commission, and all of its responsibilities, operations, functions, contractors, consultants and employees are not subject to change, transfer, reorganization, or reassignment, and shall not be altered or abrogated in any manner whatsoever, by the legislature. No other body shall be established by law to perform functions that are the same or similar to those granted to the commission in this section.

~~SECTION 20. Standards for establishing congressional district boundaries.—In establishing congressional district boundaries:~~

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

~~(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection¹(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.~~

~~(c) The order in which the standards within subsections¹(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.~~

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