

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB CRS 12-05 Congressional Redistricting

**SPONSOR(S):** Congressional Redistricting Subcommittee

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Congressional Redistricting Subcommittee	10 Y, 4 N	Poreda	Kelly

### SUMMARY ANALYSIS

The Florida Constitution requires the Legislature, by joint resolution at its regular session in the second year after the United States Census, to apportion state legislative districts. The United States Constitution requires the reapportionment of the United States House of Representatives every ten years, which includes the distribution of the House's 435 seats between the states and the equalization of population between districts within each state.

The 2010 Census revealed an unequal distribution of population growth amongst the State's legislative and congressional districts. Therefore districts must be adjusted to correct population differences.

**Redistricting Plan H000C9009:** This proposed committee bill redistricts the resident population of Florida into 27 congressional districts, as required by state and federal law.

This proposed committee bill would substantially amend Chapter 8 of the Florida Statutes.

When compared to the existing 25 congressional districts, this proposed committee bill would:

- Reduce the number of counties split from 30 to 26;
- Reduce the number of cities split from 110 to 52;
- Reduce the total perimeter, width and height of the districts, consistently, based on various methods of measurement;
- Reduce the distance and drive time to travel the average district;
- Reduce the total population deviation from 42.45% to 0.00%; and
- Maintain elected representation for African-American and Hispanic Floridians.

Upon approval by the Legislature, this bill is subject to review by the Governor.

Prior to the implementation, pursuant to Section 5 of the federal Voting Rights Act (VRA), this redistricting must also be approved ("precleared") by either the District Court for the District of Columbia or the United States Department of Justice.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

#### The 2010 Census

According to the 2010 Census, 18,801,310 people resided in Florida on April 1, 2010. That represents a population growth of 2,818,932 Florida residents between the 2000 to 2010 censuses.

After the 2000 Census, the ideal populations for each district in Florida were:

- Congressional: 639,295
- State Senate: 399,559
- State House 133,186

After the 2010 Census, the ideal populations for each district in Florida are:

- Congressional: 696,345
- State Senate: 470,033
- State House: 156,678

The 2010 Census revealed an unequal distribution of population growth amongst the State's legislative and congressional districts. Therefore districts must be adjusted to comply with "one-person, one vote," such that each district must be substantially equal in total population.

Table 1 below shows the changes in population for each of Florida's current congressional districts and their subsequent deviation from the new ideal population of 696,345 residents.

**Table 1. Florida Congressional Districts 2002-2011**

<b>Florida Congressional Districts 2002-2011</b>	<b>2000</b>	<b>2010</b>
Total State Population, Decennial Census	15,982,378	18,801,310
Maximum Number of Districts	25	27
Ideal District Population (Total State Population / 23 <i>or</i> 25)	639,295	696,345

District	2000 Population	2000 Deviation		2010 Population	2010 Deviation	
		Count	%		Count	%
1	639,295	0	0.0%	694,158	-2,187	-0.3%
2	639,295	0	0.0%	737,519	41,174	5.9%
3	639,295	0	0.0%	659,055	-37,290	-5.4%
4	639,295	0	0.0%	744,418	48,073	6.9%
5	639,295	0	0.0%	929,533	233,188	33.5%
6	639,295	0	0.0%	812,727	116,382	16.7%
7	639,295	0	0.0%	812,442	116,097	16.7%
8	639,295	0	0.0%	805,608	109,263	15.7%
9	639,296	1	0.0%	753,549	57,204	8.2%
10	639,295	0	0.0%	633,889	-62,456	-9.0%
11	639,295	0	0.0%	673,799	-22,546	-3.2%
12	639,296	1	0.0%	842,199	145,854	20.9%
13	639,295	0	0.0%	757,805	61,460	8.8%
14	639,295	0	0.0%	858,956	162,611	23.4%
15	639,295	0	0.0%	813,570	117,225	16.8%

16	639,295	0	0.0%	797,711	101,366	14.6%
17	639,296	1	0.0%	655,160	-41,185	-5.9%
18	639,295	0	0.0%	712,790	16,445	2.4%
19	639,295	0	0.0%	736,419	40,074	5.8%
20	639,295	0	0.0%	691,727	-4,618	-0.7%
21	639,295	0	0.0%	693,501	-2,844	-0.4%
22	639,295	0	0.0%	694,259	-2,086	-0.3%
23	639,295	0	0.0%	684,107	-12,238	-1.8%
24	639,295	0	0.0%	799,233	102,888	14.8%
25	639,295	0	0.0%	807,176	110,831	15.9%
26				0	-696,345	-100.0%
27				0	-696,345	-100.0%

The law governing the reapportionment and redistricting of congressional and state legislative districts implicates the United States Constitution, the Florida Constitution, federal statutes, and a litany of case law.

### U.S. Constitution

The United States Constitution requires the reapportionment of the House of Representatives every ten years to distribute each of the House of Representatives' 435 seats between the states and to equalize population between districts within each state.

Article I, Section 4 of the United States Constitution provides that “[t]he Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.” See also U.S. Const. art. I, § 2 (“The House of Representatives shall be composed of Members chosen every second Year by the People of the several States . . .”). The U.S. Supreme Court has recognized that this language delegates to state legislatures the exclusive authority to create congressional districts. See e.g., *Growe v. Emison*, 507 U.S. 25, 34 (1993); *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 416 (2006) (“[T]he Constitution vests redistricting responsibilities foremost in the legislatures of the States and in Congress . . .”).

In addition to state specific requirements to redistrict, states are obligated to redistrict based on the principle commonly referred to as “one-person, one-vote.”<sup>1</sup> In *Reynolds*, the United States Supreme Court held that the Fourteenth Amendment required that seats in state legislature be reapportioned on a population basis. The Supreme Court concluded:

...”the basic principle of representative government remains, and must remain, unchanged – the weight of a citizen’s vote cannot be made to depend on where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies...The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races. We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis.”<sup>2</sup>

The Court went on to conclude that decennial reapportionment was a rational approach to readjust legislative representation to take into consideration population shifts and growth.<sup>3</sup>

In addition to requiring states to redistrict, the principle of one-person, one-vote, has come to generally stand for the proposition that each person’s vote should count as much as anyone else’s vote.

<sup>1</sup> *Baker v. Carr*, 369 U.S. 186 (1962).

<sup>2</sup> *Reynolds v. Sims*, 377 U.S. 533, 568 (1964).

<sup>3</sup> *Reynolds v. Sims*, 377 U.S. 584 (1964).

The requirement that each district be equal in population applies differently to congressional districts than to state legislative districts. The populations of congressional districts must achieve absolute mathematical equality, with no *de minimis* exception.<sup>4</sup> Limited population variances are permitted if they are “unavoidable despite a good faith effort” or if a valid “justification is shown.”<sup>5</sup>

In practice, congressional districting has strictly adhered to the requirement of exact mathematical equality. In *Kirkpatrick v. Preisler* the Court rejected several justifications for violating this principle, including “a desire to avoid fragmenting either political subdivisions or areas with distinct economic and social interests, considerations of practical politics, and even an asserted preference for geographically compact districts.”<sup>6</sup>

For state legislative districts, the courts have permitted a greater population deviation amongst districts. The populations of state legislative districts must be “substantially equal.”<sup>7</sup> Substantial equality of population has come to generally mean that a legislative plan will not be held to violate the Equal Protection Clause if the difference between the smallest and largest district is less than ten percent.<sup>8</sup> Nevertheless, any significant deviation (even within the 10 percent overall deviation margin) must be “based on legitimate considerations incident to the effectuation of a rational state policy,”<sup>9</sup> including “the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts, or the recognition of natural or historical boundary lines.”<sup>10</sup>

However, states should not interpret this 10 percent standard to be a safe haven.<sup>11</sup> Additionally, nothing in the U.S. Constitution or case law prevents States from imposing stricter standards for population equality.<sup>12</sup>

After Florida last redistricted in 2002, Florida’s population deviation ranges were 2.79% for its State House districts, 0.03% for its State Senate districts, and 0.00% for its Congressional districts.<sup>13</sup>

## The Voting Rights Act

Congress passed the Voting Rights Act (VRA) in 1965. The VRA protects the right to vote as guaranteed by the 15<sup>th</sup> Amendment to the United States Constitution. In addition, the VRA enforces the protections of the 14<sup>th</sup> Amendment to the United States Constitution by providing “minority voters an opportunity to participate in the electoral process and elect candidates of their choice, generally free of discrimination.”<sup>14</sup>

The relevant components of the Act are contained in Section 2 and Section 5. Section 2 applies to all jurisdictions, while Section 5 applies only to covered jurisdictions (states, counties, or other jurisdictions within a state).<sup>15</sup> The two sections, and any analysis related to each, are considered independently of each other, and therefore a matter considered under by one section may be treated differently by the other section.

The phraseology for types of minority districts can be confusing and often times unintentionally misspoken. It is important to understand that each phrase can have significantly different implications for the courts, depending on the nature of a legal complaint.

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<sup>4</sup> *Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969).

<sup>5</sup> *Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969).

<sup>6</sup> *Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969).

<sup>7</sup> *Reynolds v. Sims*, 377 U.S. 533, 568 (1964).

<sup>8</sup> *Chapman v. Meier*, 420 U.S. 1 (1975); *Connor v. Finch*, 431 U.S. 407, 418 (1977).

<sup>9</sup> *Reynolds*, 377 U.S. at 579.

<sup>10</sup> *Swann v. Adams*, 385 U.S. 440, 444 (1967).

<sup>11</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 36.

<sup>12</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 39.

<sup>13</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Pages 47-48.

<sup>14</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 51.

<sup>15</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 51.

A “majority-minority district” is a district in which the majority of the voting-age population (VAP) of the district is African American, Hispanic, Asian or Native-American. A “minority access district” is a district in which the dominant minority community is less than a majority of the VAP, but is still large enough to elect a candidate of its choice through either crossover votes from majority voters or a coalition with another minority community.

“Minority access” though is more jargon than meaningful in a legal context. There are two types of districts that fall under the definition. A “crossover district” is a minority-access district in which the dominant minority community is less than a majority of the VAP, but is still large enough that a crossover of majority voters is adequate enough to provide that minority community with the opportunity to elect a candidate of its choice. A “coalitional district” is a minority-access district in which two or more minority groups, which individually comprise less than a majority of the VAP, can form a coalition to elect their preferred candidate of choice. A distinction is sometimes made between the two in case law. For example, the legislative discretion asserted in *Bartlett v. Strickland*—as discussed later in this document—is meant for crossover districts, not for coalitional districts.

Lastly, the courts have recognized that an “influence district” is a district in which a minority community is not sufficiently large enough to form a coalition or meaningfully solicit crossover votes and thereby elect a candidate of its choice, but is able to effect election outcomes and therefore elect a candidate would be mindful of the minority community’s needs.

## Section 2 of the Voting Rights Act

The most common challenge to congressional and state legislative districts arises under Section 2 of the Voting Rights Act. Section 2 provides: “No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State...in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.”<sup>16</sup> The purpose of Section 2 is to ensure that minority voters have an equal opportunity along with other members of the electorate to influence the political process and elect representatives of their choice.<sup>17</sup>

In general, Section 2 challenges have been brought against districting schemes that either disperse members of minority communities into districts where they constitute an ineffective minority—known as “cracking”<sup>18</sup>—or which concentrate minority voters into districts where they constitute excessive majorities—known as “packing”—thus diminishing minority influence in neighboring districts. In prior decades, it was also common that Section 2 challenges would be brought against multimember districts, in which “the voting strength of a minority group can be lessened by placing it in a larger multimember or at-large district where the majority can elect a number of its preferred candidates and the minority group cannot elect any of its preferred candidates.”<sup>19</sup>

The Supreme Court set forth the criteria of a vote-dilution claim in *Thornburg v. Gingles*.<sup>20</sup> A plaintiff must show:

1. A minority group must be sufficiently large and geographically compact to constitute a majority in a single-member district;
2. The minority group must be politically cohesive; and
3. White voters must vote sufficiently as a bloc to enable them usually to defeat the candidate preferred by the minority group.

The three “*Gingles* factors” are necessary, but not sufficient, to show a violation of Section 2.<sup>21</sup> To determine whether minority voters have been denied an equal opportunity to influence the political

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<sup>16</sup> 42 U.S.C. Section 1973(a) (2006).

<sup>17</sup> 42 U.S.C. Section 1973(b); *Voinovich v. Quilter*, 507 U.S. 146, 155 (1993).

<sup>18</sup> Also frequently referred to as “fracturing.”

<sup>19</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 54.

<sup>20</sup> 478 U.S. 30 (1986).

process and elect representatives of their choice, a court must examine the totality of the circumstances.<sup>22</sup>

This analysis requires consideration of the so-called “Senate factors,” which assess historical patterns of discrimination and the success, or lack thereof, of minorities in participating in campaigns and being elected to office.<sup>23</sup> Generally, these “Senate factors” were born in an attempt to distance Section 2 claims from standards that would otherwise require plaintiffs to prove “intent,” which Congress viewed as an additional and largely excessive burden of proof, because “It diverts the judicial inquiry from the crucial question of whether minorities have equal access to the electoral process to a historical question of individual motives.”<sup>24</sup>

States are obligated to balance the existence and creation of districts that provide electoral opportunities for minorities with the reasonable availability of such opportunities and other traditional redistricting principles. For example, in *Johnson v. De Grandy*, the Court decided that while states are not obligated to maximize the number of minority districts, states are also not given safe harbor if they achieve proportionality between the minority population(s) of the state and the number of minority districts.<sup>25</sup> Rather, the Court considers the totality of the circumstances. In “examining the totality of the circumstances, the Court found that, since Hispanics and Blacks could elect representatives of their choice in proportion to their share of the voting age population and since there was no other evidence of either minority group having less opportunity than other members of the electorate to participate in the political process, there was no violation of Section 2.”<sup>26</sup>

In *League of United Latin American Citizens (LULAC) v. Perry*, the Court elaborated on the first *Gingles* precondition. “Although for a racial gerrymandering claim the focus should be on compactness in the district's shape, for the first *Gingles* prong in a Section 2 claim the focus should be on the compactness of the minority group.”<sup>27</sup>

In *Shaw v. Reno*, the Court found that “state legislation that expressly distinguishes among citizens on account of race - whether it contains an explicit distinction or is “unexplainable on grounds other than race,”...must be narrowly tailored to further a compelling governmental interest. Redistricting legislation that is alleged to be so bizarre on its face that it is unexplainable on grounds other than race demands the same close scrutiny, regardless of the motivations underlying its adoption.”<sup>28</sup>

Later, in *Shaw v. Hunt*, the Court found that the State of North Carolina made race the predominant consideration for redistricting, such that other race-neutral districting principles were subordinated, but the state failed to meet the strict scrutiny<sup>29</sup> test. The Court found that the district in question, “as drawn, is not a remedy narrowly tailored to the State's professed interest in avoiding liability under Section(s) 2 of the Act,” and “could not remedy any potential Section(s) 2 violation, since the minority group must be shown to be “geographically compact” to establish Section(s) 2 liability.”<sup>30</sup> Likewise, in *Bush v. Vera*, the Supreme Court supported the strict scrutiny approach, ruling against a Texas redistricting plan included highly irregularly shaped districts that were significantly more sensitive to racial data, and lacked any semblance to pre-existing race-neutral districts.<sup>31</sup>

Lastly, In *Bartlett v. Strickland*, the Supreme Court provided a “bright line” distinction between majority-minority districts and other minority “crossover” or “influence districts. The Court “concluded that §2

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<sup>21</sup> *Johnson v. De Grandy*, 512 U.S. 997, 1011-1012 (1994).

<sup>22</sup> 42 U.S.C. Section 1973(b); *Thornburg vs. Gingles*, 478 U.S. 46 (1986).

<sup>23</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 57.

<sup>24</sup> Senate Report Number 417, 97<sup>th</sup> Congress, Session 2 (1982).

<sup>25</sup> *Johnson v. De Grandy*, 512 U.S. 997, 1017 (1994).

<sup>26</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 61-62.

<sup>27</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 62.

<sup>28</sup> *Shaw v. Reno*, 509 U.S. 630 (1993).

<sup>29</sup> “Strict scrutiny” is the most rigorous standard used in judicial review by courts that are reviewing federal law. Strict scrutiny is part of a hierarchy of standards courts employ to weigh an asserted government interest against a constitutional right or principle that conflicts with the manner in which the interest is being pursued.

<sup>30</sup> *Shaw v. Hunt*, 517 U.S. 899 (1996).

<sup>31</sup> *Bush v. Vera*, 517 U.S. 952 (1996),

does not require state officials to draw election district lines to allow a racial minority that would make up less than 50 percent of the voting-age population in the redrawn district to join with crossover voters to elect the minority's candidate of choice."<sup>32</sup> However, the Court made clear that States had the flexibility to implement crossover districts as a method of compliance with the Voting Rights Act, where no other prohibition exists. In the opinion of the Court, Justice Kennedy stated as follows:

"Much like §5, §2 allows States to choose their own method of complying with the Voting Rights Act, and we have said that may include drawing crossover districts...When we address the mandate of §2, however, we must note it is not concerned with maximizing minority voting strength...and, as a statutory matter, §2 does not mandate creating or preserving crossover districts. Our holding also should not be interpreted to entrench majority-minority districts by statutory command, for that, too, could pose constitutional concerns...States that wish to draw crossover districts are free to do so where no other prohibition exists. Majority-minority districts are only required if all three *Gingles* factors are met and if §2 applies based on a totality of the circumstances. In areas with substantial crossover voting it is unlikely that the plaintiffs would be able to establish the third *Gingles* precondition—bloc voting by majority voters."<sup>33</sup>

## Section 5 of the Voting Rights Act

Section 5 of the Voting Rights Act of 1965, as amended, is an independent mandate separate and distinct from the requirements of Section 2. "The intent of Section 5 was to prevent states that had a history of racially discriminatory electoral practices from developing new and innovative means to continue to effectively disenfranchise Black voters."<sup>34</sup>

Section 5 requires states that comprise or include "covered jurisdictions" to obtain federal preclearance of any new enactment of or amendment to a "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting."<sup>35</sup> This includes districting plans.

Five Florida counties—Collier, Hardee, Hendry, Hillsborough, and Monroe—have been designated as covered jurisdictions.<sup>36</sup>

Preclearance may be secured either by initiating a declaratory judgment action in the District Court for the District of Columbia or, as is the case in almost all instances, submitting the new enactment or amendment to the United States Attorney General (United States Department of Justice).<sup>37</sup> Preclearance must be granted if the qualification, prerequisite, standard, practice, or procedure "does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color."<sup>38</sup>

The purpose of Section 5 is to "insure that no voting procedure changes would be made that would lead to retrogression<sup>39</sup> in the position of racial minorities with respect to their effective exercise of the electoral franchise."<sup>40</sup> Whether a districting plan is retrogressive in effect requires an examination of "the entire statewide plan as a whole."<sup>41</sup>

The Department of Justice requires that submissions for preclearance include numerous quantitative and qualitative pieces of data to satisfy the Section 5 review. "The Department of Justice, through the U.S. Attorney General, has 60 days in which to interpose an objection to a preclearance submission. The Department of Justice can request additional information within the period of review and following

<sup>32</sup> *Bartlett v. Strickland*, No. 07-689 (U.S. Mar. 9, 2009).

<sup>33</sup> *Bartlett v. Strickland*, No. 07-689 (U.S. Mar. 9, 2009).

<sup>34</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 78.

<sup>35</sup> 42 U.S.C. Section 1973c.

<sup>36</sup> Some states were covered in their entirety. In other states only certain counties were covered.

<sup>37</sup> 42 U.S.C. Section 1973c.

<sup>38</sup> 42 U.S.C. Section 1973c

<sup>39</sup> A decrease in the absolute number of representatives which a minority group has a fair chance to elect.

<sup>40</sup> *Beer v. United States*, 425 U.S. 130, 141 (1976).

<sup>41</sup> *Georgia v. Ashcroft*, 539 U.S. 461, 479 (2003).

receipt of the additional information, the Department of Justice has an additional 60 days to review the additional information. A change, either approved or not objected to, can be implemented by the submitting jurisdiction. Without preclearance, proposed changes are not legally enforceable and cannot be implemented.”<sup>42</sup>

### Majority-Minority and Minority Access Districts in Florida

Legal challenges to the Florida’s 1992 state legislative and congressional redistricting plans resulted in a significant increase in elected representation for both African-Americans and Hispanics. Table 2 illustrates those increases. Prior to 1992, Florida Congressional Delegation included only one minority member, Congresswoman Ileana Ros-Lehtinen.

**Table 2. Number of Elected African-American and Hispanic Members in the Florida Legislature and Florida Congressional Delegation**

	Congress		State Senate		State House	
	African-American	Hispanic	African-American	Hispanic	African-American	Hispanic
<b>Pre-1982</b>	0	0	0	0	5	0
<b>1982 Plan</b>	0	0-1	2	0-3	10-12	3-7
<b>1992 Plan</b>	3	2	5	3	14-16	9-11
<b>2002 Plan</b>	3	3	6-7	3	17-20	11-15

Prior to the legal challenges in the 1990s, the Florida Legislature established districts that generally included minority populations of less than 30 percent of the total population of the districts. For example, Table 3 illustrates that the 1982 plan for the Florida House of Representatives included 27 districts in which African-Americans comprised 20 percent or more of the total population. In the majority of those districts, 15 of 27, African-Americans represented 20 to 29 percent of the total population. None of the 15 districts elected an African-American to the Florida House of Representatives.

**Table 3. 1982 House Plan  
Only Districts with Greater Than 20% African-American Population<sup>43</sup>**

Total African-American Population	House District Number	Total Districts	African-American Representatives Elected
20% - 29%	2, 12, 15, 22, 23, 25, 29, 42, 78, 81, 92, 94, 103, 118, 119	15	0
30% - 39%	8, 9	2	1
40% - 49%	55, 83, 91	3	2
50% - 59%	17, 40, 63, 108	4	4
60% - 69%	16, 106,	2	2

<sup>42</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 96.

<sup>43</sup> It is preferred to use voting age population, rather than total population. However, for this analysis the 1982 voting age population data is not available. Therefore total population is used for the sake of comparison.



<b>70% - 79%</b>	107	1	1
<b>TOTAL</b>			10

Subsequent to the legal challenges in the 1990s, the Florida Legislature established districts that were compliant with provisions of federal law, and did not fracture or dilute minority voting strength. For example, Table 4 illustrates that the resulting districting plan doubled the number of African-American representatives in the Florida House of Representatives.

**Table 4. 2002 House Plan  
Only Districts with Greater Than 20% African-American Population<sup>44</sup>**

<b>Total African-American Population</b>	<b>House District Number</b>	<b>Total Districts</b>	<b>African-American Representatives Elected</b>
<b>20% - 29%</b>	10, 27, 36, 86	4	1
<b>30% - 39%</b>	3, 23, 92, 105	4	3
<b>40% - 49%</b>	118	1	1
<b>50% - 59%</b>	8, 14, 15, 55, 59, 84, 93, 94, 104, 108	10	10
<b>60% - 69%</b>	39, 109	2	2
<b>70% - 79%</b>	103	1	1
<b>TOTAL</b>			18

### **Equal Protection – Racial Gerrymandering**

Racial gerrymandering is “the deliberate and arbitrary distortion of district boundaries...for (racial) purposes.”<sup>45</sup> Racial gerrymandering claims are justiciable under equal protection.<sup>46</sup> In the wake of *Shaw v. Reno*, the Court rendered several opinions that attempted to harmonize the balance between “competing constitutional guarantees that: 1) no state shall purposefully discriminate against any individual on the basis of race; and 2) members of a minority group shall be free from discrimination in the electoral process.”<sup>47</sup>

To make a *prima facie* showing of impermissible racial gerrymandering, the burden rests with the plaintiff to “show, either through circumstantial evidence of a district’s shape and demographics or more direct evidence going to legislative purpose, that race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.”<sup>48</sup> Thus, the “plaintiff must prove that the legislature subordinated traditional race-neutral districting principles...to racial considerations.”<sup>49</sup> If the plaintiff meets this burden, “the State must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest,”<sup>50</sup> i.e. “narrowly tailored” to achieve that singular compelling state interest.

<sup>44</sup> It is preferred to use voting age population, rather than total population. However, since the 1982 voting age population data is not available for Table 2, total population is again used in Table 3 for the sake of comparison.

<sup>45</sup> *Shaw v. Reno*, 509 U.S. 630, 640 (1993)

<sup>46</sup> *Shaw v. Reno*, 509 U.S. 630, 642 (1993)

<sup>47</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 72.

<sup>48</sup> *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

<sup>49</sup> *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

<sup>50</sup> *Miller v. Johnson*, 515 U.S. 920 (1995).

While compliance with federal antidiscrimination laws—specifically, the Voting Rights Act—is a “very strong interest,” it is not in all cases a compelling interest sufficient to overcome strict scrutiny.<sup>51</sup> With respect to Section 2, traditional districting principles may be subordinated to race, and strict scrutiny will be satisfied, where (i) the state has a “strong basis in evidence” for concluding that a majority-minority district is “reasonably necessary” to comply with Section 2; (ii) the race-based districting “substantially addresses” the Section 2 violation; and (iii) the district does “not subordinate traditional districting principles to race substantially more than is ‘reasonably necessary’ to avoid” the Section 2 violation.<sup>52</sup> The Court has held that compliance with Section 5 is not a compelling interest where race-based districting is not “reasonably necessary” under a “correct reading” of the Voting Rights Act.<sup>53</sup>

### **The Use of Statistical Evidence**

Political vote histories are essential tools to ensure that new districts comply with the Voting Rights Act.<sup>54</sup> For example, the use of racial and political data is critical for a court’s consideration of the compelling interests that may be involved in a racial gerrymander. In *Bush v. Vera*, the Court stated:

“The use of sophisticated technology and detailed information in the drawing of majority minority districts is no more objectionable than it is in the drawing of majority majority districts. But ... the direct evidence of racial considerations, coupled with the fact that the computer program used was significantly more sophisticated with respect to race than with respect to other demographic data, provides substantial evidence that it was race that led to the neglect of traditional districting criteria...”

As noted previously, when the U.S. Department of Justice conducts a Section 5 preclearance review it requires that a submitting authority provide political data supporting a plan.<sup>55</sup> Registration and performance data must be used under Section 2 of the Voting Rights Act to determine whether geographically compact minority groups are politically cohesive, and also to determine whether the majority population votes as a block to defeat the minority’s candidate of choice.

If Florida were to attempt to craft districts in areas of significant minority population without such data (or in any of the five Section 5 counties), the districts would be legally suspect and would probably invite litigation.

### **Florida Constitution, Article III, Section 16**

Article III, Section 16 of the Florida Constitution requires the Legislature, by joint resolution at its regular session in the second year after the Census is conducted, to apportion the State into senatorial districts and representative districts.

The Florida Constitution is silent with respect to process for congressional redistricting. Article 1 Section 4 of the United States Constitution grants to each state legislature the exclusive authority to apportion seats designated to that state by providing the legislative bodies with the authority to determine the times place and manner of holding elections for senators and representatives. Consistent therewith, Florida has adopted its congressional apportionment plans by legislation subject to gubernatorial approval.<sup>57</sup> Congressional apportionment plans are not subject to automatic review by the Florida Supreme Court.

### **Florida Constitution, Article III, Sections 20 and 21**

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<sup>51</sup> *Shaw v. Reno*, 509 U.S. at 653-654 (1993).

<sup>52</sup> *Bush v. Vera*, 517 U.S. 977-979 (1996).

<sup>53</sup> *Miller v. Johnson*, 515 U.S. 921 (1995).

<sup>54</sup> *Georgia v. Ashcroft*, 539 U.S. 461, 487-88 (2003); *Thornburg v. Gingles*, 478 U.S. 30, 36-37, 48-49 (1986).

<sup>55</sup> 28 U.S.C. § 51.27(q) & 51.28(a)(1).

<sup>56</sup> Federal Register / Vol. 76, No. 73 / Friday, April 15, 2011. Page 21249.

<sup>57</sup> See generally Section 8.0001, et seq., Florida Statutes (2007).

As approved by Florida voters in the November 2010 General Election, Article III, Section 20 of the Florida Constitution establishes the following standards for congressional redistricting:

“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 subsection 1(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 subsections 1(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.”

As approved by Florida voters in the November 2010 General Election, Article III, Section 21 of the Florida Constitution establishes the following standards for state legislative apportionment:

“In establishing legislative district boundaries:

(a) No apportionment plan or 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 subsection 1(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 subsections 1(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.”

These new standards are set forth in two tiers. The first tier, subparagraphs (a) above, contains provisions regarding political favoritism, racial and language minorities, and contiguity. The second tier, subparagraphs (b) above, contains provisions regarding equal population, compactness and use of political and geographical boundaries.

To the extent that compliance with second-tier standards conflicts with first-tier standards or federal law, the second-tier standards do not apply.<sup>58</sup> The order in which the standards are set forth within either tier does not establish any priority of one standard over another within the same tier.<sup>59</sup>

The first tier provides that no apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent. Redistricting decisions unconnected with an intent to favor or disfavor a political party and incumbent do not violate this provision of the Florida Constitution, even if their effect is to favor or disfavor a political party or incumbent.<sup>60</sup>

<sup>58</sup> Article III, Sections 20(b) and 21(b), Florida Constitution.

<sup>59</sup> Article III, Sections 20(c) and 21(c), Florida Constitution.

<sup>60</sup> In *Hartung v. Bradbury*, 33 P.3d 972, 987 (Or. 2001), the court held that “the mere fact that a particular reapportionment may result in a shift in political control of some legislative districts (assuming that every registered voter votes along party lines),” does not show that

The first tier of the new standards also provides the following protections for racial and language minorities:

- Districts shall not be drawn with the intent or result of denying the equal opportunity of racial or language minorities to participate in the political process.
- Districts shall not be drawn with the intent or result of abridging the equal opportunity of racial or language minorities to participate in the political process.
- Districts shall not be drawn with the intent or result of diminishing the ability of racial or language minorities to elect representatives of their choice.

The non-diminishment standard has comparable text to Section 5 of the federal Voting Rights Act, as amended in 2006, but the text in the Florida Constitution is not limited to the five counties protected by Section 5.<sup>61</sup>

On March 29, 2011, the Florida Legislature submitted these new standards to the United States Department of Justice for preclearance. In the submission, the Legislature articulated that the amendments to Florida's Constitution "do not have a retrogressive effect."<sup>62</sup>

"Properly interpreted, we (the Florida House of Representatives and the Florida Senate) do not believe that the Amendments create roadblocks to the preservation or enhancement of minority voting strength. To avoid retrogression in the position of racial minorities, the Amendments must be understood to preserve without change the Legislature's prior ability to construct effective minority districts. Moreover, the Voting Rights Provisions ensure that the Amendments in no way constrain the Legislature's discretion to preserve or enhance minority voting strength, and permit any practices or considerations that might be instrumental to that important purpose."<sup>63</sup>

Without comment, the Department of Justice granted preclearance on May 31, 2011.<sup>64</sup>

The first tier also requires that districts consist of contiguous territory. In the context of state legislative districts, the Florida Supreme Court has held that a district is contiguous if no part of the district is isolated from the rest of the district by another district.<sup>65</sup> In a contiguous district, a person can travel from any point within the district to any other point without departing from the district.<sup>66</sup> A district is not contiguous if its parts touch only at a common corner, such as a right angle.<sup>67</sup> The Court has also concluded that the presence in a district of a body of water without a connecting bridge, even if it requires land travel outside the district in order to reach other parts of the district, does not violate contiguity.<sup>68</sup>

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a redistricting plan was drawn with an improper intent. It is well recognized that political consequences are inseparable from the redistricting process. In *Vieth v. Jubelirer*, 541 U.S. 267, 343 (2004) (Souter, J., dissenting) ("The choice to draw a district line one way, not another, always carries some consequence for politics, save in a mythical State with voters of every political identity distributed in an absolutely gray uniformity.").

<sup>61</sup> Compare *id.* with 42 U.S.C. § 1973c(b).

<sup>62</sup> Letter from Andy Bardos, Special Counsel to the Senate President, and George Levesque, General Counsel to the Florida House of Representatives, to T. Christian Herren, Jr., Chief of the Voting Section, Civil Rights Division, United States Department of Justice (Mar. 29, 2011) (on file with the Florida House of Representatives). Page 5.

<sup>63</sup> Letter from Andy Bardos, Special Counsel to the Senate President, and George Levesque, General Counsel to the Florida House of Representatives, to T. Christian Herren, Jr., Chief of the Voting Section, Civil Rights Division, United States Department of Justice (Mar. 29, 2011) (on file with the Florida House of Representatives). Page 7.

<sup>64</sup> Letter from T. Christian Herren, Jr., Chief of the Voting Section, Civil Rights Division, United States Department of Justice, to Andy Bardos, Special Counsel to the Senate President, and George Levesque, General Counsel to the Florida House of Representatives (May 31, 2011) (on file with Florida House of Representatives).

<sup>65</sup> *In re Senate Joint Resolution 2G, Special Apportionment Session 1992*, 597 So. 2d 276, 279 (Fla. 1992) (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d 1040, 1051 (Fla. 1982)).

<sup>66</sup> *Id.*

<sup>67</sup> *Id.* (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1051).

<sup>68</sup> *Id.* at 280.

The second tier of these standards requires that districts be compact.<sup>69</sup> The meaning of “compactness” can vary significantly, depending on the type of redistricting-related analysis in which the court is involved.<sup>70</sup> Primarily, courts have used compactness to assess whether some form of racial or political gerrymandering exists. That said, the drawing of a district that is less compact could conversely be the necessary component of a district or plan that attempts to eliminate the dilution of the minority vote. Therefore, compactness is not by itself a dispositive factor.

Courts in other states have used various measures of compactness, including mathematical calculations that compare districts according to their areas, perimeters, and other geometric criteria, and considerations of functional compactness. Geometric compactness considers the shapes of particular districts and the closeness of the territory of each district, while functional compactness looks to practical measures that facilitate effective representation from and access to elected officials. In a Voting Rights context, compactness “refers to the compactness of the minority population, not to the compactness of the contest district”<sup>71</sup> as a whole.

Overall, compactness is a functional factor in reviewing plans and districts. Albeit, compactness is not regarded as a trumping provision against the carrying out of other rationally formed districting decisions.<sup>72</sup> Additionally, interpretations of compactness require considerations of more than just geography. For example, the “interpretation of the *Gingles* compactness requirement has been termed ‘cultural compactness’ by some, because it suggests more than geographical compactness.”<sup>73</sup> In a vote dilution context, “While no precise rule has emerged governing § 2 compactness, the inquiry should take into account traditional districting principles.”<sup>74</sup>

Florida courts have yet to interpret “compactness.”

The second tier of these standards also requires that “districts shall, where feasible, utilize existing political and geographical boundaries.”<sup>75</sup> The term “political boundaries” refers, at a minimum, to the boundaries of cities and counties.<sup>76</sup> Florida case law does not specifically define the term “geographical boundaries.” Rather, numerous cases use the phrase generally when defining the borders of a state, county, city, court, special district, or other area of land.<sup>77</sup>

Similarly, the federal courts have used the phrase “geographical boundaries” in a general sense.<sup>78</sup> The U.S. Supreme Court has used the phrase “geographical considerations” when referring to how difficult it is to travel within a district.<sup>79</sup>

In addition to referring to the borders of a county, city, court, special district, the area of land referenced by “geographical boundaries” could be smaller areas, “such as major traffic streets, railroads, the river,

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<sup>69</sup> Article III, Sections 20(b) and 21(b), Florida Constitution.

<sup>70</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Pages 109-112.

<sup>71</sup> *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 26 (2006).

<sup>72</sup> *Karcher v. Daggett*, 462 U.S. 725, 756 (1983).

<sup>73</sup> *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 111.

<sup>74</sup> *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 27 (2006).

<sup>75</sup> Article III, Sections 20(b) and 21(b), Florida Constitution.

<sup>76</sup> The ballot summary of the constitutional amendment that created the new standards referred to “existing city, county and geographical boundaries.” See *Advisory Opinion to Att’y Gen. re Standards for Establishing Legislative Dist. Boundaries*, 2 So. 3d 175, 179 (Fla. 2009).

<sup>77</sup> *E.g.*, *State v. Stepansky*, 761 So.2d 1027, 1035 (Fla. 2000) (“In fact, the Fifth District acknowledged the effects doctrine as a basis for asserting jurisdiction beyond the state’s geographic boundaries.”); *State v. Holloway*, 318 So.2d 421, 422 (Fla. 1975) (“The arrest was made outside the geographical boundaries of said city.”); *Deen v. Wilson*, 1 So.3d 1179, 1181 (Fla. 5th DCA 2009) (“An Office of Criminal Conflict and Civil Regional Counsel was created within the geographic boundaries of each of the five district courts of appeal.”); *A. Duda and Sons, Inc. v. St. Johns River Water Management Dist.*, 17 So.3d 738, 740 (Fla. 5th DCA 2009) (“Cocoa Ranch, is over 18,000 acres and is located within the [St. Johns River Water Management] District’s geographical boundaries.”).

<sup>78</sup> *E.g.*, *Sbarra v. Florida Dept. of Corrections*, 2009 WL 4400112, 1 (N.D. Fla. 2009) (“Lee County is within the geographic bounds of the United States District Court for the Middle District of Florida.”); *Benedict v. General Motors Corp.*, 142 F.Supp.2d 1330, 1333 (N.D. Fla. 2001) (“This was part of the traditional approach of obtaining jurisdiction through service of process within the geographic boundaries of the state at issue.”).

<sup>79</sup> *Reynolds v. Sims*, 377 U.S. 533, 580 (1964)

etc.”,<sup>80</sup> or topographical features such as a waterway dividing a county or other natural borders within a state or county.<sup>81</sup>

Moreover, it should be noted that in the context of geography, states use a number of geographical units to define the contours of their districting maps. The most common form of geography utilized is census blocks, followed by voter tabulation districts (VTDs). Several states also utilize designations such as counties, towns, political subdivisions, precincts, and wards.

For the 2002 redrawing of its congressional and state legislative maps, Florida used counties, census tracts, block groups and census blocks. For the current redistricting, the Florida House of Representatives’ web-based redistricting application, MyDistrictBuilder™, allows map-drawers to build districts with counties, cities, VTDs, and census blocks.

It should also be noted that these second tier standards are often overlapping. Purely mathematical measures of compactness often fail to account for county, city and other geographic boundaries, and so federal and state courts almost universally account for these boundaries into consideration when measuring compactness. Courts essentially take two views:

- 1) That county, city, and other geographic boundaries are accepted measures of compactness,<sup>82</sup> or
- 2) That county, city and other geographic boundaries are viable reasons to deviate from compactness.<sup>83</sup>

Either way, county, city, and other geographic boundaries are primary considerations when evaluating compactness.<sup>84</sup>

## Public Outreach

In the summer of 2011, the House and Senate initiated an extensive public outreach campaign. On May 6, 2011, the Senate Committee on Reapportionment and the House Redistricting Committee jointly announced the schedule for a statewide tour of 26 public hearings. The purpose of the hearings was to receive public comments to assist the Legislature in its creation of new redistricting plans. The schedule included stops in every region of the state, in rural and urban areas, and in all five counties subject to preclearance. The hearings were set primarily in the mornings and evenings to allow a variety of participants to attend. Specific sites were chosen based on their availability and their accessibility to members of each community.

Prior to each hearing, committee staff invited a number of interested parties in the region to attend and participate. Invitations were sent to representatives of civic organizations, public interest groups, school boards, and county elections offices, as well as to civil rights advocates, county commissioners and administrators, local elected officials, and the chairs and executive committees of statewide political parties. In all, over 4,000 invitations were sent.

In addition to distributing individual invitations, the House and Senate utilized paid advertising space in newspapers and airtime on local radio stations, free advertising through televised and radio public service announcements, legal advertisements in local print newspapers for each hearing, opinion editorials, and advertising in a variety of Spanish-language media to raise awareness about the hearings. Staff from both the House and Senate also informed the public of the hearings through social media websites and email newsletters.

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<sup>80</sup> *Bd. of Ed. of Oklahoma City Pub. Sch., Indep. Dist. No. 89, Oklahoma County, Okl. v. Dowell*, 375 F.2d 158, 170 n.4 (10th Cir. 1967),

<sup>81</sup> *Moore v. Itawamba County, Miss.*, 431 F.3d 257, 260 (5th Cir. 2005).

<sup>82</sup> *e.g., DeWitt v. Wilson*, 856 F. Supp. 1409, 1414 (E.D. Cal. 1994).

<sup>83</sup> *e.g., Jamerson v. Womack*, 423 S.E. 2d 180 (1992). *See generally*, 114 A.L.R. 5th 311 at § 3[a], 3[b].

<sup>84</sup> *See id.*

The impact of the statewide tour and public outreach is observable in multiple ways. During the tour, committee members received testimony from over 1,600 speakers. To obtain an accurate count of attendance, committee staff asked guests to fill out attendance cards. Although not all attendees complied, the total recorded attendance for all 26 hearings amounted to 4,787.

**Table 5. Public Input Meeting Schedule  
Attendance and Speakers**

<b>City</b>	<b>Date</b>	<b>Recorded Attendance</b>	<b>Speakers</b>
Tallahassee	June 20	154	63
Pensacola	June 21	141	36
Fort Walton Beach	June 21	132	47
Panama City	June 22	110	36
Jacksonville	July 11	368	96
St. Augustine	July 12	88	35
Daytona Beach	July 12	189	62
The Villages	July 13	114	55
Gainesville	July 13	227	71
Lakeland	July 25	143	46
Wauchula	July 26	34	13
Wesley Chapel	July 26	214	74
Orlando	July 27	621	153
Melbourne	July 28	198	78
Stuart	August 15	180	67
Boca Raton	August 16	237	93
Davie	August 16	263	83
Miami	August 17	146	59
South Miami (FIU)	August 17	137	68
Key West	August 18	41	12
Tampa	August 29	206	92
Largo	August 30	161	66
Sarasota	August 30	332	85
Naples	August 31	115	58
Lehigh Acres	August 31	191	69
Clewiston	September 1	45	20
<b>TOTAL</b>	<b>26 meetings</b>	<b>4,787</b>	<b>1,637</b>

In addition to the public input meetings, the House Redistricting Committee and Senate Committee on Reapportionment received hundreds of additional written suggestions for redistricting, both at the public hearings and via social media.

Throughout the summer and at each hearing, legislators and staff also encouraged members of the public to draw and submit their own redistricting plans (partial or complete maps) through web applications created and made available on the Internet by the House and Senate. At each hearing, staff from both the House and Senate was available to demonstrate how members of the public could illustrate their ideas by means of the redistricting applications.

In September 2011, the chairs of the House Redistricting Committee and Senate Committee on Reapportionment sent individual letters to more than fifty representatives of public-interest and voting-rights advocacy organizations to invite them to prepare and submit proposed redistricting plans.

As a result of these and other outreach efforts, the public submitted 157 proposed legislative and congressional redistricting maps between May 27 and November 1, 2011. Since then, ten additional plans have been submitted by members of the public. During the 2002 redistricting cycle, the Legislature received only four proposed maps from the public.

**Table 6. Complete and Partial Redistricting Maps**

***Submitted to the House or Senate by Florida Residents***

<b>Map Type</b>	<b>Complete Maps</b>	<b>Partial Maps</b>	<b>Total Maps</b>
House	17	25	42
Senate	26	18	44
Congressional	54	27	81
<b>TOTAL</b>	<b>97</b>	<b>70</b>	<b>167</b>

Publicly submitted maps, records from the public input hearings, and other public input are all accessible via [www.floridaredistricting.org](http://www.floridaredistricting.org).



**Redistricting Plan H000C9009: Effect of Proposed Changes**

**Redistricting Plan Summary Statistics for the Proposed Congressional Map**

**Redistricting Plan Data Report for H000C9009**

<b>Plan File Name: H000C9009</b>					<b>Plan Type: Congress - 27 Districts</b>														
<b>Plan Population Fundamentals</b>					<b>Plan Geography Fundamentals:</b>														
Total Population Assigned:	18,801,310 of 18,801,310				Census Blocks Assigned:	484,481 out of 484,481													
Ideal District Population::	696,344				Number Non-Contiguous Sections:	1 (normally one)													
District Population Remainder:	22				County or District Split :	26 Split of 67 used													
District Population Range:	696,344 to 696,345				City or District Split :	52 Split of 411 used													
District Deviation Range:	(0) To 1				VTD's Split :	296 Split of 9,436 used													
Deviation:	(0) To 0.00 Total 0.00%																		
<b>Number of Districts by Race Language</b>																			
	20%+	30%+	40%+	50%+	60%+														
Current Black VAP	5	3	3	2	0														
New Black VAP	5	3	3	2	0														
Current Hisp VAP	7	4	3	3	3														
New Hisp VAP	7	6	3	3	3														
<b>Plan Name:</b>		H000C9009			<b>Number of Districts</b>			27											
<b>Spatial Measurements - Map Based</b>																			
	<b>Base Shapes</b>						<b>Circle - Dispersion</b>					<b>Convex Hull - Indentation</b>							
	Perimeter	Area	P/A	Perimeter	Area	P/A	Pc/P	A/Ac	Perimeter	Area	P/A	Pc/P	A/Ac	Width	Height	W+H			
C9009-Map	7,552	65,934	11.45%	6,917	183,618	3.76%	91.59%	35.90%	5,571	90,797	6.13%	73.76%	72.61%	1,679	1,697	3,358			
Current Map	10,064	65,934	15.26%	7,767	252,642	3.07%	77.18%	26.09%	6,041	105,234	5.74%	60.02%	62.65%	1,898	1,830	3,797			
C9009-Simple	7,018	65,826	10.66%				98.56%	35.84%				79.38%	72.49%						
Current Map	9,153	65,906	13.88%				84.86%	26.08%				66.00%	62.62%						
	<b>Straight line in miles apart</b>				<b>Miles to drive by fastest route</b>				<b>Minutes to drive by fastest route</b>										
	Pop	VAP	VAP Black	VAP Hispanic	Pop	VAP	VAP Black	VAP Hispanic	Pop	VAP	VAP Black	VAP Hispanic							
C9009-Map	23	23	25	18	30	30	32	25	40	40	40	33							
Current Map	29	29	30	22	38	38	38	29	48	48	46	38							

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb05a.CRS

DATE: 1/10/2012

## District-by-District Summary Statistics for the Proposed Congressional Map<sup>85</sup>

District ID	Pop Dev	TPOP10	%AllBlkVAP10	%AllHispVAP10	%HaitianPOPACS
1	1	696,345	13.19	4.55	0.19
2	1	696,345	23.83	4.75	0.38
3	1	696,345	14.66	6.61	0.38
4	1	696,345	10.99	6.79	0.23
5	1	696,345	48.11	11.13	3.31
6	1	696,345	9.85	8.64	0.36
7	1	696,345	10.71	18.67	0.42
8	0	696,344	9.12	7.66	0.56
9	1	696,345	11.99	38.50	1.39
10	1	696,345	12.76	13.52	0.72
11	1	696,345	8.63	6.73	0.15
12	1	696,345	4.30	9.25	0.13
13	0	696,344	5.12	7.18	0.05
14	1	696,345	24.58	23.89	0.83
15	1	696,345	11.14	17.72	0.35
16	1	696,345	5.80	8.80	0.71
17	1	696,345	9.47	14.62	0.63
18	1	696,345	10.98	12.06	1.73
19	1	696,345	5.76	13.69	1.54
20	1	696,345	50.21	18.55	10.03
21	0	696,344	11.21	18.30	3.01
22	1	696,345	10.16	17.58	3.92
23	0	696,344	9.93	37.56	1.41
24	0	696,344	55.73	33.15	14.94
25	1	696,345	8.25	70.08	1.78
26	1	696,345	10.02	68.91	1.35
27	1	696,345	7.71	75.04	0.78

### District-by-District Descriptions for the Proposed Congressional Map

District 1 encompasses the eastern most portion of the Florida panhandle. The district includes the entirety of Escambia, Santa Rosa, Okaloosa and Walton counties and a part of Holmes County. The northern and western boundary of the district is the Florida State line shared with Alabama and the southern boundary is the Gulf of Mexico. The Eastern boundary line follows the eastern Walton County line from the Gulf of Mexico north to the Holmes County line. The district then follows VTD lines with the county until the area of the county where equal population was achieved. The district then follows Stevenson Road and State Highway 173 running north and south.

District 2 encompasses the entirety of 12 counties including all of Bay, Washington, Jackson, Calhoun, Gulf, Franklin, Liberty, Gadsden, Leon, Wakulla, Jefferson and Taylor Counties. The district also includes parts of Holmes County and Madison County. The northern boundary is created by the state lines with Alabama and Georgia and southern boundary is created by the Gulf of Mexico. The western

<sup>85</sup> "Pop Dev" is the population deviation above or below the ideal population. "TPOP10" is the proposed district's total resident population, according to the 2010 Census. "%AllBlkVAP10" is the percentage of the proposed district's voting age population that is Black, according to the 2010 Census. "%AllHispVAP10" is the percentage of the proposed district's voting age population that is Hispanic, according to the 2010 Census. "%HaitianPOPACS" is the percentage of the proposed district's voting age population that is Haitian according to the 2005-2009 American Community Survey.

boundary is the western county lines of Bay County and Washington County and then follows VTD lines within Holmes County as well as Stevenson Road to State Highway 173 running north and south. The Eastern Boundary of the district follows the eastern county line of Taylor County continuing into Madison County. Within Madison County the boundary runs north and south following primarily Tom Gunter Road, San Pedro Road, county road 360, Callaway Terrace, Bryan Earnhart Road, County Route 14, Farm Center Road, Prescott Road, Settlement Road, County Route 253 and State Route 53.

District 3 is made up of seven whole counties as well as part of six others. Hamilton, Suwannee, Columbia, Lafayette, Union, Bradford and Baker Counties are all entirely within the district. Part of Madison, Gilchrist, Alachua, Clay, Duval and Nassau counties are also within the district. The northern border follows the Georgia state line from County Road 121A in Nassau County to State Road 53 in Madison County. The western boundary line continues through Madison County south predominantly following VTD lines, County Road 14 and State Road 53 until it reaches the Madison and Lafayette County lines. The boundary line continues along the county line until it reaches Gilchrist County where it then predominantly follows NW 55<sup>th</sup> Street, NW 60<sup>th</sup> Street, NW 65<sup>th</sup> Street and VTD lines through the county going west to east until it reaches the Gilchrist/Alachua county line. The district continues to follow the Alachua County line until County Road 225. The district primarily follows VTD and roadways up into Gainesville including county roads 225, 234, 2082, Camp Ranch Road, 16<sup>th</sup> Ave, 6<sup>th</sup> Street, University Ave, 3<sup>rd</sup> Ave, 13th Street and State Road 26 until it reaches the eastern Alachua County line. The district boundary then continues along the southern line of Clay County until US 17 which it then primarily follows north to the Duval County line except when it uses the Green Cove Springs city line making sure that none of the city is included within District 3. The district then travels into Duval County following I-295 west then following the county border west until it starts north along the Ortega River. From there the district predominantly follows VTD lines but follows additional road and railways that either share a VTD line or is a standalone border for the district. The predominate roads and railways that the district follows are 103<sup>rd</sup> St, Normandy Blvd, Wilson Blvd, Hyde Grove Ave, Wiley Rd, Lane Ave, old Middleburg Road, Ramona Blvd, Arques Road, Deanville Road, Le Brun Drive, Memorial Park Road, I-295, Beaver St W, railways leading to and from NS Jacksonville, Soutel Drive, Moncrief Road, New Kings Road, Trout River Blvd, railways leading northwest from CSX Jacksonville, Plummer Road, railways paralleling US 1, Old Kings road, and US-1. The district continues to follow US-1 into Nassau County until it reaches Musselwhite Road which it travel along north becoming Middle Road and County Road 121A until it reaches the Florida/Georgia line.

District 4 is constituted of portions of Nassau, Duval and St. Johns Counties. The northern border of the district is the Georgia state line along the northern edge of Nassau County. From the Atlantic Ocean to County Road 121A. The district then predominantly follows this road and US-1 to the Nassau/Duval County line. The district then continues south in Duval County traveling next to District 5 predominately following Lem Turner Road, I-295, I-95, Heckscher Drive, N Main Street, the St. Johns River, Edenfield Road, University Club Blvd, Briarforest road, Jimtom Drive, Laudonniere Drive, Heidi Road, Fort Caroline Road, Peeler Road, Shetland Road, Searchwood Drive, Oak Summit Drive, Cesey Blvd, Lake Lucina Drive and back to the St. Johns River. From here the district predominantly follows Arlington Road, Lone Star Road, Eddy Road, Townsend Blvd, Bowland Street, Acme Street, Atlantic Blvd, Southside Blvd, Ivey Road, Crane Ave, Laurina Street, University Blvd S, Beach Blvd, Bedford Road, Emerson Street, Victor Street, Jerrigan Road, St. Augustine Road, Hendricks Ave, Phillips Highway, The Arlington River and the St. Johns River. From here the district follows the St. Johns River to the Fuller Warren Bridge and predominantly continues along I-10, Cassat Ave, Woodcrest Road, S Ellis Road, the Cedar River, San Juan Ave, Hyde Park Road, Wilson Blvd, McGregor Drive, Cinderella Road, Lane Ave, Melvin Ave, I-295, 103<sup>rd</sup> Street and Roosevelt Blvd to the southern Duval county line. The district then follows the St. Johns River south, shared with the Duval and St. Johns County lines until it reaches County Road 214 in St. Johns County. The southern edge of the district then primarily follows County Road 214 east to the St. Augustine Inlet and out to the Atlantic Ocean which the district then follows north creating the eastern border of the district until it reaches the Florida State line.

District 5 joins the Jacksonville area with areas to the south such as Gainesville, the Ocala National Forest, to Apopka and Orlando. This region has long elected a minority candidate of choice and this proposed district maintains that likelihood. Within Duval County, District 5 starts at the southern border of the county going all the way north to the northern border of the county and then back through

downtown Jacksonville to the southern border of the county. Within the county the district follows VTD lines as well as roadways. The district boundary begins by following I-295 where a railway crosses the Duval/Clay County line. The district follows I-295 west then following the county border west until it starts north along the Ortega River. From there the district predominantly follows VTD lines but follows additional road and railways that either share a VTD line or is a standalone border for the district. The predominant roads and railways that the district follows are 103<sup>rd</sup> St, Normandy Blvd, Wilson Blvd, Hyde Grove Ave, Wiley Rd, Lane Ave, old Middleburg Road, Ramona Blvd, Arques Road, Deanville Road, Le Brun Drive, Memorial Park Road, I-295, Beaver St W, Railways leading to and from NS Jacksonville, Soutel Drive, Moncrief Road, New Kings Road, Trout River Blvd, railways leading northwest from CSX Jacksonville, Plummer Road, railways paralleling US 1, Old Kings road, and US 1. The district then follows the Duval County line east for a short distance before heading south back into the district. The district then predominantly follows Lem Turner Road, I-295, I-95, Heckscher Drive, N Main Street, the St. Johns River, Edenfield Road, University Club Blvd, Briarforest road, Jimtom Drive, Laudonniere Drive, Heidi Road, Fort Caroline Road, Peeler Road, Shetland Road, Searchwood Drive, Oak Summit Drive, Cesey Blvd, Lake Lucina Drive and back to the St. Johns River. From here the district predominantly follows Arlington Road, Lone Star Road, Eddy Road, Townsend Blvd, Bowland Street, Acme Street, Atlantic Blvd, Southside Blvd, Ivey Road, Crane Ave, Laurina Street, University Blvd S, Beach Blvd, Bedford Road, Emerson Street, Victor Street, Jerrigan Road, St. Augustine Road, Hendricks Ave, Phillips Highway, the Arlington River and the St. Johns River. From here the district follows the St. Johns River to the Fuller Warren Bridge and predominantly continues along I-10, Cassat Ave, Woodcrest Road, S Ellis Road, the Cedar River, San Juan Ave, Hyde Park Road, Wilson Blvd, McGregor Drive, Cinderella Road, Lane Ave, Melvin Ave, I-295, 103<sup>rd</sup> Street and Roosevelt Blvd back to the Duval County line. Within Clay County the eastern side of the district runs along the St. Johns River, the western boundary predominantly follows US-17 through the county except where it follows the Green Cove Springs city line so that the whole city is included within the district. Within Putnam County the district follows the county line to the north with the eastern boundary following along the St. Johns River until it reaches the City of Palatka. There it follows the city limits so that the whole city is within the district. It then primarily follows State Road 20 to the west except when it reaches the City of Interlachen where it follows the city limits as to not split the city keeping all of the city in District 6. Within Alachua County the district primarily follows VTD and roadways up into Gainesville including County roads 225, 234, 2082, Camp Ranch Road, 16<sup>th</sup> Ave, 6<sup>th</sup> Street, University Ave, 3<sup>rd</sup> Ave, 13<sup>th</sup> Street and State Road 26. On the east the district follows the county line. Within Marion county the boundary line predominantly follows VTD lines, roadways and rivers including, NF 599-1, NF 599-2, NF 584, NF 588, the Florida Black Bear Scenic Byway, 196<sup>th</sup> Terrace Road, 49<sup>th</sup> Street Road, County Road 314A, the Ocklawula River, County Road 316, Jacksonville Road, US 441, 21<sup>st</sup> Court, 140<sup>th</sup> Street, 145<sup>th</sup> Street, 144<sup>th</sup> Place, 1-75, NW 193<sup>rd</sup> St and US 441 back to the county line except where it follows the city lines of McIntosh so that the city is entirely kept within the district. Along the west side of the district the Marion County line is followed. Within Lake county the eastern boundary follows the county line along the west the district predominately follows major roadways including County Road 435, State Road 46, County Road 437 (Plymouth Sorrento Road), County Road 44A, County Road 439 and Kismet Road back to the Lake County line. Within Orange County the district predominantly follows VTD and city lines. The district follows the Orange/Seminole county line until it reaches Overland Road which it follows south primarily following Pine Hills Road and Clarcona Ocoee Road until it reaches the city of Eatonville where it follows the city lines making to keep the city whole and within the district. The district then primarily follows the John Young Parkway south to Colonial Drive to I-4 which the border then primarily follows to the south to Orange Blossom Trail. The district then predominantly follows Sand Lake Road, Kirkman Road, I-4, Conroy Road, Hiawasse Road, Old Winter Garden Road, the East-West Expressway and Good Homes Road until it reaches the city of Ocoee where the district line surrounds the city to make sure not to split the city. The border then crosses Lake Apopka until it reaches the orange county line.

District 6 contains all of Volusia and Flagler counties and parts of Putnam and St. Johns counties. The northern border of the district follows primarily County Road 214 within St. Johns County from the Atlantic Ocean west to the St. Johns County line shared with the St. Johns River. The boundary line then follows the river within the Putnam County to the City of Palatka where it follows the city boundary around to the west without ever including a part of the city in District 6. The northern border then follows State Road 20 west all the way to the Putnam County line except when the border follows the

Interlachen city lines so that it includes all of the city with the district. The western edge of the district then follows the Putnam County line south and continues to follow the western Volusia County line all the way south to the Volusia/Brevard county line completing the western edge of the district. The boundary line then continues to follow the Volusia County line east to the Atlantic Ocean. The district is completed with its eastern border the Atlantic Ocean following the coast of Volusia, Flagler and St. Johns counties back to the St. Augustine Inlet and County Road 214.

District 7 is contains all of Seminole County connects the it with parts of Orange County. The northern, western and eastern borders follows the Seminole County line exactly. The southern edge of the district goes into Orange County. Within Orange County the district predominantly follows VTD lines, city lines and roadways. The Cities of Maitland and Winter Park in Orange County are entirely within the district and carefully follows the city lines of Eatonville keeping that city whole and entirely outside the boundary lines of district 7. The southern border of the district then continues east predominately following the East-West Expressway, Curry Ford Road, Dean Road S, and Colonial Drive. From here the district predominately follows VTD lines until it reaches the Orange/Seminole county line along Chuluota Road where it again follows the Seminole County line.

District 8 contains all of Brevard and Indian River Counties as well as a small part of eastern Orange County. The district boundaries to the north follow the Brevard County line to the Atlantic Ocean which creates the eastern boarder of the district all the way south to the Indian River County line to the south. The southern edge of the district continues to follow the county line west and continues to follow the county line of both Indian River and Brevard County north into Orange County. The district extends into Orange County to achieve equal population but follows major roadways within the county to do so. From the Brevard County line the district follows the Orange County line to Dallas Blvd. which it follows north to the Beachline Expressway. From here the district predominately follows VTD lines, the Econlockhatchee River and Colonial Drive, until it reaches the Orange/Seminole county line along Chuluota Road where it again follows the Orange County line east back to the eastern and northern Brevard County line it shares with Volusia County.

District 9 connects parts of Osceola, Orange and Polk counties. The northern district boundary starts at by following the southern Orange County line from its eastern most point to Dallas Blvd which the district follows north into the county to the Beachline Expressway. From here the district predominantly follows VTD lines, and the Econlockhatchee River until it reaches Colonial Drive. From here the district lines continue west along this road until it reaches and primarily follows the East-West Expressway which it primarily follows to the west to Dean Road S where it then primarily follows Curry Ford Road, and the East-West Expressway again to I-4. The district then turns south predominately following I-4 and Orange Blossom Trail and Sand Lake Road until it again reaches I-4. The district line then follows I-4 through Osceola County into Polk County. The western edge of the district begins here following primarily US-27, US-17 and VTD lines south to where the district starts heading east along predominantly Edwards Road and Lake Hatchineha Road until it reaches the Osceola County line. The boundary line continues to follow the Osceola county line to the Cypress Lake area where the district then follows VTD lines to the Florida Turnpike for a short distance before it again follows VTD lines within the county along Ox Pond road to the east until it reaches the Osceola county line. District 9 then follows the Osceola County line for the remainder of the district boundary all the way back to the Orange/Osceola County line to the north.

District 10 contains a large geographic area of Lake County as well parts of Orange, Osceola, Sumter and Polk counties. These areas on the proposed map, including the areas known as the "Four Corners" and the "Golden Triangle" are kept whole within this district. The northern border of the district starts at the Lake County line at County Road 435 where it begins to head west primarily following County Road 435, State Road 46, County Road 437 (Plymouth Sorrento Road) and County Road 44A where it then primarily follows VTD line further west to County Road 473 where it again follows roadways to the Lake County Line primarily using US 441 and State Road 44. District 10 then follows the Lake County line south until it crosses into Sumter County at State Road 50. District 10 then primarily uses State Road 50, County Road 707, County Road 721 and State Road 471 to cross Sumter County traveling east to west until it joins up with the Sumter County line. The district line then heads south along the Sumter and Polk County lines until the district crosses into Polk County at Drane Field Road. The

southern edge of the district then predominately uses Drane Field Road, the Polk Parkway, Winter Lake Road, lake Howard Drive and Dundee Road until US-27 to travel through Polk County from west to east. The eastern edge of the district begins by predominantly following US-27 and VTD lines north to I-4. The district then follows I-4 through Osceola County into Orange County until it reaches Sand Lake Road. From there the district line predominantly follows Kirkman Road, I-4, Conroy Road, Hiawassee Road, Old Winter Garden Road, the East-West Expressway and Good Homes Road until it reaches the City of Ocoee where the district line surrounds the city to include the city in its entirety. The eastern border then crosses Lake Apopka until it reaches the Orange County line where it follows that boundary line into Lake County at County Road 435.

District 11 contains all of Citrus, Levy and Dixie counties and parts of Marion, Lake, Sumter, Hernando and Gilchrist counties. The northern border of the district begins at the Gulf of Mexico along the northern Dixie County line. The district travels east following the Dixie County line until it reaches Gilchrist County where it then predominantly follows NW 55<sup>th</sup> Street, NW 60<sup>th</sup> Street, NW 65<sup>th</sup> Street and VTD lines through the county going west to east until it reaches the Gilchrist/Alachua county line. The northern border then follows the Alachua County line west until it reaches US 441 which it primarily follows south to NW 193<sup>rd</sup> Street except where it follows the city lines of McIntosh so that the city is entirely kept within the district. From here the district follows this road to I-75 which it follows south reaching 144<sup>th</sup> Place. The district then travels east through the county predominantly following 145<sup>th</sup> Street, 140<sup>th</sup> Street, 21<sup>st</sup> Court, US-441, Jacksonville Road, County Road 316, the Ocklawula River, County road 314A, , 49<sup>th</sup> Street Road, 196<sup>th</sup> Terrace Road, , the Florida Black Bear Scenic Byway, NF 588, NF 599-2 and NF 599-1 until it reaches the Marion County line. The district then travels into Lake County primarily following NFs-572-1 and County Road 439 until it reaches County Road 44A. From here the line primarily follows VTD lines further west to County Road 473 where it again follows roadways to the Sumter/ Lake county line primarily using US 441 and State Road 44. The district then follows the Sumter County line south to State Road 50. The district border then travels east to west through Sumter County predominately along State Road 50, County Road 707, County Road 721 and State Road 471 until it joins up with the Sumter County line. The southern edge of the district then follows the Sumter and Citrus county lines until it reaches Broad Street in Hernando County which it begins to follows south in to the county. The district then predominately travels along Broad Street, Snow Memorial Highway, Lake Lindsey Road, Centralia Road and US 19 before rejoining with the Hernando/Citrus county line which it then follows west to the Gulf of Mexico.

District 12 includes all of Pasco County and part Hernando and Pinellas counties. The proposed district's eastern border is the Pasco and Hernando County lines along the Gulf of Mexico. The southern boundary line continues along the Pasco County line until it reaches US-19 which it follows into Pinellas County. The boundary line predominately follows US-19 until it reaches Curlew Road which it follows east to the Pinellas County line. The district then follows the Pinellas County north to the Pasco County and continues to follow the county line east and then north to Hernando County. The eastern border of the district follows the Hernando County line until it turns west starting the northern border of the district until it reaches Broad Street in Hernando County which it begins to follows south in to the county. The district then predominately travels along Broad Street, Snow Memorial Highway, Lake Lindsey Road, Centralia Road and US 19 before rejoining with the Hernando County line which it then follows west to the Gulf of Mexico.

District 13 is entirely within Pinellas County. The southern border of the proposed district follows the southern edge of Pinellas County until it reaches I-275 which it then follows north beginning the eastern border of the district. The district follows I-275 until it reaches 34<sup>th</sup> St. where it then predominantly uses VTD lines and roadways including 42<sup>nd</sup> Ave, 38<sup>th</sup> Ave, to Boca Ciega Bay. The district then follows 58<sup>th</sup> Street north from the bay to 5<sup>th</sup> Ave. The district then uses roadways including 31<sup>st</sup> Street, 6<sup>th</sup> Ave, 32<sup>nd</sup> St, 7<sup>th</sup> Ave, 30<sup>th</sup> St, 9<sup>th</sup> Ave. The district follows 9<sup>th</sup> Ave to Dr Martin Luther King Jr. Street which it then follows north until the district borders again joins back with I-275 until it reaches the Pinellas County line. The district line then follows the county line north until it reaches Curlew Road which it then follows west into the county. The border follows Curlew Road until it reaches US-19 which it predominately follows north to the Pinellas County line. The district then follows the county line west to the Gulf of Mexico which it follows for the entire length of the county creating the western edge of the district.

District 14 includes part of Hillsborough and Pinellas Counties. The region has traditionally elected a minority candidate of choice which is protected by Section 5 of the Voting Rights Act by virtue of its inclusion of parts of Hillsborough County. The proposed district maintains the likelihood of the minority population electing their candidate of choice. The proposed district predominantly uses major roadways, VTD lines as well as part of the Hillsborough and Pinellas county line. The southern boundary of the district follows the Hillsborough County line from Tampa Bay until it reaches I-75. The district follows I-75 north into Hillsborough County until it reaches Dr. Martin Luther King Jr. Blvd E. From there the northern district line predominantly follows the Hamey Canal and the Hillsborough River until it primarily follows VTD lines through the county heading northwest into the county. These VTD lines follow many major roadways including Serena Drive, Bougainvillea Ave, N 30<sup>th</sup> Street,, Bruce B Downs Blvd, Bearss Ave, I-275, Busch Blvd, Gunn Highway, Sheldon Road and a railway until the border reaches the Hillsborough/ Pinellas County line. The western district boundary line follows the county line south until it reaches I-275 and the Howard Frankland Bridge. The border of the district follows I-275 into Pinellas County to Dr Martin Luther King Jr Street which it follows south to 9<sup>th</sup> Ave which it then primarily follows until it reaches 5<sup>th</sup> Ave. The district continues west along 5<sup>th</sup> Ave until it reaches 58<sup>th</sup> Street. The district then continues south to Boca Ciega Bay. From the bay the district follows I-275 south to the Pinellas/Hillsborough county line.

District 15 contains part of Manatee and Hillsborough counties. The district includes the entire Cities of Plant City and Temple Terrace. The border of District 15 starts at State Road 64 in Manatee County. The district's southern boundary then follows this road west into the county primarily following it, Lake Manatee and the Manatee River to Fort Hammer Road. The district line continues along this road then predominately following State Road 43 and VTD lines north to I-75. The district follows I-75 north into Hillsborough County until it reaches Dr. Martin Luther King Jr. Blvd E. From there the northern district line predominantly follows the Hamey Canal and the Hillsborough River until it primarily follows VTD lines through the county heading northwest into the county. These VTD lines follow many major roadways including Serena Drive, Bougainvillea Ave, N 30<sup>th</sup> Street,, Bruce B Downs Blvd, Bearss Ave, I-275, Busch Blvd, Gunn Highway, Sheldon Road and a railway until the border reaches the Hillsborough/ Pinellas county line. District 15 is then completed by following the Hillsborough County line north then west and finally south where it joins and follows the Manatee County line until it reaches State Road 64.

District 16 includes all of Sarasota county and a portion of Manatee County. The western border of the district follows the Manatee and Sarasota county lines along the Gulf of Mexico. The southern boundary line continues to follow the Sarasota County line which it continues to do as it begins the eastern edge of the district. The district line continues along the Sarasota and Manatee county lines until it reaches State Road 64 in Manatee County. The district then follows this road west into the county primarily following it, Lake Manatee and the Manatee River to Fort Hammer Road. The district line continues along this road then predominately following State Road 43 and VTD lines north to the Manatee County line. The district line then continues west to the Gulf of Mexico along the county line.

District 17 contains all of Hardee, De Soto, Highlands, Glades and Charlotte counties. It also contains part of Polk, Osceola, Okeechobee and Lee counties. The border of District 17 starts at the Gulf of Mexico along the southern Charlotte County line until it reaches I-75 and heads into Lee County to begin the districts southern border. The district follows I-75 to Palm Beach Blvd which it follows for a very short distance east until it reaches Orange River Blvd which it follows east to Buckingham Road. The district follows this road until it splits off and becomes Gunnery Road which it follows further south. The district then joins up with State Road 82 until it reaches Parkdale Blvd and then several other roadways until it reaches the Lee County line including Laramie Ave, Creuset Ave, Homestead Road and Milwaukee Blvd. From here the district lines follow the Lee and Glades County lines until it reaches Lake Okeechobee where the eastern boundary line begins. From the lake the district line travels into Okeechobee County following primarily VTD lines that share a border with a railway, cannels from Lake Okeechobee and State Road 70 which it follows north to the Okeechobee County line. The district continues to follow the Okeechobee County line north to the Osceola County line. District 17 continues to follow the Osceola County line until it follows VTD lines within the county along Ox Pond road to lines to the Florida Turnpike. The border then reaches the Cypress Lake area where the district reaches the Osceola County line through the Lake. The northern border of the district then predominately travels

east to west along Lake Hatchineha Road and Edwards Road until it reaches the US-27 where it begins to primarily follow Dundee Road, Lake Howard Drive, Winter Lake Road, The Polk Parkway, and Drane Field Road when it reaches the Hillsborough County line. The district boundary is completed along its western side by following the Hillsborough County line from this point south then following the Hardee, De Soto and Charlotte county lines to the Gulf of Mexico.

District 18 contains all of St. Lucie and Martin counties as well as a part of Okeechobee and Palm Beach counties. The district's eastern boundary is along the coast of the Atlantic Ocean with the northern border following along the St. Lucie County line west and continues to follow the St. Lucie county line as it starts the western edge of the district heading south. The district follows the county line until it reaches State Road 70 where it heads into Okeechobee County. It continues to follow State Road 70 as well as railways and channels extending from Lake Okeechobee until it reaches Lake Okeechobee itself. From the lake, the southern border of the district begin to head east following the northern edge of the Martin/Palm Beach county line. The district lines begin to extend into Palm Beach county following predominantly VTD lines and water ways that extend from Lake Okeechobee until it reaches Okeechobee Blvd where the lines primarily continue follow that road and other roadways including State Road 7, Belvedere Road, Military Trail, Community Drive, Village Blvd, Palm Beach Lakes Blvd, I-95, Shenandoah Drive, Haverhill Road, Roebuck Road, the Florida Turnpike, 45<sup>th</sup> Street, various waterways, Northlake Blvd, Federal Highway and the Intercoastal Waterway until it reaches the Atlantic Ocean.

District 19 contains the coastal areas of Lee and Collier counties. The eastern border of the district follows the county lines of Lee and Collier along the Gulf of Mexico. The district continues to follow the Lee County line along the northern edge of the county until it reaches I-75 where the district continues into the county following the interstate south. The district follows I-75 to Palm Beach Blvd which it follows for a very short distance east until it reaches Orange River Blvd which it follows east to Buckingham Road. The district follows this road until it splits off and becomes Gunnery Road which it follows further south. The district then joins up with State Road 82 until it reaches Parkdale Blvd and then several other roadways until it reaches the Lee County line including Laramie Ave, Creuset Ave, Homestead Road and Milwaukee Blvd. From here the district follows the Lee County line south until it reaches I-75 again and begins to follow the roadway into Collier County. The district line follows I-75 until it reaches Golden Gate Parkway which it follows west for a short distance before it heads south along Livingston Road. The district primarily follows VTD lines that would parallel Livingston road if it continued further south until it reaches Rattlesnake Hammock road. The district follows this road until Collier Blvd which it then follows south until it reaches the Tamiami Trail. The district then follows Tamiami Trail until it reaches County Road 92 and continues along this road to the Goodland Bay and the Gulf of Mexico.

District 20 contains portions of Palm Beach, Broward and Hendry counties. This region has elected a minority candidate of choice. This district also includes a part of Hendry County, which is a covered jurisdiction under Section 5 of the Voting Rights Act. The district's western border starts in Lake Okeechobee where it heads into Hendry County. Within Hendry County the district lines follow primarily VTD lines before it joins back with the Hendry/Palm Beach County line. The area included contains the whole city of Clewiston as well as the area known as South Clewiston. The eastern border follows the Hendry/Palm Beach county line south and continues to follow that line when it turns into the Broward County line. The district follows the Broward County line until it reaches Alligator Alley (I-75). The southern border follows I-75 east into Broward County until it reaches a waterway that parallels Markham Park and the Sawgrass Expressway going northeast. The district then continues into the more populated parts of Broward county before rejoining the Sawgrass expressway and heading further north. The district lines predominantly follow major roadways, waterways and city lines where possible including a waterway paralleling NW 13<sup>th</sup> Ave, a waterway paralleling NW 18<sup>th</sup> Dr, University Drive, a waterway paralleling Sunrise Blvd, The Florida Turnpike, Broward, Blvd, SW 40<sup>th</sup> Ave, Davie Blvd, SW 15<sup>th</sup> Ave, SW, 5<sup>th</sup> Place, SW 18<sup>th</sup> Ave, SW 2<sup>nd</sup> Street, Middle Street, SW 18<sup>th</sup> Ave, NW 2<sup>nd</sup> Street, Flagler Ave, NE 5<sup>th</sup> St, NE 2<sup>nd</sup> Ave, NE 6<sup>th</sup> Street, NE 5<sup>th</sup> Ave, NE 17<sup>th</sup> Court, Dixie Highway, NE 16<sup>th</sup> St, Andrews Ave, Oakland Park Blvd, NE 41<sup>st</sup> Street, NW 44<sup>th</sup> Street, a railway paralleling I-95, Pompano Park Place, Dr. ML King Blvd, the Hillsboro Canal, Hillsboro Blvd, I-95, SW 10<sup>th</sup> Street, SW 11<sup>th</sup> Street, NE 3<sup>rd</sup> Ave, NE 48<sup>th</sup> St, Green Road, Military Trail, a railway paralleling Military Trail, Copans Road,



Atlantic Blvd, and a waterway paralleling Atlantic Blvd. The district then follows the Sawgrass Expressway north and continues north crossing into Palm Beach County along a canal until it reaches Loxahatchee Road in Palm Beach County. The district then follows a waterway north that follows the edge of the Loxahatchee National Wildlife Refuge. The district then heads into the more populated areas of Palm Beach County along Southern Blvd (US 98/441) before rejoining the same waterway and heading north. From Southern Blvd the district heads into the populated areas of the county first heading south. These road, rail and waterways include Gun Club Road, Kirk Road, Summit Blvd, I-95, Boyton Beach blvd, SW 8<sup>th</sup> Street, Woolbright Road, a railway paralleling the Federal Highway, the Federal Highway, Overlook Road, N 18<sup>th</sup> Street, 6<sup>th</sup> Ave S, S A Street, the West Palm Beach Canal, a railway paralleling US 1, Forest Hill Blvd, Parker Ave, Australian Ave, Bayan Blvd, Dixie Highway, Poinsettia Ave, Flagler Drive, US 1, E 22<sup>nd</sup> Street, E 24<sup>th</sup> Street, Lake Shore Drive, Northlake Blvd, a waterway paralleling I-95, Haverhill Road, 45<sup>th</sup> Street, Roebuck Road, Shenandoah Drive, Village Blvd, Palm Beach Lakes Road, Community Drive, Okeechobee Blvd, Belvedere Road, W Alan Black Road, W Sycamore Drive, and Hanover Circle. The district lines then rejoin the waterway it started from that at this point is paralleling Connors Highway northwest all the way to the Palm Beach County line which it then follows to Lake Okeechobee.

District 21 is a district that is located in the areas of Palm Beach and Broward counties that border the Loxahatchee National Wildlife Refuge and other areas to the west. The northern border of the district primarily uses the east-west travel corridor of US 98/441 (Southern Blvd) as its northern border from the canal the borders the Loxahatchee National Wildlife Refuge to Military Trail. The district western edge follows this canal all the way south into Broward County until it reaches the Pompano Canal. This canal becomes the predominant boundary line for the southern edge of the district joining for a short distance Atlantic Ave until it reaches the Florida Turnpike. The district lines follow the turnpike to Copans Road followed by a railway, Military Trail, Green Road, NW 48<sup>th</sup> St, NE 3<sup>rd</sup> St, SW 11<sup>th</sup> Street, SW 10<sup>th</sup> St, and I-95. From here the district heads back west for a short time primarily along Hillsboro Blvd, the Hillsboro Canal, SW 18<sup>th</sup> St, Powerline Road, Palmetto Park Road and the Florid Turnpike. The district line then heads north primarily using the Florida Turnpike, Clint Moore Road, and Military Trail until it again rejoins with Southern Blvd.

District 22 is primarily a coastal district connecting Palm Beach and Broward Counties. The northern border of the district starts along the coast and would closely align with Northlake Blvd in Palm Beach County if that road were extended east over the Intracoastal Waterway. The district then follows Summit Blvd to the West Palm Beach Canal east to complete the northern boundary of District 22. The district continues south starting the eastern edge of the district following predominantly Military Trail south. The district continues along this path until it reaches a waterway the parallels Clint Moore Road west until it reaches the Florida Turnpike. The district heads south until it reaches Palmetto Park Road followed by Powerline road, SW 18<sup>th</sup> Street, the Hillsboro Canal and the Dixie Highway. The district continues to follow this roadway until it joins a railway that parallels I-95 via Pompano Park place and continues south. At this point the district heads into the Fort Lauderdale and Plantation areas of Broward County. The district predominantly follows VTD lines and major roadways heading further south before heading west and ultimately back to the coast. From the railway the roadways the district predominantly follows west are NW 44<sup>th</sup> St, NE 5<sup>th</sup> Ave, Oakland Park Blvd, Andrews Ave, NE 16<sup>th</sup> St, a Railway paralleling Flagler Drive, NE 6<sup>th</sup> Street, NE 5<sup>th</sup> Street, NW Flagler Ave, NW 2<sup>nd</sup> Street, NW 18<sup>th</sup> Street, Middle Street, SW 18<sup>th</sup> Ave, SW 5<sup>th</sup> Place, SW 15<sup>th</sup> Ave, Davie Blvd, SW 40<sup>th</sup> Ave, Broward Blvd, The Florida Turnpike, a waterway paralleling Sunrise Blvd, University Drive, a waterway paralleling NW 20<sup>th</sup> Court, NW 28<sup>th</sup> Court and NW 27<sup>th</sup> Street. The district now heads south and back east to the coast following primarily Flamingo Road, the Port Everglades Expressway, Federal Highway, and Spangler Blvd. The district then follows the coast line of the Atlantic Ocean back north into Palm Beach County for its eastern boundary line.

District 23 contains part of southern Broward County and the northeast part of Miami-Dade County. The district boundary line to the north start with the Atlantic ocean to the east and heads west following predominantly Spangler Blvd, Federal Highway, Port Everglades Expressway and Flamingo Road before it begins to follow a waterway that parallels the Sawgrass Expressway, Markham Park and I-75 heading further east until that waterway joins another waterway that heads south paralleling US-27 and begins the western boundary of the district. The district lines follow this waterway to Sheridan Street

where the district begins to head back east before heading south into Miami Dade County. The district lines primarily follow roadways as it heads back east. These roadways include NW 17<sup>th</sup> Street, NW 178<sup>th</sup> Ave, Pines Blvd, I-75, Pembroke Road, Palm Ave, Washington Blvd, S Douglas Road, SW 5<sup>th</sup> Street, University Drive and Hollywood blvd. From here the district heads south following NE 1<sup>st</sup> Ave which merges with US 1 (Biscayne Blvd). From here the district crossed into Biscayne Bay and heads south using the Bay as a boundary line including all of the Bay Harbor Islands, North Bay Village, Miami Beach and Dodge Island with the Port of Miami. The district briefly rejoins with Biscayne Blvd in downtown Miami heading as far south as SE 14<sup>th</sup> St before heading back to the Bay and the Atlantic ocean. The district eastern boundary line is the Ocean heading back north completing the district lines.

District 24 connects south Broward County with north Miami-Dade County. The northern boundary of District 24 starts at the Dixie Highway heading west primarily along Hollywood Blvd, University Ave, S Douglas Road, Palm Ave, and Pembroke Road until it reaches Flamingo Road. The western boundary follows Flamingo Road until it reaches the Broward/ Miami-Dade County line which it follows for a short distance east before continuing south to NW 57<sup>th</sup> Ave. The district then follows Biscayne Canal to NW 37<sup>th</sup> Ave to the Gratigny Parkway for a very short distance before following VTD lines to the Little River Canal. The district then continues south predominantly following NW 27<sup>th</sup> Ave, NW 100<sup>th</sup> Street, NW 32<sup>nd</sup> Ave, NE 95<sup>th</sup> Street, NW 36<sup>th</sup> Ave, NW 79<sup>th</sup> Street, NW 32<sup>nd</sup> Street, NW 54<sup>th</sup> Street, NW 35<sup>th</sup> Ave, the Airport Expressway, NW 27<sup>th</sup> Ave, NW 32<sup>nd</sup> Street, NW 22<sup>nd</sup> Ave, NW 20<sup>th</sup> Street, NW 17<sup>th</sup> Ave, the Dolphin Expressway, NW 8<sup>th</sup> Street Road to the North Fork Miami River. From here the district boundary line heads back north following NE 2<sup>nd</sup> Ave, Biscayne Blvd and MacArthur Causeway to Biscayne Bay. From here the district follows the bay north using it as a boundary line. The district lines rejoin Biscayne Blvd around the area of N Bayshore Drive. From here the district follows Biscayne Blvd until it splits off with the Dixie Highway continuing to follow that roadway north until it reaches Hollywood Blvd.

District 25 connects part of Hendry, Collier Broward and Miami-Dade Counties. The district begins in the north including all of Hendry County except the VTD's that include Clewiston and the surrounding area that is a part of District 20. The northern border is same as the Hendry County line to the north. The district continues to the south following the Hendry County line to the west. The district continues to follow the Lee/Collier County line until it reaches I-75. The district line follows I-75 until it reaches Golden Gate Parkway which it follows west for a short distance before it heads south along Livingston Road. The district primarily follows VTD lines that would parallel Livingston Road if it continued further south until it reaches Rattlesnake Hammock Road. The district follows this road until Collier Blvd which it then follows south until it reaches the Tamiami Trail. The district then follows Tamiami Trail until it reaches County Road 92 and continues along this road to the Goodland Bay and the Gulf of Mexico. The district then comes back from the Gulf along the Collier/ Monroe County line following that until it reaches the Miami-Dade/ Monroe County line which it follows for a short time before it reaches the Tamiami Trail (US 41). The district follows this roadway east until it reaches SW 87<sup>th</sup> Ave completing the southern boundary line for the district. The eastern boundary line follows SW 87<sup>th</sup> Ave north to the Dolphin Expressway followed by VTD lines that follow a canal that parallels NW 72<sup>nd</sup> Ave. From here the district follows road and waterways to the north beginning with W 21<sup>st</sup> St, primarily followed by W 4<sup>th</sup> Ave, E 41<sup>st</sup> Street, NW 95<sup>th</sup> Street, NW 32<sup>nd</sup> Ave, NW 100<sup>th</sup> Street, NW 27<sup>th</sup> Ave, The little River Canal, Gratigny Parkway, 37<sup>th</sup> Ave, Biscayne Canal, NW 57<sup>th</sup> Ave, SW 55<sup>th</sup> Street, Flamingo Road, Pembroke Road, I-75, Pines Blvd, NW 178<sup>th</sup> Ave, NW 17<sup>th</sup> Street and Sheridan Street. From here the district lines follow a waterway that parallels US 27 north until it reaches Alligator Alley (I-75). It follows Alligator Alley west until it joins the Broward County line and follows that line as it turns into the Hendry County line up until it reaches the VTD's of Hendry County that contain Clewiston. The district follows these lines until it join back with the northern border of the county.

District 26 contains all of Monroe County as well as a part of Miami-Dade County. The northern border of the district follows US-41 from SW 87<sup>th</sup> Ave in Miami-Dade County west until it meets the Monroe County line. From here the district follows the Monroe County line until it reaches the Gulf of Mexico. The district's western and southern border follow the Monroe County lines exactly, including the Dry Tortugas National Park. The eastern border of the district follows the Monroe County line and crosses into Miami-Dade County at Card Sound Road. From here the border of the district continues north on Card Sound Road until it reaches the city of Florida City. The district then follows the city lines so that

all of the city is included within the district. The district then continues north using predominantly the Florida City Canal, SW 152<sup>nd</sup> Ave, S Canal Drive, N Audubon Drive, SE 8<sup>th</sup> Street, SE 14<sup>th</sup> Place, SW 12<sup>th</sup> terrace, SE 5<sup>th</sup> Street, SW 162<sup>nd</sup> Ave, NE 8<sup>th</sup> Street to the Dixie Highway (US 1). The district then follows the Dixie Highway to SW 152<sup>nd</sup> Street and then joins SW 97<sup>th</sup> Ave via a waterway. The district follows SW 97<sup>th</sup> Ave north until it reaches SW 88<sup>th</sup> Street. The district then follows SW 88<sup>th</sup> Street to SW 87<sup>th</sup> Ave which it follows north until it reaches US 41 and the northern boundary of the district.

District 27 is entirely within Miami-Dade County and primarily a coastal district traveling along the Miami-Dade coast line from Miami and Hialeah to the county boundary in the south. This proposed district is not like any of the current districts as much of the area the proposed district has is connected to a district that goes into Monroe County on the current map. The district's southern border of the district follows the Miami-Dade County line from the Atlantic Ocean to Card Sound Road. From here the eastern border of the district continues north on Card Sound Road until it reaches the city of Florida City. The district then follows the city lines so that all of the city is included within the district. The district then continues north using predominantly the Florida City Canal, SW 152<sup>nd</sup> Ave, S Canal Drive, N Audubon Drive, SE 8<sup>th</sup> Street, SE 14<sup>th</sup> Place, SW 12<sup>th</sup> terrace, SE 5<sup>th</sup> Street, SW 162<sup>nd</sup> Ave, NE 8<sup>th</sup> Street to the Dixie Highway (US-1). The district then follows the Dixie Highway to SW 152<sup>nd</sup> Street and then joins SW 97<sup>th</sup> Ave via a waterway. The district follows SW 97<sup>th</sup> Ave north until it reaches SW 88<sup>th</sup> Street. The district then follows SW 88<sup>th</sup> Street to SW 87<sup>th</sup> Ave. The boundary line follows SW 87<sup>th</sup> Ave north to the Dolphin Expressway followed by VTD lines that follow a canal that parallels NW 72<sup>nd</sup> Ave. From here the district follows road and waterways to the north beginning with W 21<sup>st</sup> St, primarily followed by W 4<sup>th</sup> Ave and E 41<sup>st</sup> Street. The eastern boundary begins at E 41<sup>st</sup> Street where it meets NW 36<sup>th</sup> Ave. the district continues south and eventually back to the bay by using predominantly NW 79<sup>th</sup> Street, NW 32<sup>nd</sup> Street, NW 54<sup>th</sup> Street, NW 35<sup>th</sup> Ave, The Airport Expressway, NW 27<sup>th</sup> Ave, NW 32<sup>nd</sup> Street, NW 22<sup>nd</sup> Ave, NW 20<sup>th</sup> Street, NW 17<sup>th</sup> Ave, The Dolphin Expressway, NW 8<sup>th</sup> Street Road to the North Fork Miami River. From here the district boundary line heads south along a railway for a short distance before joining SW 8<sup>th</sup> Street S Miami Ave and SE 14<sup>th</sup> St before joining Biscayne Bay. From here the eastern boundary line follows the bay and the Atlantic Ocean south to the southern border of Miami-Dade County. This district includes Key Biscayne, Old Rhodes Key and several other barrier islands.

#### B. SECTION DIRECTORY:

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|-----------|--|
| Section 1 | Provides that the 2010 Census is the official census of the state for the purposes of this bill; Lists and defines the geography utilized for the purposes of this bill in accordance with Public Law 94-171.                                  |
| Section 2 | Provides for the geographical description of the redistricting of the 27 congressional districts.  |
| Section 3 | Provides for the apportionment of any territory not specified for inclusion in any district.   |
| Section 4 | Provides that the districts created by this joint resolution constitute and form the congressional districts of the State.   |
| Section 5 | Provides a severability clause in the event that any portion of this joint resolution is held invalid.   |
| Section 6 | Provides that this joint resolution applies with respect to the qualification, nomination, and election to the office of representative to the Congress of the United States in the primary and general elections held in 2012 and thereafter. |
| Section 7 | Provides that, except as otherwise expressly provided, this act shall take effect upon expiration of the terms of the representatives to the United States House of Representatives serving on the date that this act becomes a law.           |

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

The 2012 redistricting will have an undetermined fiscal impact on Florida's election officials, including 67 Supervisor of Elections offices and the Department of State, Division of Election. Local supervisors will incur the cost of data-processing and labor to change each of Florida's 11 million voter records to reflect new districts. As precincts are aligned to new districts, postage and printing will be required to provide each active voter whose precinct has changed with mail notification. Temporary staffing will be hired to assist with mapping, data verification, and voter inquiries.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

The 2012 redistricting will have an undetermined fiscal impact on Florida's election officials, including 67 Supervisor of Elections offices and the Department of State, Division of Election. Local supervisors will incur the cost of data-processing and labor to change each of Florida's 11 million voter records to reflect new districts. As precincts are aligned to new districts, postage and printing will be required to provide each active voter whose precinct has changed with mail notification. Temporary staffing will be hired to assist with mapping, data verification, and voter inquiries.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

None.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

When compared to the 27 congressional districts in PCB CRS 12-05 (Plan H000C9009), Amendment 1 (Plan H000C9041):

- Reduces the number of cities split from 52 to 44.

Specifically, Amendment 1 makes the following changes:

- Makes the municipality of Miami Shores (Miami-Dade County) whole;
- Makes the municipality of Cutler Bay (Miami-Dade County) whole;
- Makes the municipality of Doral (Miami-Dade County) whole;
- Makes the municipality of Palm Beach Gardens (Palm Beach County) whole;
- Makes the municipality of North Palm Beach (Palm Beach County) whole;
- Makes the municipality of Glen Ridge (Palm Beach County) whole;
- Increases the use of roadways as boundary lines in Clay County pursuant to the request of the office of the Clay County Supervisor of Elections;
- Makes the municipality of Temple Terrace (Hillsborough County) whole; and
- Makes the municipality of Eustis (Lake County) whole.