HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:   PCB HRS 12-03   Legislative Apportionment
SPONSOR(S): House Redistricting Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: House Redistricting Subcommittee		Takacs	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.

This proposed committee bill (joint resolution) reapportions the resident population of Florida into 120 State House districts, as required by state and federal law.

This proposed committee bill would substantially amend Chapter 10 of the Florida Statutes.

When compared to the existing 120 State House districts, this proposed committee bill would:

- Reduce the number of counties split from 46 to 39;
- Reduce the number of cities split from 170 to 133;
- 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; and
- Reduce the total population deviation from 81.58% to 1.25%.

Upon approval by the Legislature, within 15 days the Attorney General must petition the Florida Supreme Court to review this joint resolution. The Florida Supreme Court must enter its judgment within thirty days from the filing of the petition.

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

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 State House districts and their subsequent deviation from the new ideal population of 156,678 residents.

Table 1. Florida House Districts 2002-2011

Florida House Districts 2002-2011	2000	2010
Total State Population, Decennial Census	15,982,378	18,801,310
Maximum Number of Districts	120	120
Ideal District Population (Total State Population / 120)	133,186	156,678

District	2000 Population	2000 Deviation Count	2000 Deviation %	2010 Population	2010 Deviation Count	2010 Deviation %	District	2000 Population	2000 Deviation Count	2000 Deviation %	2010 Population	2010 Deviation Count	2010 Deviation %
1	134,020	834	0.6%	159,402	2,724	1.7%	61	132,901	-285	-0.2%	242,396	85,718	54.7%
2	132,612	-574	-0.4%	139,453	-17,225	-11.0%	62	132,243	-943	-0.7%	162,165	5,487	3.5%
3	132,921	-265	-0.2%	126,253	-30,425	-19.4%	63	134,713	1,527	1.1%	156,183	-495	-0.3%
4	133,438	252	0.2%	144,198	-12,480	-8.0%	64	133,177	-9	0.0%	165,492	8,814	5.6%
5	132,940	-246	-0.2%	154,014	-2,664	-1.7%	65	133,436	250	0.2%	179,502	22,824	14.6%
6	133,583	397	0.3%	147,936	-8,742	-5.6%	66	134,437	1,251	0.9%	162,026	5,348	3.4%
7	133,222	36	0.0%	169,309	12,631	8.1%	67	133,046	-140	-0.1%	241,034	84,356	53.8%
8	133,335	149	0.1%	152,934	-3,744	-2.4%	68	131,868	-1,318	-1.0%	128,684	-27,994	-17.9%
9	133,815	629	0.5%	147,197	-9,481	-6.1%	69	134,830	1,644	1.2%	132,224	-24,454	-15.6%
10	133,367	181	0.1%	151,214	-5,464	-3.5%	70	132,331	-855	-0.6%	150,125	-6,553	-4.2%
11	134,465	1,279	1.0%	163,223	6,545	4.2%	71	133,334	148	0.1%	183,147	26,469	16.9%
12	132,062	-1,124	-0.8%	159,354	2,676	1.7%	72	133,199	13	0.0%	167,184	10,506	6.7%
13	132,396	-790	-0.6%	195,431	38,753	24.7%	73	133,440	254	0.2%	189,406	32,728	20.9%
14	131,893	-1,293	-1.0%	134,417	-22,261	-14.2%	74	133,276	90	0.1%	182,460	25,782	16.5%
15	131,954	-1,232	-0.9%	124,511	-32,167	-20.5%	75	133,374	188	0.1%	174,874	18,196	11.6%

16	131,880	-1,306	-1.0%	140,428	-16,250	-10.4%	76	132,709	-477	-0.4%	149,992	-6,686	-4.3%
17	131,971	-1,215	-0.9%	161,943	5,265	3.4%	77	131,816	-1,370	-1.0%	147,455	-9,223	-5.9%
18	131,882	-1,304	-1.0%	161,190	4,512	2.9%	78	132,858	-328	-0.2%	156,153	-525	-0.3%
19	134,499	1,313	1.0%	175,628	18,950	12.1%	79	133,830	644	0.5%	187,203	30,525	19.5%
20	132,090	-1,096	-0.8%	201,953	45,275	28.9%	80	134,325	1,139	0.9%	148,503	-8,175	-5.2%
21	134,384	1,198	0.9%	145,063	-11,615	-7.4%	81	132,970	-216	-0.2%	201,633	44,955	28.7%
22	133,859	673	0.5%	176,739	20,061	12.8%	82	133,132	-54	0.0%	172,265	15,587	9.9%
23	134,120	934	0.7%	142,648	-14,030	-9.0%	83	133,850	664	0.5%	168,377	11,699	7.5%
24	134,662	1,476	1.1%	166,317	9,639	6.2%	84	132,198	-988	-0.7%	144,934	-11,744	-7.5%
25	134,252	1,066	0.8%	179,031	22,353	14.3%	85	132,080	-1,106	-0.8%	193,827	37,149	23.7%
26	134,314	1,128	0.8%	165,010	8,332	5.3%	86	133,526	340	0.3%	142,110	-14,568	-9.3%
27	132,503	-683	-0.5%	131,755	-24,923	-15.9%	87	133,861	675	0.5%	137,131	-19,547	-12.5%
28	133,183	-3	0.0%	154,175	-2,503	-1.6%	88	134,078	892	0.7%	164,967	8,289	5.3%
29	133,692	506	0.4%	160,290	3,612	2.3%	89	133,810	624	0.5%	140,077	-16,601	-10.6%
30	132,532	-654	-0.5%	180,594	23,916	15.3%	90	134,668	1,482	1.1%	142,553	-14,125	-9.0%
31	133,546	360	0.3%	138,215	-18,463	-11.8%	91	132,744	-442	-0.3%	129,999	-26,679	-17.0%
32	131,310	-1,876	-1.4%	177,523	20,845	13.3%	92	134,594	1,408	1.1%	133,187	-23,491	-15.0%
33	132,100	-1,086	-0.8%	196,662	39,984	25.5%	93	131,438	-1,748	-1.3%	131,283	-25,395	-16.2%
34	133,372	186	0.1%	144,119	-12,559	-8.0%	94	132,783	-403	-0.3%	135,245	-21,433	-13.7%
35	134,235	1,049	0.8%	154,735	-1,943	-1.2%	95	134,393	1,207	0.9%	134,355	-22,323	-14.2%
36	134,498	1,312	1.0%	157,126	448	0.3%	96	132,697	-489	-0.4%	140,377	-16,301	-10.4%
37	133,762	576	0.4%	135,554	-21,124	-13.5%	97	132,239	-947	-0.7%	169,848	13,170	8.4%
38	133,604	418	0.3%	162,248	5,570	3.6%	98	135,043	1,857	1.4%	134,942	-21,736	-13.9%
39	132,057	-1,129	-0.8%	132,191	-24,487	-15.6%	99	134,167	981	0.7%	137,645	-19,033	-12.1%
40	131,857	-1,329	-1.0%	149,664	-7,014	-4.5%	100	132,197	-989	-0.7%	137,630	-19,048	-12.2%
41	132,515	-671	-0.5%	252,332	95,654	61.1%	101	133,642	456	0.3%	189,600	32,922	21.0%
42	133,934	748	0.6%	214,866	58,188	37.1%	102	133,470	284	0.2%	160,952	4,274	2.7%
43	133,261	75	0.1%	162,052	5,374	3.4%	103	133,827	641	0.5%	138,339	-18,339	-11.7%
44	133,585	399	0.3%	171,652	14,974	9.6%	104	132,832	-354	-0.3%	137,432	-19,246	-12.3%
45	132,702	-484	-0.4%	146,618	-10,060	-6.4%	105	133,173	-13	0.0%	151,273	-5,405	-3.4%
46	133,040	-146	-0.1%	142,772	-13,906	-8.9%	106	133,343	157	0.1%	150,952	-5,726	-3.7%
47	133,784	598	0.4%	157,056	378	0.2%	107	132,275	-911	-0.7%	156,177	-501	-0.3%
48	133,784	598	0.4%	136,924	-19,754	-12.6%	108	132,309	-877	-0.7%	132,251	-24,427	-15.6%
49	134,665	1,479	1.1%	172,598	15,920	10.2%	109	132,383	-803	-0.6%	135,230	-21,448	-13.7%
50	133,105	-81	-0.1%	131,026	-25,652	-16.4%	110	132,082	-1,104	-0.8%	132,138	-24,540	-15.7%
51	133,050	-136	-0.1%	129,144	-27,534	-17.6%	111	132,608	-578	-0.4%	139,430	-17,248	-11.0%
52	133,467	281	0.2%	139,789	-16,889	-10.8%	112	131,626	-1,560	-1.2%	210,556	53,878	34.4%
53	133,941	755	0.6%	133,115	-23,563	-15.0%	113	132,604	-582	-0.4%	136,597	-20,081	-12.8%
54	133,208	22	0.0%	130,417	-26,261	-16.8%	114	133,225	39	0.0%	133,125	-23,553	-15.0%
55	132,050	-1,136	-0.9%	133,112	-23,566	-15.0%	115	133,225	39	0.0%	135,054	-21,624	-13.8%
56	132,935	-251	-0.2%	192,632	35,954	22.9%	116	133,596	410	0.3%	134,681	-21,997	-14.0%
57	134,916	1,730	1.3%	148,460	-8,218	-5.2%	117	132,921	-265	-0.2%	150,960	-5,718	-3.6%
58	131,681	-1,505	-1.1%	131,897	-24,781	-15.8%	118	133,178	-8	0.0%	162,848	6,170	3.9%
59	133,579	393	0.3%	141,651	-15,027	-9.6%	119	133,349	163	0.1%	154,679	-1,999	-1.3%
60	132,203	-983	-0.7%	162,605	5,927	3.8%	120	133,507	321	0.2%	170,078	13,400	8.6%

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."[1] 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."[2]

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.[3]

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.

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.[4] Limited population variances are permitted if they are "unavoidable despite a good faith effort" or if a valid "justification is shown."[5]

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."[6]

---

[1] *Baker v. Carr*, 369 U.S. 186 (1962).
[2] *Reynolds v. Sims,* 377 U.S. 533, 568 (1964).
[3] *Reynolds v. Sims,* 377 U.S. 584 (1964).
[4] *Kirkpatrick v. Preisler,* 394 U.S. 526, 531 (1969).
[5] *Kirkpatrick v. Preisler,* 394 U.S. 526, 531 (1969).
[6] *Kirkpatrick v. Preisler,* 394 U.S. 526, 531 (1969).

For state legislative districts, the courts have permitted a greater population deviation amongst districts. The populations of state legislative districts must be "substantially equal."[7] 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.[8] 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,"[9] including "the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts, or the recognition of natural or historical boundary lines."[10]

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

After Florida last redistricted in 2002, Florida's population deviation ranges were 2.79% for its State House districts, 0.03% for it State Senate districts, and 0.00% for its Congressional districts.[13]

The Voting Rights Act

Congress passed the Voting Rights Act (VRA) in 1965. The VRA protects the right to vote as guaranteed by the 15th Amendment to the United States Constitution. In addition, the VRA enforces the protections of the 14th 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."[14]

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).[15] 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.

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

---

[7] *Reynolds v. Sims,* 377 U.S. 533, 568 (1964).
[8] *Chapman v. Meier,* 420 U.S. 1 (1975); *Connor v. Finch,* 431 U.S. 407, 418 (1977).
[9] *Reynolds,* 377 U.S. at 579.
[10] *Swann v. Adams,* 385 U.S. 440, 444 (1967).
[11] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Page 36.
[12] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Page 39.
[13] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Pages 47-48.
[14] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Page 51.
[15] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Page 51.

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."[16] 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.[17]

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"[18]—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."[19]

The Supreme Court set forth the criteria of a vote-dilution claim in *Thornburg v. Gingles*.[20] 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.[21] To determine whether minority voters have been denied an equal opportunity to influence the political process and elect representatives of their choice, a court must examine the totality of the circumstances.[22]

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. [23] 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 injury from the

---

[16] 42 U.S.C. Section 1973(a) (2006).
[17] 42 U.S.C. Section 1973(b); *Voinovich v. Quilter*, 507 U.S. 146, 155 (1993).
[18] Also frequently referred to as "fracturing."
[19] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 54.
[20] 478 U.S. 30 (1986).
[21] *Johnson v. De Grandy*, 512 U.S. 997, 1011-1012 (1994).
[22] 42 U.S.C. Section 1973(b); *Thornburg vs. Gingles*, 478 U.S. 46 (1986).
[23] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 57.

crucial question of whether minorities have equal access to the electoral process to a historical question of individual motives."[24]

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 J*ohnson 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.[25] 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."[26]

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."[27]

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."[28]

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[29] 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."[30] 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.[31]

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 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."[32] 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

---

[24] Senate Report Number 417, 97th Congress, Session 2 (1982).

[25] *Johnson v. De Grandy*, 512 U.S. 997, 1017 (1994).

[26] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 61-62.

[27] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 62.

[28] *Shaw v. Reno*, 509 U.S. 630 (1993).

[29] "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.

[30] *Shaw v. Hunt,* 517 U.S. 899 (1996).

[31] *Bush v. Vera*, 517 U.S. 952 (1996),

[32] *Bartlett v. Strickland,* No. 07-689 (U.S. Mar. 9, 2009).

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." [33]

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."[34]

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 o prerequisite to voting, or standard, practice, or procedure with respect to voting."[35] This includes districting plans.

Five Florida counties—Collier, Hardee, Hendry, Hillsborough, and Monroe—have been designated as covered jurisdictions.[36]

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).[37] 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."[38]

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

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 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."[42]

---

[33] *Bartlett v. Strickland,* No. 07-689 (U.S. Mar. 9, 2009).
[34] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Page 78.
[35] 42 U.S.C. Section 1973c.
[36] Some states were covered in their entirety. In other states only certain counties were covered.
[37] 42 U.S.C. Section 1973c.
[38] 42 U.S.C. Section 1973c
[39] A decrease in the absolute number of representatives which a minority group has a fair chance to elect.
[40] *Beer v. United States*, 425 U.S. 130, 141 (1976).
[41] *Georgia v. Ashcroft*, 539 U.S. 461, 479 (2003).
[42] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Page 96.

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
Pre-1982	0	0	0	0	5	0
1982 Plan	0	0-1	2	0-3	10-12	3-7
1992 Plan	3	2	5	3	14-16	9-11
2002 Plan	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 of 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[43]

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
70% - 79%	107	1	1
TOTAL			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

---

[43] 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.

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[44]

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

Equal Protection – Racial Gerrymandering

Racial gerrymandering is "the deliberate and arbitrary distortion of district boundaries...for (racial) purposes."[45] Racial gerrymandering claims are justiciable under equal protection.[46] 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."[47]

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."[48] Thus, the "plaintiff must prove that the legislature subordinated traditional race-neutral districting principles…to racial considerations."[49] If the plaintiff meets this burden, "the State must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest,"[50] i.e. "narrowly tailored" to achieve that singular compelling state interest.

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.[51] 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

---

[44] 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.
[45] *Shaw v. Reno*, 509 U.S. 630, 640 (1993)
[46] *Shaw v. Reno*, 509 U.S. 630, 642 (1993)
[47] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 72.
[48] *Miller v. Johnson*, 515 U.S. 900, 916 (1995).
[49] *Miller v. Johnson*, 515 U.S. 900, 916 (1995).
[50] *Miller v. Johnson*, 515 U.S. 920 (1995).
[51] *Shaw v. Reno*, 509 U.S. at 653-654 (1993).

principles to race substantially more than is 'reasonably necessary' to avoid" the Section 2 violation.[52] 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.[53]

The Use of Statistical Evidence

Political vote histories are essential tools to ensure that new districts comply with the Voting Rights Act.[54] 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.[55][56] 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. According to Article III, Section 16(a), Florida Constitution, senatorial districts must be:

1. Between 30 and 40 in numbers;

2. Consecutively numbered; and

3. Of contiguous, overlapping, or identical territory.

Representative districts must be:

1. Between 80 and 120 in number;

2. Consecutively numbered; and

3. Of contiguous, overlapping, or identical territory.

The joint resolution is not subject to gubernatorial approval. If the Legislature fails to make the apportionment, the Governor must reconvene the Legislature in a special apportionment session not to exceed 30 days. If the Legislature fails to adopt an apportionment plan at its regular or special

---

[52] *Bush v. Vera,* 517 U.S. 977-979 (1996).
[53] *Miller v. Johnson*, 515 U.S. 921 (1995).
[54] *Georgia v. Ashcroft*, 539 U.S. 461, 487-88 (2003); *Thornburg v. Gingles*, 478 U.S. 30, 36-37, 48-49 (1986).
[55] 28 U.S.C. § 51.27(q) & 51.28(a)(1).
[56] Federal Register / Vol. 76, No. 73 / Friday, April 15, 2011. Page 21249.

apportionment session, the Attorney General must petition the Florida Supreme Court to make the apportionment.[57]

Within 15 days after the Legislature adopts the joint resolution, the Attorney General must petition the Supreme Court to review the apportionment plan. The Supreme Court must "permit adversary interests to present their view and, within thirty days from the filing of the petition, shall enter its judgment."[58]

If the Court invalidates the apportionment plan, the Governor must reconvene the Legislature in an extraordinary apportionment session, not to exceed 15 days.[59]

Within 15 days after the adjournment of the extraordinary apportionment session, the Attorney General must petition the Supreme Court to review the apportionment plan adopted by the Legislature or, if no plan was adopted, report the fact to the Court.[60]

If the Court invalidates the apportionment plan adopted by the Legislature at the extraordinary apportionment session, or if the Legislature fails to adopt a plan, the Court must draft the redistricting plan.[61]

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.[62] Congressional apportionment plans are not subject to automatic review by the Florida Supreme Court.

Florida Constitution, Article III, Sections 20 and 21

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:

---

[57] Article III, Section 16(b), Florida Constitution.
[58] Article III, Section 16(c), Florida Constitution.
[59] Article III, Section 16(d), Florida Constitution.
[60] Article III, Section 16(e), Florida Constitution.
[61] Article III, Section 16(f), Florida Constitution.
[62] *See generally* Section 8.0001, et seq., Florida Statutes (2007).

"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.[63] 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.[64]

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.[65]

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.[66]

---

[63] Article III, Sections 20(b) and 21(b), Florida Constitution.

[64] Article III, Sections 20(c) and 21(c), Florida Constitution.

[65] 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 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.").

[66] *Compare id.* with 42 U.S.C. § 1973c(b).

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."[67]

> "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."[68]

Without comment, the Department of Justice granted preclearance on May 31, 2011.[69]

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.[70] In a contiguous district, a person can travel from any point within the district to any other point without departing from the district.[71] A district is not contiguous if its parts touch only at a common corner, such as a right angle.[72] 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.[73]

The second tier of these standards requires that districts be compact.[74] The meaning of "compactness" can vary significantly, depending on the type of redistricting-related analysis in which the court is involved.[75] 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"[76] 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

[67] 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.

[68] 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.

[69] 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).

[70] *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)).

[71] *Id.*

[72] *Id.* (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1051).

[73] *Id.* at 280.

[74] Article III, Sections 20(b) and 21(b), Florida Constitution.

[75] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Pages 109-112.

[76] *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 26 (2006).

decisions.[77]   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."[78]   In a vote dilution context, "While no precise rule has emerged governing § 2 compactness, the inquiry should take into account traditional districting principles."[79]

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."[80]   The term "political boundaries" refers, at a minimum, to the boundaries of cities and counties.[81]   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.[82]

Similarly, the federal courts have used the phrase "geographical boundaries" in a general sense.[83]   The U.S. Supreme Court has used the phrase "geographical considerations" when referring to how difficult it is to travel within a district.[84]

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, etc.",[85] or topographical features such as a waterway dividing a county or other natural borders within a state or county.[86]

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:

---

[77] *Karcher v. Daggett*, 462 U.S. 725, 756 (1983).

[78] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 111.

[79] *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 27 (2006).

[80] Article III, Sections 20(b) and 21(b), Florida Constitution.

[81] 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).

[82] *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.").

[83] *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.").

[84] *Reynolds v. Sims,* 377 U.S. 533, 580 (1964)

[85] *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),

[86] *Moore v. Itawamba County, Miss.*, 431 F.3d 257, 260 (5th Cir. 2005).

1) That county, city, and other geographic boundaries are accepted measures of compactness;[87] or

2) That county, city and other geographic boundaries are viable reasons to deviate from compactness.[88]

Either way, county, city, and other geographic boundaries are primary considerations when evaluating compactness.[89]

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.

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.

---

[87] *e.g., DeWitt v. Wilson*, 856 F. Supp. 1409, 1414 (E.D. Cal. 1994).

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

[89] *See id.*

Table 5. Public Input Meeting Schedule
Attendance and Speakers

City	Date	Recorded Attendance	Speakers
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
TOTAL	**26 meetings**	**4,787**	**1,637**

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

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

Publicly submitted maps, records from the public input hearings, and other public input are all accessible via www.floridaredistricting.org.

Effect of Proposed Changes

Redistricting Plan Summary Statistics for the Proposed State House Map

Redistricting Plan Data Report for H000H9019

Plan File Name: H000H9019		Plan Type: House - 120 Districts	
Plan Population Fundamentals		**Plan Geography Fundamentals:**	
Total Population Assigned:	18,801,310 of 18,801,310	Census Blocks Assigned:	484,481 out of 484,481
Ideal District Population::	156,677	Number Non-Contiguous Sections:	1 (normally one)
District Population Remainder:	70	County or District Split :	39 Split of 67 used
District Population Range:	155,702 to 157,672	City or District Split :	133 Split of 411 used
District Deviation Range:	(-975) To 995	VTD's Split :	57 Split of 9,436 used
Deviation:	(-0.62) To 0.63 Total 1.25%		

Number of Districts by Race Language					
	20%+	30%+	40%+	50%+	60%+
Current Black VAP	23	17	13	11	3
New Black VAP	21	17	14	12	1
Current Hisp VAP	39	22	16	13	11
New Hisp VAP	34	23	18	15	10

Plan Name:	H000H9019		Number of Districts		120		

Spatial Measurements - Map Based																	
	Base Shapes			Circle - Dispersion					Convex Hull - Indentation								
	Perimeter	Area	P/A	Perimeter	Area	P/A	Pc/P	A/Ac	Perimeter	Area	P/A	Pc/P	A/Ac	Width	Height	W+H
H9019-Map	15,083	65,934	22.87%	13,103	199,560	6.56%	86.87%	33.03%	10,449	93,024	11.23%	69.27%	70.87%	3,256	3,049	6,512
Current Map	16,491	65,913	25.01%	13,683	231,091	5.92%	82.97%	28.52%	10,728	100,440	10.68%	65.05%	65.62%	3,321	3,199	6,643
H9019-Simple	13,610	65,884	20.65%				96.28%	33.01%				76.77%	70.82%			
Current Map	14,650	65,813	22.26%				93.40%	28.47%				73.22%	65.52%			

	Straight line in miles apart				Miles to drive by fastest route				Minutes to drive by fastest route			
	Pop	VAP	VAP Black	VAP Hispanic	Pop	VAP	VAP Black	VAP Hispanic	Pop	VAP	VAP Black	VAP Hispanic
H9019-Map	10	10	9	8	14	14	12	11	23	23	20	19
Current Map	12	12	11	10	17	17	15	14	26	26	23	22

District-by-District Summary Statistics for the Proposed State House Map[90]

District ID	Pop Dev	TPOP10	%AllBlkVAP10	%AllHispVAP10	%HaitianPOPACS
1	995	157,672	20.05	3.73	0.35
2	690	157,367	19.99	4.76	0.27
3	-232	156,445	6.39	3.65	0.09
4	77	156,754	9.65	6.26	0.04
5	649	157,326	14.08	3.76	0.28
6	921	157,598	10.51	4.13	0.21
7	154	156,831	21.61	4.33	0.15
8	-960	155,717	50.03	6.66	0.89
9	-17	156,660	15.91	4.92	0.24
10	-64	156,613	16.65	5.01	0.16
11	81	156,758	8.28	4.16	0.12
12	594	157,271	13.79	8.88	0.30
13	-28	156,649	50.82	5.81	0.84
14	-474	156,203	52.51	4.48	0.57
15	545	157,222	19.53	7.00	0.46
16	-221	156,456	12.99	8.73	0.11
17	407	157,084	5.42	4.69	0.13
18	146	156,823	10.51	7.37	0.54
19	162	156,839	14.69	5.33	0.02
20	-593	156,084	29.58	7.59	0.68
21	557	157,234	9.64	7.84	0.24
22	539	157,216	9.13	11.03	0.31
23	154	156,831	8.40	7.75	0.04
24	-911	155,766	7.99	7.77	0.34
25	941	157,618	3.45	3.45	0.20
26	-329	156,348	20.02	6.72	0.43
27	-328	156,349	9.46	18.19	0.64
28	-748	155,929	7.36	15.50	0.25
29	-764	155,913	15.44	15.14	0.19
30	-825	155,852	11.99	19.09	0.88
31	751	157,428	8.34	6.71	0.30
32	-65	156,612	11.58	18.04	0.60
33	-943	155,734	7.66	4.74	0.20
34	432	157,109	2.62	4.16	0.03
35	228	156,905	5.15	9.11	0.14
36	23	156,700	2.46	7.72	0.02
37	-682	155,995	3.29	9.10	0.09
38	-266	156,411	7.21	12.78	0.18
39	233	156,910	8.22	16.39	0.61

---

[90] "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 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.

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

40	115	156,792	15.60	11.14	0.32
41	-55	156,622	16.18	15.25	1.64
42	994	157,671	12.16	25.56	0.94
43	596	157,273	15.34	53.90	1.93
44	188	156,865	10.74	23.72	0.98
45	6	156,683	40.07	16.96	4.64
46	-249	156,428	51.70	19.04	9.07
47	615	157,292	7.11	17.38	0.52
48	34	156,711	13.45	53.91	1.82
49	855	157,532	10.05	22.20	0.42
50	906	157,583	10.34	18.97	0.21
51	-974	155,703	10.24	5.53	0.22
52	989	157,666	4.07	6.35	0.16
53	115	156,792	14.80	10.46	1.68
54	245	156,922	7.46	8.56	0.73
55	862	157,539	8.47	15.07	0.32
56	909	157,586	10.90	20.79	0.46
57	-106	156,571	10.42	15.89	0.13
58	752	157,429	13.19	18.91	0.48
59	575	157,252	16.03	19.53	0.45
60	490	157,167	7.01	15.32	0.38
61	378	157,055	50.54	20.84	2.02
62	1	156,678	12.64	51.94	0.41
63	323	157,000	13.72	18.17	0.72
64	245	156,922	5.32	13.47	0.27
65	407	157,084	3.16	5.98	0.02
66	389	157,066	4.23	5.35	0.00
67	736	157,413	8.86	10.64	0.04
68	101	156,778	6.80	7.14	0.08
69	139	156,816	3.82	6.24	0.14
70	948	157,625	42.41	15.32	1.21
71	958	157,635	4.83	9.80	0.79
72	261	156,938	2.80	9.16	0.20
73	193	156,870	3.85	9.92	0.60
74	862	157,539	1.99	3.85	0.36
75	-871	155,806	5.08	4.60	0.76
76	-917	155,760	1.38	9.00	0.04
77	-975	155,702	3.93	16.98	0.68
78	-923	155,754	13.46	14.32	2.39
79	-967	155,710	11.34	21.60	2.07
80	-371	156,306	8.73	33.08	2.36
81	413	157,090	18.15	17.51	2.78
82	262	156,939	3.84	11.86	0.63
83	866	157,543	12.52	12.40	1.77
84	-88	156,589	19.63	13.51	3.48
85	406	157,083	10.29	11.23	1.44

86	-72	156,605	14.16	17.44	2.31
87	-740	155,937	15.80	48.90	4.38
88	361	157,038	51.04	15.46	10.89
89	34	156,711	7.76	9.53	3.46
90	-602	156,075	13.32	17.01	5.05
91	391	157,068	4.99	7.07	3.38
92	-846	155,831	32.32	16.93	10.82
93	-519	156,158	5.60	13.27	2.30
94	-687	155,990	54.80	13.67	10.22
95	-92	156,585	58.78	16.31	13.12
96	36	156,713	15.85	19.04	3.70
97	-75	156,602	17.04	24.29	1.87
98	-848	155,829	12.93	23.78	1.93
99	-719	155,958	12.02	25.79	1.42
100	-204	156,473	5.92	33.34	0.74
101	-162	156,515	35.28	33.68	6.12
102	-736	155,941	52.22	37.57	5.54
103	472	157,149	10.44	81.75	1.56
104	-751	155,926	11.02	43.25	1.76
105	149	156,826	11.35	67.69	3.06
106	-267	156,410	2.91	10.68	2.07
107	-808	155,869	58.82	25.86	25.60
108	-728	155,949	62.45	25.77	25.56
109	57	156,734	50.02	46.50	4.58
110	670	157,347	6.12	89.56	0.77
111	-487	156,190	4.22	92.68	0.14
112	-488	156,189	4.91	91.09	0.50
113	-905	155,772	5.90	52.70	0.29
114	-435	156,242	7.31	63.33	0.62
115	-661	156,016	5.74	64.67	0.67
116	-843	155,834	3.07	85.01	0.52
117	764	157,441	36.73	55.48	3.74
118	-252	156,425	6.38	81.14	1.02
119	-507	156,170	3.97	86.77	0.49
120	-897	155,780	9.05	39.90	1.92

District-by-District Descriptions for the Proposed State House Map

District 1 is located wholly within Escambia County. Its predominant boundaries are the county line for its western, northern and eastern boundaries, while VTDs are used as its southern boundary as it curves around most of the city boundaries of Pensacola. Pensacola is split between Districts 1 and 2 in one area in order for both districts to meet the population and VTD split priorities set forth for this map. The Town of Century is kept whole within the district.

District 2 is located in Escambia and Santa Rosa Counties. Its predominant boundaries are VTDs on its northern end in Escambia County, and the county line as its eastern and southern boundaries. In Santa Rosa County, its predominant boundaries are the county line to the south, VTDs to the east and US-98 to the northwest. The City of Gulf Breeze is kept whole within the district.

District 3 is located in Santa Rosa and Okaloosa Counties. Its predominant boundaries are VTDs and US-98 to its south in Santa Rosa County, the county/state line to its north in Santa Rosa County VTDs in Okaloosa County. The City of Milton is kept whole within the district, as is the Town of Jay. The City of Crestview is split between Districts 3 and 4 in order for both districts to meet the population and VTD split priorities set forth in this map.

District 4 is located wholly within Okaloosa County. Its predominant boundaries are the county line to its west, south and east, and VTDs to the north. The Cities of Niceville, Valparaiso, Fort Walton Beach and Destin are kept whole within the district, as is the Town of Shalimar.

District 5 contains all of Holmes, Washington and Jackson Counties and is also located in Calhoun, Bay and Okaloosa Counties. The district now includes areas of Okaloosa and Calhoun Counties and is not contain all of Walton County in order to meet the population and VTD split priorities set forth for this map. The predominant boundaries of the district are county lines and VTDs. The Cities of Laurel Hill, Freeport, DeFuniak Springs, Vernon, Bonifay, Chipley, Graceville, Jacob City and Marianna are kept whole within the district as are the Towns of Ebro, Paxton, Ponce de Leon, Westville, Caryville, Wausau, Esto, Noma, Alford, Cottondale, Campbellton, Greenwood, Malone, Bascom, Grand Ridge and Sneads.

District 6 is located with Walton and Bay Counties. The predominant boundaries of the district are VTDs to the east, north and west and the county lines to the south. The Cities of Panama City Beach, Lynn Haven, Parker and Mexico Beach are kept whole within the district. The district now comes into Walton County and splits the Cities of Panama City and Callaway in order to meet the population and VTD split priorities set forth for this map.

District 7 contains all of Gulf, Liberty, Franklin, Wakulla, Jefferson, Madison, Taylor and Lafayette Counties and is also in Bay, Calhoun, Leon and Madison Counties. The predominant boundaries for the district are county lines and VTDs. The Cities of Wewahitchka, Blountstown, Bristol, Port St. Joe, Apalachicola, Carabelle, Sopchoppy, St. Marks, Monticello, Madison and Perry are kept whole within the district as are the Towns of Altha, Greenville and Mayo. The district comes into Bay, Calhoun and Madison Counties in order to meet the population and VTD split priorities set forth for this map.

District 8 contains all of Gadsden County and is also located in Leon County. This area had produced a majority-minority Black district in years past and this district recreates that opportunity. The predominant boundaries of the district are the Gadsden County line and VTDs and in Leon County. The Cities of Chattahoochee, Gretna, Quincy and Midway are kept whole within the district as are the Towns of Greensboro and Havana.

District 9 is wholly located within Leon County. The predominant boundaries for the district are the county line to the west, north and east and south. The boundaries used in the portions that the district meets District 8 are VTDs.

District 10 contains all Hamilton, Suwannee and Baker Counties and is also located in Madison, Columbia and Alachua Counties. The predominant boundaries of the district are the various counties lines to the north, south and east and VTDs to the west. The Cities of Jasper, Live Oak, Lake City and Macclenny are kept whole within the district as are the Towns of Lee, Jennings, Branford, Fort White, White Springs and Glen St. Mary.

District 11 contains all of Nassau County and portions of Duval and St. Johns Counties. The predominant boundaries for the district are the Nassau County line to the west, north and east as well as VTDs to the south. The Cities of Fernandina Beach, Atlantic Beach, Neptune Beach and Jacksonville Beach are kept whole within the district as are the Towns of Callahan and Hilliard. The district now comes into St. Johns County to meet the population and VTD split priorities set forth for this map.

District 12 is wholly contained within Duval County. Its predominant boundaries are the county line to the north and east and VTDs to the south and west.

District 13 is wholly contained within Duval County. This area had produced a majority-minority Black district in years past and this district recreates that opportunity.   Its predominant boundaries are VTDs in all directions.

District 14 is wholly contained within Duval County. This area had produced a majority-minority Black district in years past and this district recreates that opportunity. Its predominant boundaries are VTDs in all directions.

District 15 is wholly contained within Duval County. The predominant boundaries to the district are VTDs to the north and east and the county line to the west and south. The Town of Baldwin is kept whole within the district.

District 16 is wholly contained within Duval County. The predominant boundaries to the district are VTDs to the west, north and east and the county line to the south.

District 17 located in Clay and St. Johns Counties. The predominant boundaries of the district are the county line to the east and west in St. Johns County, VTDs to the north and south in St. Johns County and VTDs in Clay County. The Cities of St. Augustine and St. Augustine Beach whole within the district. The district now comes into Clay county to meet the population and VTD split priorities set forth for this map.

District 18 is wholly contained within Clay County. The predominant boundaries of the district are the county line to the west, north and east and VTDs to the south. The Town of Orange Park is kept whole within the district.

District 19 contains all of Bradford, Putnam and Union Counties and is located in Clay, Columbia, St. Johns and Marion Counties. The predominant boundaries of the district are county lines and VTDs. The Cities of Lake Butler, Lawtey, Starke, Hampton, Keystone Heights, Green Cove Springs, Palatka and Crescent City are kept whole within the district as are the Towns of Worthington Springs, Brooker, Raiford, Penney Farms, Interlachen, Welaka and Pomona Park.

District 20 is located in Alachua and Marion Counties. This area has traditionally elected an African-American to the Florida House of Representatives and the district recreates that opportunity.   The predominant boundaries for the district are the county line to the north and east and VTDs in all other areas. The Cities of Waldo, Hawthorne and Archer are kept whole within the district as are the Towns of LaCrosse, Micanopy, McIntosh and Reddick.

District 21 contains all of Dixie County and is located in Gilchrist and Alachua Counties.   Its predominant boundaries county lines to the west and south, and VTDs to the east in Alachua County. The boundaries also curve around the City of Newberry's boundaries in order for it to be wholly within the district. Towns of Horseshoe Beach, Cross City and Bell are kept whole, too. The district does not contain all of Gilchrest County and splits the City of Trenton in order to meet the population and VTD split priorities set forth for this map.

District 22 contains all of Levy County and is located in Gilchrist and Marion Counties. Its predominant boundaries are the county line to the west, north and south and VTDs as it moves into Marion County. The Cities of Cedar Key, Chiefland, Williston and Dunellon are kept whole, as are the Towns of Yankeetown, Inglis, Otter Creek and Bronson. The district splits the City of Belleview in order to meet the population and VTD split priorities set forth for the map.

District 23 is located in Marion and Lake Counties. Its predominant boundaries are the county line to the north and east and VTDs to the south and west. The district comes into Lake County in order to meet the population and VTD split priorities set forth for this map.

District 24 contains all of Flagler County and is located in St. Johns and Volusia Counties. The predominant boundaries of the district are the county lines to the west and east and VTDs to the north

and south. The Cities of Palm Coast and Bunnell are kept whole within the district as are the Towns of Hastings, Marineland and Pierson.

District 25 is wholly within Volusia County. The predominant boundaries of the district are the county line to the east, the city boundary for the City of Ormond Beach to the north and VTDs to the west and south.. The Cities of Daytona Beach Shores and New Smyrna Beach are kept whole within the district as is the Town of Ponce Inlet. The City of Port Orange is split between Districts 25 and 26 in order to meet the population and VTD split priorities set forth for this map.

District 26 is wholly located in Volusia County. This area has traditionally elected an African-American to the Florida House of Representatives and the district recreates that opportunity. The predominant boundaries of the district are the county line to the west, the county line and the city boundaries of The City of Ormond Beach to the north, the Halifax River to the east and VTDs to the south. The City of DeLand is kept whole within the district.

District 27 is located in Volusia and Seminole Counties. Its predominant borders are the county line to the west, south and east and VTDs to the north. The Cities of DeBary, Deltona and Oak Hill are kept whole within the district. The district comes into Seminole County in order to meet the population and VTD split priorities set forth for this map.

District 28 is wholly within Seminole County. The predominant boundaries of the district are the county line and VTDs to the north, the county line to the east and south and US 17-92 to the west. The City of Oviedo is kept whole within the district. The City of Winter Springs is split between Districts 28 and 29 in order to meet the population and VTD split priorities set forth for this map.

District 29 is wholly within Seminole County.   The predominant boundaries of the district the county line to the north and south and VTDs to the east and west. The City of Lake Mary is kept whole within the district. The City of Longwood is split in order to meet the population and VTD split priorities set forth for this map.

District 30 is located in Seminole and Orange Counties. The predominant boundaries of the district the county line to the west and north and VTDs to the east and south.

District 31 is located wholly within Lake County. The predominant boundaries of the district are the county line to the north and east, VTDs to the west and the south. The Cities of Umatilla, Mount Dora, Eustis and Tavares and the Towns of Howey-in-the-Hills, Astatula and Montverde are all kept whole within the district.

District 32 is located in Lake, Orange and Polk Counties. The predominant boundaries for the district are VTDs to the north, the county line to the west and VTDs to the east and south. The Cities of Mascotte, Clermont, Bay Lake, Lake Buena Vista and Oakland are kept whole within the district.

District 33 contains all of Sumter County and is located in Lake and Marion Counties. The predominant boundaries of the district are the Sumter County line to the west and south and VTDs to the north and east. The Cities of Wildwood, Coleman, Bushnell, Webster, Center Hill, Lady Lake and Fruitland Park are kept whole within the district. The district also contains all of The Villages, which is a large retirement community that spans all three counties.

District 34 contains all of Citrus County and is located in Hernando County. The predominant boundaries of the district are the county line to the west and north, the Suncoast Parkway and the county line to the east and VTDs to the south. The Cities of Crystal River and Inverness are kept whole within the district.

District 35 is wholly contained with Hernando County. Its predominant boundaries are the county line to the south and east and VTDs to the north and west. The City of Brooksville is kept whole within the district. The City of Weeki Wachee is split in this district to meet the population and VTD split priorities set forth for this map.

District 36 is wholly within Pasco County. The predominant boundaries for the district are the county line to the north, west and south and VTDs to the east. The Cities of Port Richey and New Port Richey are kept whole within the district.

District 37 is wholly within Pasco County. The predominant boundaries for the district are VTDs to the west and east and the county line to the north and south.

District 38 is located in Pasco and Polk Counties. The predominant boundaries for the district are VTDs to the west and east and the county line to the north and south. The Cities of Dade City, San Antonio and Zephyrhills are kept whole within the district as is the Town of St. Leo. The district comes into Polk County in order to meet the population and VTD split priorities set forth for this map.

District 39 is located in Polk and Osceola Counties. The predominant boundaries for the district are VTDs in all directions. The City of Davenport and the Town of Polk City are kept whole in the district.

District 40 is wholly within Polk County. The predominant boundaries to the district are the county line to the west and VTDs to the north east and south.

District 41 is wholly within Polk County. The predominant boundaries to the district VTDs in all directions and the county line to the north east. The City the Eagle Lake and the Town of Lake Hamilton are kept whole in the district.

District 42 is located in Osceola and Polk Counties. The predominant boundaries to the district are the Osceola County line to the north, the Polk County line to the south and VTDs to the west and east. The City of St. Cloud is kept whole within the district.

District 43 is wholly in Osceola County. This area had produced a majority-minority Hispanic district between in and Orange County. After reviewing the demographics of the area, we determined that a majority-minority Hispanic district could be built wholly in Osceola and a second majority-minority Hispanic district could be built in Orange County. The predominant boundaries to District 43 are the county line to the north and south and VTDs to the west and east. The City of Kissimmee is split between Districts 43 and 42 to meet the population and VTD split priorities set forth for this map.

District 44 is wholly in Orange County. The predominant boundaries for the district are the county line to the south and VTDs to west, north and east. The Town of Windermere is kept whole within the district.

District 45 is wholly in Orange County. When looking at the demographics of the population of Orange County, you find that there is the possibility of having both a majority minority Black district and a Black opportunity district, both solely contained within Orange County as well. District 45 is the Black opportunity district. The predominant boundaries of the district are the county line to the west and VTDs to the north, east and south. The Town of Eatonville is kept whole within the district.

District 46 is wholly in Orange County. This area has produced a majority-minority Black district in years past and this district recreates that opportunity. The predominant boundaries of the district are Silver Star Road to the north, railways to the east, Oak Ridge Road W and Sand Lake Road W to the south and Kirkman road to the west, all of which are consistent with VTD boundary lines.

District 47 is wholly in Orange County. The predominant boundaries of the district are the Orange County line to the north, State Road 436 to the east, State Road 528 to the south and a railway to the west, all of which are consistent with VTD boundary lines.

District 48 is wholly in Orange County. This area had produced a majority-minority Hispanic district between it and Osceola County. After reviewing the demographics of the area, we determined that a majority-minority Hispanic district could be built wholly in Osceola and a second majority-minority Hispanic district could be built in Orange County. The predominant boundaries for District 48 are E.

Colonial Drive, State Road 528 and Oak Ridge Road W to the north, Rouse Road, Chickasaw Trail S and VTDs to the east, the county line to the south and the Florida Turnpike to the west, all of which are consistent with VTD boundary lines.

District 49 is located in Orange and Seminole Counties. The predominant boundaries of the district are Red Bug Lake Road, W. Chapman Road and Howell Branch Road to the north, Chuluota Road and N County Road 13 to the east and VTDs to the south and west.

District 50 is located in Orange and Brevard Counties. The predominant boundaries of the district are the county line to the north and south, VTDs to the west and east. The City of Titusville is kept whole within the district.

District 51 is wholly within Brevard County. The predominant boundaries of the district are the county line to the north and east, the Indian River and the Orange County line to the west and VTDs to the south. The Cities of Cocoa and Cape Canaveral are kept whole within the district, while the Cities of Rockledge and Cocoa Beach are split in order to meet the population and VTD split priorities set forth for this map.

District 52 is wholly within Brevard County. The predominant boundaries for the district are VTDs to the north, the county line to the east and west and US 192 and VTDs to the south. The Cities of Satellite Beach and Indian Harbour Beach are kept whole within the district as is the Town of Indialantic.

District 53 is wholly within Brevard County. The predominant boundaries for the district are US-192 and VTDs to the north, the county line to the east and VTDs to the west and south. The Towns of Malabar and Grant-Valkaria are kept whole within the district.

District 54 is located in Brevard, Indian River and St. Lucie Counties. US-192 and VTDs to the north, the county lines to the west and east and VTDs to the south. The Cities of Fellsmere, Sebastian and Vero Beach are kept whole within the district, as are the Towns of Orchid, Indian River Shores and St. Lucie Village. The district now comes into Brevard County and does not contain all of Indian River County in order to meet the population and VTD split priorities set forth for this map.

District 55 is contains all of Highlands County and is located in Polk, Osceola, Indian River, Okeechobee and Glades Counties. The predominant boundaries for the district are VTDs to the north and county lines to the west, south and east. The Cities of Avon Park, Sebring, Okeechobee and Moore Haven are kept whole within the district as is the Town of Lake Placid. The district comes into Polk, Osceola and Indian River Counties and does not contain all of Glades County nor come into St. Lucie County in order to meet the population and VTD split priorities set forth for this map.

District 56 contains all of DeSoto and Hardee Counties and is located in Polk and Sarasota Counties. The predominant boundaries of the district are the county lines to the west and south, VTDs to the north and county lines and VTDs to the east. The Cities of Mulberry, Fort Meade, Bowling Green, Wauchula and Arcadia are kept whole within the district, as is the Town of Zolfo Springs.

It is important to note that mathematically, the combined populations of Pinellas, Hillsborough, Manatee and Sarasota Counties is roughly the same as 18 House districts. By segmenting these counties from the rest of the map, we were able to keep the northern borders of Pinellas and Hillsborough, as well as the eastern borders of Hillsborough, Manatee and Sarasota and the southern border of Sarasota Counties intact. Those districts are Districts 57-74.

District 57 is wholly in Hillsborough County. The predominant boundaries of the district are the county line to the south and east and VTDs to the north and west.

District 58 is wholly contained in Hillsborough County. The predominant boundaries of the district are the county line to the north and east and VTDs to the south and west. It is important to note that the district was built in a manner to keep the City of Temple Terrace wholly within the district to the west. The other city kept whole in the district is Plant City.

District 59 is located wholly in Hillsborough County. The predominant boundaries of the district are US Highway 41 to the west, VTDs and State Road 574 to the north and VTDs to the east and south.

District 60 is located wholly in Hillsborough County. The predominant boundaries of the district are the county line to the west, a railway, State Road 576 and VTDs to the north, US Highway 41 to the east and Cockroach Bay Road to the south, all of which are consistent with the VTD split priority set forth in this map.

District 61 is wholly located in Hillsborough County, a Florida county that will receive extra scrutiny from the Department of Justice regarding the opportunity for minority communities to have the ability to elect the candidate of their choice per Section 5 of the Federal Voting Rights Act. This area has produced a majority-minority Black district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs.

District 62 is wholly located in Hillsborough County, a Florida county that will receive extra scrutiny from the Department of Justice regarding the opportunity for minority communities to have the ability to elect the candidate of their choice per Section 5 of the Federal Voting Rights Act. This area has produced a Hispanic opportunity district in years past and this district improves that opportunity by making it a majority-minority Hispanic district. The predominant boundaries of the district are Memorial Highway and State Road 589 to the west, State Road 587 to the north, the Hillsborough River and N. Armenia Road to the east and W. John F Kennedy Blvd to the south.

District 63 is wholly located in Hillsborough County. The predominant boundaries of the district are State Road 597 to the west, the county line to the north, VTDs to the east and W. Busch Blvd to the south.

District 64 is located in Hillsborough and Pinellas Counties. The predominant boundaries of the district are VTDs to the west, the county line to the north, Dale Mabry Highway (State Road 597) to the east and State Road 587, a railway and VTDs to the south. The Cities of Oldsmar and Safety Harbor are kept whole in the district and it is important to note that the district was built in a manner to keep both cities whole.
District 65 is wholly located in Pinellas County. The predominant boundaries of the district are the county line to the west and north, State Road 611 and Keystone Road to the east and VTDs to the south. The City of Tarpon Springs is kept whole within the district. The City of Dunedin is split between Districts 65 and 66 in order to meet the population and VTD split priorities set forth for this map.

District 66 is wholly located in Pinellas County. The predominant boundaries of the district are the county line to the west and VTDs to the north, east and south. The Cities of Belleair Beach, Belleair Bluffs, Indian Rocks Beach are kept whole in the district as are the Towns of Belleair Shore, Belleair and Indian Shores. The City of Seminole is split between Districts 66 and 67 in order to meet the population and VTD split priorities that were set forth for this map.

District 67 is wholly located in Pinellas County. The predominant boundaries of the district are VTDs to the west, north and south and VTDs and the county line to the east.

District 68 is wholly located in Pinellas County. The predominant boundaries of the district are VTDs to the west, north and south and the county line to the east.

District 69 is wholly located in Pinellas County. The predominant boundaries of the district are county line to the west and south and VTDs to the north and east. The Cities of Madeira Beach, Treasure Island, Gulfport, St. Pete Beach and South Pasadena are kept whole within the district as are the Towns of Redington Shores, North Redington Beach, Redington Beach and Kenneth City.

District 70 is located in Pinellas, Hillsborough, Manatee and Sarasota Counties. Hillsborough County is a Florida county that will receive extra scrutiny from the Department of Justice regarding the opportunity

for minority communities to have the ability to elect the candidate of their choice per Section 5 of the Federal Voting Rights Act. This area has produced a majority-minority Black district in years past and this district nearly recreates that opportunity.   The predominant boundaries to the district are VTDs to the north, south, east and west and the county line to the west in Hillsborough County.

District 71 is located in Manatee and Sarasota Counties. The predominant boundaries of the district are the county lines to the west and south and VTDs to the north and east. The Cities of Anna Maria, Holmes Beach, Bradenton Beach and the Town of Longboat Key are kept whole within the district.

District 72 is wholly in Sarasota County. The predominant boundaries of the district are the county line to the north and VTDs to the east, west and south.

District 73 is located in Manatee and Sarasota Counties. The predominant boundaries of the district are US-41, 69th Street E, US 301 and I-75 to the west, the Manatee County line to the north and east and VTDs to the south and west.

District 74 is located in Manatee and Sarasota Counties. The predominant boundaries of the district are the county line to the east and south and VTDs to the north and west. The City of Venice is kept whole within the district. The district goes into Manatee County as well as splits the City of North Port in order to meet the population and VTD split priorities that were set forth for this map.

District 75 is located in Charlotte County. The predominant boundaries for the district are the county line to the west, north and south and VTDs to the east. The City of Punta Gorda is kept whole within the district.   The district is not all of Charlotte County in order to meet the population priority that was set forth for this map.

District 76 is wholly located in Lee County. The predominant boundaries of the district are county line to the north, west and south and VTDs to the east. The Cities of Sanibel and Bonita Springs are kept whole within the district, as is the Town of Fort Myers Beach.

District 77 is wholly located in Lee County.   The predominant boundaries of the district are VTDs in all directions. The district splits the City of Cape Coral with District 78 in order to meet the population and VTD split priorities that were set forth for this map.

District 78 is wholly located in Lee County. The predominant boundaries of the district are the county line to the north and VTDs to the west, east and south. The City of Fort Myers is not kept whole within the district in order to meet the population and VTD split priorities set forth for this map.

District 79 is located in Charlotte and Lee Counties. The predominant boundaries to the district are the county line to the north and east and VTDs to the west and south. The district is not wholly contained in Lee County in order to meet the population and VTD split priorities set forth for this map.

District 80 contains all of Hendry County and is located in Collier and Glades Counties. Both Hendry and Collier Counties are Florida counties that will receive extra scrutiny from the Department of Justice regarding the opportunity for minority communities to have the ability to elect the candidate of their choice per Section 5 of the Federal Voting Rights Act. The predominant boundaries of the district are the county lines to the west, north and east and VTDs to the south.   The Cities of Clewiston and LaBelle are kept whole within the district.

District 81 is wholly located in Palm Beach County. The predominant boundaries of the district are county line to the west, the county line and VTDs to the north, VTDs to the east and the county line to the south. The Cities of Pahokee, Belle Glade and South Bay are kept whole within the district.

District 82 is located in Martin and Palm Beach Counties. The predominant boundaries of the district are the Martin County line to the west, VTDs to the north, the county lines to the east and the Martin County line and VTDs to the south. The Town of Jupiter Island and the Village of Tequesta are kept whole within the district.

District 83 is located in St. Lucie, Martin and Okeechobee Counties. The predominant boundaries of the district are the St. Lucie County line to the north and west, along with VTDs in Okeechobee County, and VTDs to the east and south. The Towns of Ocean Breeze Park and Sewall's Point are kept whole within the district. The district moves into Okeechobee County and up to the St. Lucie County line to the north in order to meet the population and VTD split priorities that were set forth for this map.

District 84 is wholly located in St. Lucie County. The predominant boundaries of the district are the county line to the north, east, and south and VTDs to the west. The City of Fort Pierce is split between Districts 84 and 83 in order to meet the population and VTD split priorities that were set forth for this map.

District 85 is wholly located in Palm Beach County. The predominant boundaries of the district are VTDs to the west south and east and the county line and VTDs to the north. The City of Palm Beach Gardens is kept whole within the district. The Town of North Palm Beach is split between Districts 85 and 89 in order to meet the population and VTD split priorities that were set forth for this map.

District 86 is wholly located in Palm Beach County. The predominant boundaries of the district are VTDs and the city boundary of Wellington to the west, 60th Street north and Okeechobee Blvd to the north and VTDs to the east and south. The Towns of Loxahatchee Groves and Haverhill are kept whole as are the Villages of Royal Palm Beach and Wellington.

District 87 is wholly located in Palm Beach County. When studying the demographics of the county, it was determined that a majority-minority Hispanic district could be built wholly with Palm Beach County, and this is that district. The predominant boundaries of the district VTDs to the west and south, Okeechobee Blvd to the north and US-1 to the east. The Towns of Cloud Lake, Glen Ridge, Lake Clarke Shores and the Village of Palm Springs are all kept whole within the district.

District 88 is wholly located in Palm Beach County. Palm Beach County has produced a majority-minority Black district in years past and this district recreates that opportunity. However, this district does it in a different manner than the current district. This district is vertically-shaped with US-1 and I-95 as transportation corridors while the current district is more horizontally-shaped that uses Okeechobee Blvd as a transportation corridor. The predominant boundaries of the district are the city boundaries of Lake Park and Riviera Beach to the north, Dixie Highway to the east, VTDs to the south and US-1 and I-95 to the west. The Towns of Lake Park and Mangonia Park are kept whole within the district.

District 89 is wholly located in Palm Beach County. The predominant boundaries of the district are the county line to the north, east and south and S. Military Trail Dixie Highway to the east. The Towns of Palm Beach, South Palm Beach, Palm Beach Shores, Manalapan, Hypoluxo, Ocean Ridge, Gulf Stream and Highland Beach are kept whole within the district.

District 90 is wholly located in Palm Beach County. The predominant boundaries of the district are the Florida Turnpike to the west, VTDs to the north, I-95 to the east and W. Boynton Beach Blvd to the south. The City of Atlantis is kept whole within the district.

District 91 is wholly located in Palm Beach County. The predominant boundaries of the district are the Florida Turnpike to the west, W. Boynton Beach Blvd to the north, S. Congress Ave and N. Military Trail to the east and the county line to the south. The Village of Golf is kept whole within the district.

District 92 is located in Palm Beach and Broward Counties. This area has produced a Black opportunity district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs in all directions. This district moves into Palm Beach (and is the only district to break the Palm Beach/Broward County line in any of the proposals) in order to meet the population and VTD split priorities set forth for this map.

District 93 is wholly located in Broward County. The predominant boundaries of the district are the county line to the north and east and VTDs to the south and west. The Towns of Lighthouse Point, Hillsboro Beach, Lauderdale-by-the-Sea and the Village of Sea Ranch Lakes are kept whole within the district.

District 94 is wholly located in Broward County. This area had produced a majority-minority Black district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs to the west, north and east and I-595 to the south.   The Village of Lazy Lake is kept whole within the district.

District 95 is wholly located in Broward County. This area had produced a majority-minority Black district in years past and this district recreates that opportunity. This area also brings language minorities together into the same district. Are VTDs in all directions. The City of North Lauderdale is kept whole within the district.

District 96 is wholly located in Broward County. The predominant boundaries of the district are the county line to the north, the boundary to the City of Parkland and VTDs to the west, VTDs and the city boundary for Margate to the south and VTDs to the east. The Cities of Parkland and Margate are kept whole within the district.

District 97 is wholly located in Broward County. The predominant boundaries of the district are the county line to the west and north and south and VTDs to the east.

District 98 is wholly located in Broward County. The predominant boundaries of the district are the boundary to the city of Weston west, Griffin Road to the south and VTDs to the north and east.

District 99 is wholly within Broward County. The predominant boundaries of the district are VTDs the west and north, US A1A and VTDs to the east and NW 17th St to the south. The City of Cooper City is split whole within the district in order to meet the population and split VTD priorities set forth for this map.

District 100 is located in Broward and Miami-Dade Counties. The predominant boundaries of the district are US-1 and VTDs to the west, VTDs to the north and south and the county lines to the east. The Cities of Aventura, Sunny Isles Beach, the Towns of Golden Beach, Surfside, Bay Harbor Islands and the Villages of Bal Harbour and Indian Creek are kept whole within the district.

District 101 is located Broward and Miami-Dade Counties. This area has created a Black opportunity district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs to the west and south, NW 17th St to the north and N 21st Ave to the east. The City of West Park and the Town of Pembroke Park are kept whole within the district. The district is not wholly located in Broward County in order to meet the population and VTD split priorities that were set forth for this map.

District 102 is located in Broward and Miami-Dade Counties. This area has created a majority-minority Black district in years past, and this district recreates that opportunity. The predominant boundaries of the district are VTDs in all directions.
District 103 is located in Broward and Miami-Dade Counties. This area has created a majority-minority Hispanic district in years past, and this district recreates that opportunity. The predominant boundaries of the district are VTDs and the Florida Turnpike to the west, VTDs to the north and south and VTDs State Road 826 to the east.

District 104 is wholly located in Broward County. The predominate boundaries of the district are I-595 to the north and VTDs to the west, south and east. The City of Weston is kept whole within the district.

District 105 is located in Collier, Broward and Miami-Dade Counties. Collier County is a Florida county that will receive extra scrutiny from the Department of Justice regarding the opportunity for minority communities to have the ability to elect the candidate of their choice per Section 5 of the Federal Voting

Rights Act. A similarly built district has been a majority-minority Hispanic district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs to the west, the county line and VTDs to the south, Alligator Alley and the Miami-Dade County line to the north and VTDs to the east.

District 106 is located wholly in Collier County. The predominant boundaries of the district are the county line to the west, north and south and Tamiami Trail to the east. The Cities of Naples, Marco Island and Everglades are kept whole within the district.

District 107 is located wholly in Miami-Dade County. This area has produced a majority-minority Black district in years past and this district recreates that opportunity. This area also brings language minorities together into the same district. The predominant boundaries of the district are VTDs to the west, NW 215th St to the north, US-1 to the east and VTDs to the south.

District 108 is wholly located in Miami-Dade County. This area has produced a majority-minority Black district in years past and this district recreates that opportunity. This area also brings language minorities together into the same district.   The predominant boundaries of the district are NW 37th Ave. to the west, VTDs to the north, VTDs and boundaries of the cities of Miami and Miami Shores Village to the east, and I-195 to the south. The Villages of Biscayne Park, Miami Shores and El Portal are kept whole in the district.

District 109 is wholly located in Miami-Dade County. This area has produced a majority-minority Black district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs in all directions.

District 110 is wholly located in Miami-Dade County. This area has produced a majority-minority Hispanic district in years past and this district recreates that opportunity. The predominant boundaries of the district are Palmetto Expressway to the west, the boundary of the City of Miramar to the north, NW 57th Ave to the east and W 21st Street and VTDs to the south.

District 111 is wholly located in Miami-Dade County. This area has produced a majority-minority Hispanic district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs and W 47th Ave to the west and VTDs to the north, east and south. The city of Miami Springs is kept whole in the district.
District 112 is wholly located in Miami-Dade County. This area has produced a majority-minority Hispanic district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs to the west, north and east, US-1 to the south.

District 113 is wholly located in Miami-Dade County. This area has not produced a majority-minority Hispanic district in years past, but this district creates that opportunity. Even though it has a Hispanic Voting Age Population of 52.70%, it is less likely to elect an Hispanic to the Florida House of Representatives than the other majority-minority Hispanic districts in the county. The predominant boundaries of the district are US-1 and VTDs to the west, VTDs to the north and south and the county line to the east. The Cities Miami Beach, North Bay Village and the Village of Key Biscayne are kept whole in the district.

District 114 is wholly located in Miami-Dade County. This area has produced a majority-minority Hispanic district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs in all directions The City of West Miami is kept whole within the district. The Town of Cutler Bay is not kept whole within the district in order to meet the population and VTD split priorities set forth for this map.

District 115 is wholly located within Miami-Dade County. This area has produced a majority-minority Hispanic district in years past and this district recreates that opportunity. The predominant boundaries of the district are VTDs in all directions.

District 116 is wholly located in Miami-Dade County. This area has produced a majority-minority Hispanic district in years past and this district recreates that opportunity. The predominant boundaries of the district are State Road 821 to the west, SW 87th Ave to the east and VTDs to the north and south.

District 117 is wholly located in Miami-Dade County. This area has traditionally elected in African-American to the Florida House of Representatives and this district is likely to recreate that opportunity, despite that is has a voting age population high enough to be a majority-minority Hispanic district. The predominant boundaries of the district are the Florida Turnpike and US-1 to the west, VTDs to the north, US-1 and VTDs to the east and the city boundary of Florida City to the south. The City of Florida City is kept whole within the district.

District 118 is wholly located in Miami-Dade County. This area has produced a majority-minority Hispanic district in years past and this district recreates that opportunity. The predominant boundaries of the district are SW 137th Ave and VTDs to the west, SW 117th Ave to the east and VTDs to the south and north.

District 119 is wholly located in Miami-Dade County. This area has produced a majority-minority Hispanic district in years past and this district recreates that opportunity. The predominant boundaries of the district are SW 177th Ave to the west, SW 8th Street to the north, SW 137th Ave to the east and VTDs to the south.

District 120 contains all of Monroe County and is located in Miami-Dade County. The predominant boundaries of the district are the county line to the west, the county line and VTDs to the north and the county line to the east and south. The Cities of Key West, Marathon and Layton and the Village of Islamorada are kept whole within the district.

B. SECTION DIRECTORY:

Section 1   Provides that the 2010 Census is the official census of the state for the purposes of this joint resolution; Lists and defines the geography utilized for the purposes of this joint resolution in accordance with Public Law 94-171.

Section 2   Provides for the geographical description of the apportionment of the 120 State House districts.

Section 3   Provides for the geographical description of the apportionment of the 40 State Senate districts.

Section 4   Provides for the apportionment of any territory not specified for inclusion in any district.

Section 5   Provides for the apportionment of any noncontiguous territory.

Section 6   Provides that the districts created by this joint resolution constitute and form the representative and senatorial districts of the State.

Section 7   Provides a severability clause in the event that any portion of this joint resolution is held invalid.

Section 8   Provides that this joint resolution applies with respect to the qualification, nomination, and election of members of the Florida Legislature in the primary and general elections held in 2012 and thereafter.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The 2012 reapportionment 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 reapportionment 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