

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HRS 12-05 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 30;
- Reduce the number of cities split from 170 to 98;
- Reduce the total perimeter, width and height of the districts, consistently, based on various methods of measurement;
- Reduce the distance and drive time to travel the average district;
- Reduce the total population deviation from 81.58% to 3.84%; and
- Maintain and possibly increase numbers of elected representation for African-American and Hispanic Floridians.

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.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The 2010 Census

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

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

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

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

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

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

Table 1 below shows the changes in population for each of Florida's current 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		2010 Population	2010 Deviation	
		Count	%		Count	%
1	134,020	834	0.6%	159,402	2,724	1.7%
2	132,612	-574	-0.4%	139,453	-17,225	-11.0%
3	132,921	-265	-0.2%	126,253	-30,425	-19.4%
4	133,438	252	0.2%	144,198	-12,480	-8.0%
5	132,940	-246	-0.2%	154,014	-2,664	-1.7%
6	133,583	397	0.3%	147,936	-8,742	-5.6%
7	133,222	36	0.0%	169,309	12,631	8.1%
8	133,335	149	0.1%	152,934	-3,744	-2.4%
9	133,815	629	0.5%	147,197	-9,481	-6.1%
10	133,367	181	0.1%	151,214	-5,464	-3.5%
11	134,465	1,279	1.0%	163,223	6,545	4.2%
12	132,062	-1,124	-0.8%	159,354	2,676	1.7%
13	132,396	-790	-0.6%	195,431	38,753	24.7%
14	131,893	-1,293	-1.0%	134,417	-22,261	-14.2%
15	131,954	-1,232	-0.9%	124,511	-32,167	-20.5%

District	2000 Population	2000 Deviation		2010 Population	2010 Deviation	
		Count	%		Count	%
61	132,901	-285	-0.2%	242,396	85,718	54.7%
62	132,243	-943	-0.7%	162,165	5,487	3.5%
63	134,713	1,527	1.1%	156,183	-495	-0.3%
64	133,177	-9	0.0%	165,492	8,814	5.6%
65	133,436	250	0.2%	179,502	22,824	14.6%
66	134,437	1,251	0.9%	162,026	5,348	3.4%
67	133,046	-140	-0.1%	241,034	84,356	53.8%
68	131,868	-1,318	-1.0%	128,684	-27,994	-17.9%
69	134,830	1,644	1.2%	132,224	-24,454	-15.6%
70	132,331	-855	-0.6%	150,125	-6,553	-4.2%
71	133,334	148	0.1%	183,147	26,469	16.9%
72	133,199	13	0.0%	167,184	10,506	6.7%
73	133,440	254	0.2%	189,406	32,728	20.9%
74	133,276	90	0.1%	182,460	25,782	16.5%
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%
17	131,971	-1,215	-0.9%	161,943	5,265	3.4%
18	131,882	-1,304	-1.0%	161,190	4,512	2.9%
19	134,499	1,313	1.0%	175,628	18,950	12.1%
20	132,090	-1,096	-0.8%	201,953	45,275	28.9%
21	134,384	1,198	0.9%	145,063	-11,615	-7.4%
22	133,859	673	0.5%	176,739	20,061	12.8%
23	134,120	934	0.7%	142,648	-14,030	-9.0%
24	134,662	1,476	1.1%	166,317	9,639	6.2%
25	134,252	1,066	0.8%	179,031	22,353	14.3%
26	134,314	1,128	0.8%	165,010	8,332	5.3%
27	132,503	-683	-0.5%	131,755	-24,923	-15.9%
28	133,183	-3	0.0%	154,175	-2,503	-1.6%
29	133,692	506	0.4%	160,290	3,612	2.3%
30	132,532	-654	-0.5%	180,594	23,916	15.3%
31	133,546	360	0.3%	138,215	-18,463	-11.8%
32	131,310	-1,876	-1.4%	177,523	20,845	13.3%
33	132,100	-1,086	-0.8%	196,662	39,984	25.5%
34	133,372	186	0.1%	144,119	-12,559	-8.0%
35	134,235	1,049	0.8%	154,735	-1,943	-1.2%
36	134,498	1,312	1.0%	157,126	448	0.3%
37	133,762	576	0.4%	135,554	-21,124	-13.5%
38	133,604	418	0.3%	162,248	5,570	3.6%
39	132,057	-1,129	-0.8%	132,191	-24,487	-15.6%
40	131,857	-1,329	-1.0%	149,664	-7,014	-4.5%
41	132,515	-671	-0.5%	252,332	95,654	61.1%
42	133,934	748	0.6%	214,866	58,188	37.1%
43	133,261	75	0.1%	162,052	5,374	3.4%
44	133,585	399	0.3%	171,652	14,974	9.6%
45	132,702	-484	-0.4%	146,618	-10,060	-6.4%
46	133,040	-146	-0.1%	142,772	-13,906	-8.9%
47	133,784	598	0.4%	157,056	378	0.2%
48	133,784	598	0.4%	136,924	-19,754	-12.6%
49	134,665	1,479	1.1%	172,598	15,920	10.2%
50	133,105	-81	-0.1%	131,026	-25,652	-16.4%
51	133,050	-136	-0.1%	129,144	-27,534	-17.6%
52	133,467	281	0.2%	139,789	-16,889	-10.8%
53	133,941	755	0.6%	133,115	-23,563	-15.0%
54	133,208	22	0.0%	130,417	-26,261	-16.8%
55	132,050	-1,136	-0.9%	133,112	-23,566	-15.0%
56	132,935	-251	-0.2%	192,632	35,954	22.9%
57	134,916	1,730	1.3%	148,460	-8,218	-5.2%
58	131,681	-1,505	-1.1%	131,897	-24,781	-15.8%
59	133,579	393	0.3%	141,651	-15,027	-9.6%
60	132,203	-983	-0.7%	162,605	5,927	3.8%

76	132,709	-477	-0.4%	149,992	-6,686	-4.3%
77	131,816	-1,370	-1.0%	147,455	-9,223	-5.9%
78	132,858	-328	-0.2%	156,153	-525	-0.3%
79	133,830	644	0.5%	187,203	30,525	19.5%
80	134,325	1,139	0.9%	148,503	-8,175	-5.2%
81	132,970	-216	-0.2%	201,633	44,955	28.7%
82	133,132	-54	0.0%	172,265	15,587	9.9%
83	133,850	664	0.5%	168,377	11,699	7.5%
84	132,198	-988	-0.7%	144,934	-11,744	-7.5%
85	132,080	-1,106	-0.8%	193,827	37,149	23.7%
86	133,526	340	0.3%	142,110	-14,568	-9.3%
87	133,861	675	0.5%	137,131	-19,547	-12.5%
88	134,078	892	0.7%	164,967	8,289	5.3%
89	133,810	624	0.5%	140,077	-16,601	-10.6%
90	134,668	1,482	1.1%	142,553	-14,125	-9.0%
91	132,744	-442	-0.3%	129,999	-26,679	-17.0%
92	134,594	1,408	1.1%	133,187	-23,491	-15.0%
93	131,438	-1,748	-1.3%	131,283	-25,395	-16.2%
94	132,783	-403	-0.3%	135,245	-21,433	-13.7%
95	134,393	1,207	0.9%	134,355	-22,323	-14.2%
96	132,697	-489	-0.4%	140,377	-16,301	-10.4%
97	132,239	-947	-0.7%	169,848	13,170	8.4%
98	135,043	1,857	1.4%	134,942	-21,736	-13.9%
99	134,167	981	0.7%	137,645	-19,033	-12.1%
100	132,197	-989	-0.7%	137,630	-19,048	-12.2%
101	133,642	456	0.3%	189,600	32,922	21.0%
102	133,470	284	0.2%	160,952	4,274	2.7%
103	133,827	641	0.5%	138,339	-18,339	-11.7%
104	132,832	-354	-0.3%	137,432	-19,246	-12.3%
105	133,173	-13	0.0%	151,273	-5,405	-3.4%
106	133,343	157	0.1%	150,952	-5,726	-3.7%
107	132,275	-911	-0.7%	156,177	-501	-0.3%
108	132,309	-877	-0.7%	132,251	-24,427	-15.6%
109	132,383	-803	-0.6%	135,230	-21,448	-13.7%
110	132,082	-1,104	-0.8%	132,138	-24,540	-15.7%
111	132,608	-578	-0.4%	139,430	-17,248	-11.0%
112	131,626	-1,560	-1.2%	210,556	53,878	34.4%
113	132,604	-582	-0.4%	136,597	-20,081	-12.8%
114	133,225	39	0.0%	133,125	-23,553	-15.0%
115	133,225	39	0.0%	135,054	-21,624	-13.8%
116	133,596	410	0.3%	134,681	-21,997	-14.0%
117	132,921	-265	-0.2%	150,960	-5,718	-3.6%
118	133,178	-8	0.0%	162,848	6,170	3.9%
119	133,349	163	0.1%	154,679	-1,999	-1.3%
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., *Grove 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 its 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 *Johnson v. De Grandy*, the Court decided that while states are not obligated to maximize the number of minority districts, states are also not given safe harbor if they achieve proportionality between the minority population(s) of the state and the number of minority districts.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 scrutiny²⁹ 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 or 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 retrogression³⁹ 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 or more of the total population. In the majority of those districts, 15 of 27, African-Americans represented 20 to 29 percent of the total population. None of the 15 districts elected an African-American to the Florida House of Representatives.

**Table 3. 1982 House Plan
Only Districts with Greater Than 20% African-American Population⁴³**

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 Population⁴⁴**

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.⁵⁵⁵⁶ 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 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 H000H9023

Plan File Name: H000H9023					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 :	30 Split of 67 used												
District Population Range:	153,961 to 159,978				City or District Split :	98 Split of 411 used												
District Deviation Range:	(-2,716) To 3,301				VTD's Split :	499 Split of 9,436 used												
Deviation:	(-1.73) To 2.10 Total 3.84%																	
Number of Districts by Race Language																		
	20%+	30%+	40%+	50%+	60%+													
Current Black VAP	23	17	13	11	3													
New Black VAP	20	17	13	12	2													
Current Hisp VAP	39	22	16	13	11													
New Hisp VAP	35	23	19	16	10													
Plan Name:	H000H9023				Number of Districts	120												
Spatial Measurements - Map Based																		
	Base Shapes			Circle - Dispersion					Convex Hull - Indentation							Width	Height	W+H
	Perimeter	Area	P/A	Perimeter	Area	P/A	Pc/P	A/Ac	Perimeter	Area	P/A	Pc/P	A/Ac	Width	Height	W+H		
H9023-Map	12,831	65,934	19.46%	12,617	185,786	6.79%	98.33%	35.48%	10,108	86,997	11.61%	78.77%	75.78%	3,168	2,818	6,336		
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		
H9023-Simple	11,831	65,847	17.96%				106.64%	35.44%				85.43%	75.68%					
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						
H9023-Map	9	9	9	8	14	14	12	11	23	23	20	19						
Current Map	12	12	11	10	17	17	15	14	26	26	23	22						

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STORAGE NAME: pcb05.HRS

DATE: 1/3/2012

District-by-District Summary Statistics for the Proposed State House Map⁹⁰

District ID	Pop Dev	TPOP10	%AllBlkVAP10	%AllHispVAP10	%HaitianPOPACS
1	806	157,483	20.08	3.72	0.35
2	977	157,654	20.00	4.81	0.27
3	429	157,106	6.12	3.54	0.09
4	893	157,570	9.88	6.29	0.04
5	2,732	159,409	13.76	3.73	0.22
6	2,378	159,055	10.84	4.16	0.21
7	-489	156,188	21.62	4.38	0.19
8	-435	156,242	50.01	6.74	0.90
9	-628	156,049	15.80	4.82	0.23
10	-254	156,423	16.71	5.03	0.16
11	-880	155,797	8.65	4.30	0.13
12	-791	155,886	13.61	8.88	0.31
13	-28	156,649	50.82	5.81	0.84
14	-474	156,203	52.51	4.48	0.57
15	-1,056	155,621	16.74	7.35	0.49
16	78	156,755	12.83	8.68	0.11
17	1,249	157,926	5.39	4.66	0.13
18	-1,581	155,096	13.65	6.92	0.51
19	-1,823	154,854	14.67	5.42	0.02
20	179	156,856	31.20	7.73	0.69
21	241	156,918	8.70	7.76	0.23
22	-1,951	154,726	8.68	11.15	0.31
23	-1,071	155,606	8.21	7.63	0.03
24	1,219	157,896	8.13	7.77	0.33
25	-1,403	155,274	3.07	3.45	0.14
26	-2,555	154,122	21.02	6.88	0.49
27	-1,567	155,110	7.48	17.85	0.62
28	-640	156,037	10.84	14.91	0.18
29	1,670	158,347	12.06	14.94	0.22
30	2,612	159,289	12.44	14.59	0.78
31	-272	156,405	7.59	6.72	0.26
32	494	157,171	9.71	16.66	0.61
33	-195	156,482	8.35	4.77	0.22
34	466	157,143	2.64	4.17	0.03
35	194	156,871	5.13	9.10	0.14
36	-1,830	154,847	2.49	7.76	0.02
37	-1,684	154,993	3.20	8.76	0.08
38	-1,820	154,857	7.33	13.10	0.18
39	-1,104	155,573	7.73	14.99	0.43

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 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.

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40	-1,649	155,028	15.98	11.41	0.32
41	-1,423	155,254	16.41	14.22	1.82
42	-1,762	154,915	11.52	24.76	0.89
43	886	157,563	15.48	54.95	1.91
44	552	157,229	16.80	29.91	3.95
45	1,833	158,510	18.71	19.74	0.94
46	0	156,677	61.04	13.50	8.36
47	379	157,056	16.48	19.56	2.26
48	-248	156,429	12.41	52.44	1.24
49	2,080	158,757	10.44	23.47	0.47
50	2,247	158,924	10.14	18.66	0.20
51	2,729	159,406	10.26	5.59	0.21
52	2,975	159,652	5.78	6.26	0.18
53	2,737	159,414	12.49	10.17	1.66
54	-624	156,053	8.76	8.68	0.69
55	-795	155,882	8.51	15.96	0.35
56	-1,637	155,040	11.23	23.31	0.21
57	741	157,418	9.74	17.07	0.16
58	1,891	158,568	12.90	20.02	0.54
59	1,555	158,232	14.17	18.91	0.45
60	1,840	158,517	7.13	15.97	0.33
61	2,844	159,521	51.26	20.60	1.95
62	1,776	158,453	12.68	51.89	0.41
63	1,495	158,172	14.19	18.01	0.71
64	1,141	157,818	5.55	14.15	0.27
65	1,192	157,869	2.85	5.33	0.02
66	1,901	158,578	5.85	5.23	0.01
67	1,747	158,424	7.36	11.26	0.05
68	1,874	158,551	5.88	7.12	0.05
69	2,233	158,910	4.04	6.31	0.12
70	-2,716	153,961	45.11	15.34	1.20
71	1,917	158,594	4.28	9.54	0.80
72	2,490	159,167	2.70	8.93	0.19
73	2,655	159,332	3.72	7.20	0.63
74	1,287	157,964	2.56	3.95	0.61
75	3,301	159,978	5.45	4.67	0.75
76	-2,362	154,315	1.38	8.91	0.02
77	-988	155,689	4.04	17.23	0.70
78	-2,123	154,554	13.57	14.30	2.40
79	-2,481	154,196	10.75	21.74	2.05
80	-1,040	155,637	8.74	33.21	2.43
81	974	157,651	17.30	16.90	2.86
82	-262	156,415	3.82	11.75	0.61
83	-190	156,487	12.06	12.51	1.72
84	-147	156,530	18.97	13.65	3.48
85	1,318	157,995	8.64	10.14	1.14

86	107	156,784	16.71	19.48	2.53
87	-26	156,651	15.66	50.02	4.66
88	43	156,720	51.77	14.30	10.83
89	-1,505	155,172	7.60	9.54	3.53
90	-1,704	154,973	13.25	16.76	5.33
91	-55	156,622	4.85	7.19	3.22
92	-1,749	154,928	34.00	17.77	10.65
93	1,138	157,815	5.34	11.18	2.06
94	-316	156,361	54.56	12.05	10.58
95	-1,795	154,882	57.66	16.92	13.00
96	-1,584	155,093	15.82	19.04	3.58
97	-979	155,698	16.88	24.29	1.87
98	-1,493	155,184	12.87	23.72	1.85
99	-948	155,729	12.91	29.13	1.81
100	-1,893	154,784	6.11	34.00	0.76
101	-1,789	154,888	36.37	33.68	6.54
102	256	156,933	52.76	37.39	5.02
103	-844	155,833	10.04	82.09	1.57
104	-1,443	155,234	10.98	43.24	1.67
105	-1,226	155,451	11.20	68.69	2.93
106	-1,214	155,463	2.95	10.25	2.08
107	308	156,985	56.86	26.39	25.55
108	648	157,325	62.67	25.63	25.69
109	899	157,576	50.09	46.46	4.41
110	-1,189	155,488	6.15	89.47	0.78
111	-16	156,661	3.65	93.29	0.13
112	-1,355	155,322	4.73	90.37	0.51
113	-2,425	154,252	6.25	52.05	0.28
114	-265	156,412	7.14	63.86	0.64
115	-462	156,215	5.69	65.51	0.63
116	888	157,565	3.14	84.57	0.53
117	204	156,881	36.99	55.15	3.58
118	-115	156,562	6.38	81.21	1.01
119	-507	156,170	3.97	86.77	0.49
120	-1,753	154,924	8.97	40.12	2.05

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 the city boundaries of Pensacola. The district edges around the City of Pensacola in order to keep all of the city within District 2. The Town of Century is kept whole within the district. This district is very similar to District 1 in HPUBH0048, HPUBH0018, and District 2 in HPUBH0138 and others.

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 Cities of Pensacola and Gulf Breeze are kept whole within the district.

Areas within Santa Rosa County that are connected by bridges for accessibility issues for the constituents of the district were considered when the district was built. This district is very similar to District 2 in HPUBH0048, HPUBH0018, and District 3 in HPUBH0138 and others.

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 both counties and I-10 to its south in Okaloosa County, with the exception of the City of Crestview, which is wholly located in District 4. The Cities of Milton and Laurel Hill are kept whole within the district, as is the Town of Jay. While Santa Rosa County may mathematically be able to be kept whole in a House plan by population, its placement between two counties that are larger in population than the ideal population for a House district makes it impossible for Santa Rosa County to be kept whole. To that end, 85% of the District 3's population is in Santa Rosa County. This district is very similar to District 3 in HPUBH0107, HPUBH0048, and HPUBH0112 and others.

District 4 is located wholly within Okaloosa County. Its predominant boundaries are the county line to its west, south and east, and I-10 to the north, with the exception of the city boundaries of the City of Crestview, which is wholly located within the district. The Cities of Crestview, Niceville, Valparaiso, Fort Walton Beach and Destin are kept whole within the district, as is the Town of Shalimar. The Mayor of Destin testified at the Fort Walton Beach public hearing that the city of Destin should be kept whole within a district. This district is very similar to District 4 in HPUBH0107, SPUBH0067, and District 5 in HPUBH0048 and others.

It is important to note that Districts 1-4 we all built in order to have similar population deviations.

District 5 contains all of Walton, Holmes, Washington and Jackson Counties and is also located in Bay County. The predominant boundaries of the district are county lines as well as W. Highway 388 and Highway 231 in Bay County. The Cities of 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. Since Bay County's population is too large to be kept whole within a House district, the remaining population needed to complete the district came from there. An individual at the Panama City public hearing testified that South Walton should be kept together in a district. This district is very similar to District 5 in HPUBH0107, SPUBH0067, and District 6 in HPUBH0048 and others.

District 6 is wholly located within Bay County. The predominant boundaries of the district are the county line/shore line to the west south and east and W. Highway 388 and Highway 231 to the north. The Cities of Panama City Beach, Lynn Haven, Panama City, Callaway, Parker and Mexico Beach are kept whole within the district. In the Panama City public hearing, we heard testimony from numerous residents wanting to see Bay County kept whole within a House district (NW-17). While that is not possible due to the population of the county being more than that of an ideal House district, District 6 is all within the county. The Committee received written testimony saying that Bay County should be kept whole within a district. This district is very similar to District 6 in HPUBH0107, SPUBH0074, SPUBH0067 and others.

District 7 contains all of Calhoun, Gulf, Liberty, Franklin, Wakulla, Jefferson, Madison, Taylor and Lafayette Counties and is also in Leon County. The predominant boundaries for the district are county lines in all directions and VTDs and Bice Road in Leon County. 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, Lee and Mayo. Since Leon County's population is too large to be kept whole within a House district, the remaining population needed to complete the district came from there, while not creating another split in the City of Tallahassee. While this district does lead to a three-way split of Leon County, the City of Tallahassee avoids being split three ways and is only split twice. We received social media testimony saying that Wakulla and Leon should share the same Representative. The Committee received written testimony saying that Franklin County should be grouped with other rural counties. This district is similar to District 6 in HPUBH0045, HPUBH0027, and District 7 in SPUBH0156 and others.

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 Bice Road 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. This district is very similar to District 8 in SPUBH0156, HPUBH0116, and HPUBH0107 and others.

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. This district is very similar to District 9 in SPUBH0156 and HPUBH0116.

District 10 contains all Hamilton, Suwannee, Columbia and Baker Counties and is also located in Alachua County. The predominant boundaries of the district are the various counties lines to the west, north, east and south as well as NW CR-236, NW 140th Street and NW CR-235A in Alachua County. The Cities of Jasper, Live Oak, Lake City and Macclenny are kept whole within the district as are the Towns of Jennings, Branford, Fort White, White Springs and Glen St. Mary. Since Alachua's County's population is too large for a House district and must be split, the extra population needed to complete the district came from there. The Committee received verbal testimony at the public hearings saying we should keep Columbia and Baker Counties whole. This district is very similar to District 10 in HPUBH0018, HPUBH0107, and District 11 in HPUBH0128 and others.

District 11 contains all of Nassau County and portions of Duval County. The predominant boundaries for the district are the Nassau County line to the west, north and east as well as US-9A and Cedar Point Road in Duval County. 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 Committee received public testimony saying that we should keep Nassau County whole within a district.

District 12 is wholly contained within Duval County. Its predominant boundaries are US-9A and Cedar Point Road to the north, I-95 and VTDs to the west, Butler Blvd to the south and VTDs to the east. The district takes up a small amount of geography in an urban area that follow roadways as well as VTDs and railways. This district is very similar to District 15 in HPUBH0112, SPUBH0067, SPUBH0074 and others.

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. This district is very similar to District 14 in HPUBH0107 and District 15 in HPUBH0116.

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. This district is very similar to District 13 in HPUBH0107 and District 14 in HHPUBH0116 and SPUBH0156.

District 15 is located in Duval and Clay Counties. The predominant boundaries of the district are Shindler Drive and VTDs to the west, I-10, Roosevelt Blvd and VTDs to the north and VTDs to the east and south. The City of Orange Park is kept whole within the district. During the Jacksonville public hearing, the Committee heard testimony from numerous residents of Clay County expressing their desire that their county be kept whole within a district.

District 16 is wholly contained within Duval County. The predominant boundaries to the district are VTDs to the west and north and the county line to the east and south. This district is very similar to District 14 in HPUBH0018, District 16 in HPUBH0048, and District 39 in HPUBH0027 and others.

District 17 is wholly contained within St. Johns County. The predominant boundaries of the district are the county line to the west, north and east and VTDs and County Road 214 to the south. The district's boundaries were built in such a way to keep the Cities of St. Augustine and St. Augustine Beach whole within the district. The Committee received testimony in the St. Augustine public hearing from

numerous residents asking that St. Johns County be kept whole within a district. St. Johns County's population is too large for a House district, but District 17 was built wholly within the county. The Committee received written testimony that St. Augustine should be kept whole within a district. This district is very similar to District 7 in HPUBH0047, District 19 in HPUBH0018, and District 38 in HPUBH0027.

District 18 is located in Duval and Clay Counties. The predominant boundaries of the district are the county line to the west and north and VTDs to the east and south. The Town of Baldwin is kept whole within the district. During the Jacksonville public hearing, the Committee heard testimony from numerous residents of Clay County expressing their desire that their county be kept whole within a district. This district is very similar to District 13 in SPUBH0156.

District 19 contains all of Bradford, Putnam and Union Counties and is located in Clay County. The predominant boundaries of the district are the county boundaries to the west, south and east and VTDs, Alligator Blvd., North Road and Sandridge Road to the north in Clay County. 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. The Committee received written testimony saying that Clay County should be split no more than two times. This district is very similar to District 21 in HPUBH0120, HPUBH0126 and others.

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, SW Archer Road to the west in Alachua County, North US Highway 27 to the south in Marion County and North US Highway 441 to the east in Marion County. 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 and Gilchrist Counties and is located in Alachua County. Its predominant boundaries county lines to the west and south, US Highway 441 to the east in Alachua County and Archer Road to the south in Alachua County. The boundaries also curve around the City of Newberry's boundaries in order for it to be wholly within the district. The Cities of Trenton as well as the Towns of Horseshoe Beach, Cross City and Bell are kept whole, too. This district is very similar to District 12 in HPUBH0018.

District 22 contains all of Levy County and is located in Marion County. Its predominant boundaries are the county line to the west, north and south and N US Highway 27 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 Committee received testimony throughout the public hearings calling for counties to be kept whole when possible. The Committee also received testimony from residents in Marion County calling for two House districts being placed within the county. District 23 is entirely within the county and 74% of District 22's population is within Marion County as well.

District 23 is wholly contained within Marion County. Its predominant boundaries are the county line to the north and east, US Highway 441 to the west and VTDs and the county line to the south. The City of Belleview is kept whole within the district. The Committee heard testimony from residents of Marion County expressing their desire to have their county kept whole within a district in the Villages and Gainesville public hearings. This district is very similar to District 24 in SPUBH0156 and HPUBH0116.

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 district was also built in a way so that the City of Ormond Beach would only be split twice, as opposed to three times. The Cities of Palm Coast and Bunnell are kept whole within the district as are the Towns of Hastings, Marineland and Pierson. During the St. Augustine public hearing, the Committee heard from many residents of the area that they would like to see St. Johns and Flagler County linked, keep Flagler County and parts within it (specifically the City of Palm Coast) whole within

a district. All of these items that were brought forth by the public are addressed in District 24. This district is very similar to District 8 in HPUBH0047, District 20 in HPUBH0135, District 23 in SPUBH0074 and others.

It is important to note that after areas of Volusia County is assigned to District 24, the population of the county that is remaining is roughly equal to three House districts. Those districts are Districts 25, 26, and 27.

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, Tomoka Farms Road to the west and I-95 and SR 442 to the south. The Cities of Daytona Beach Shores, Port Orange and New Smyrna Beach are kept whole within the district as is the Town of Ponce Inlet. Between Districts 24 and 25, the boundaries were drawn to split the City of Ormond Beach as little as possible as the Committee received testimony asking for it to be kept whole. This district is very similar to District 30 in HPUBH0048.

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 Clark Bay Road 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 the city boundaries of the City of Port Orange and East New York Avenue to the south. The City of DeLand is kept whole within the district. This district is very similar to District 29 in HPUBH0048.

District 27 is wholly located in Volusia County. Its predominant borders are the county line to the west, south and east and State Road 44 and I-4 to the north. The Cities of DeBary, Deltona and Oak Hill are kept whole within the district. The Committee heard testimony from numerous residents of Deltona asking that they be kept whole within a district. This district is very similar to District 31 in HPUBH0048.

District 28 is wholly within Seminole County. The predominant boundaries of the district are the county line to the north, east and south and US 17-92 to the west. The Cities of Winter Springs and Oviedo are kept whole within the district. The Committee heard testimony throughout the public hearings requesting that counties be kept whole or split as little as possible.

District 29 is located in Orange and Seminole Counties. The predominant boundaries of the district are VTDs near Wekiva Springs State Park to the west, the county lines to the north, US 17-92 to the east and Semoran Blvd and State Road 434 to the south. The City of Lake Mary is kept whole in the district. The Committee received written testimony requesting that South Lake County be kept together and that its natural connection to Orlando be considered.

District 30 is located in Orange and Seminole Counties. The predominant boundaries of the district are the county line and VTDs to the west, States Road 436 and 434 to the north, S. Winter Park Drive, Lake Howell Road and Semoran Blvd to the east and VTDs to the south. The cities of Winter Park, Eatonville and Maitland kept whole in the district. This district is very similar to District 14 in HPUBH0047.

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 Florida Turnpike to the south. The Cities of Umatilla, Mount Dora, Eustis and Tavares and the Towns of Howey-in-the-Hills, Astatula and Monteverde are all kept whole within the district. The Committee received verbal testimony at the public hearings saying that Mount Dora, Eustis, and Tavares should be in the same district. This district is very similar to District 25 in HPUBH0011, District 35 in HPUBH0107, and District 47 in HPUBH0048 and others.

District 32 is located in Lake and Orange counties. The predominant boundaries of the district are the county line to the west and south, the Florida turnpike to the north and S. Apopka Vineland Road to the east. The Cities of Mascotte, Clermont, Bay Lake and Lake Buena Vista 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. While keeping Sumter County whole within the district it also keeps cities whole and uses the remaining population need to complete the district in a way that was able to keep one district wholly within Marion County and one district wholly within Lake County. The Committee received verbal testimony at the public hearings saying that we should keep all of Lake and Sumter counties, as well as part of Marion County together in a district. The Committee also received verbal and written testimony saying that The Villages should be kept whole within a district. This district is very similar to District 28 in HPUBH0067, HPUBH0134, District 42 in HPUBH0116, and others.

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. The Committee received verbal testimony at the public hearings saying that we should consider using the Suncoast Parkway as a boundary. This district is very similar to District 31 in HPUBH0107, District 43 in SPUBH0156 and HPUBH0116, and others.

District 35 is wholly contained with Hernando County. Its predominant boundaries are the county line to the south and east, VTDs to the north and the Suncoast Parkway to the west. The Cities of Brooksville and Weeki Wachee are kept whole within the district. It is important to note that the district's boundaries were built in a manner to keep Weeki Wachee whole. The Committee received verbal testimony at the public hearings saying that we should consider using the Suncoast Parkway as a boundary. This district is very similar to District 33 in HPUBH0107, District 44 in HPUBH0116 and SPUBH0156, and others.

It is important to note that the population of Pasco County is roughly that of three House districts. The Committee received testimony during the Wesley Chapel public hearing calling for three districts that run north to south in Pasco County, to create a western, central and eastern district. Those districts are 36, 37 and 38.

District 36 is wholly within Pasco County. The predominant boundaries for the district are the county line to the north, west and south and Little Road to the east. The Cities of Port Richey and New Port Richey are kept whole within the district. This district is very similar to District 36 in HPUBH0107, District 45 in HPUBH0048, and District 57 in HPUBH0079.

District 37 is wholly within Pasco County. The predominant boundaries for the district are Little Road to the west, the county line to the north and south and VTDs to the east. The committee received verbal testimony at the public hearings that Central Pasco was a unique community. This district is very similar to District 37 in HPUBH0107 and District 44 in HPUBH0048.

District 38 is wholly within Pasco County. The predominant boundaries for the district are VTDs to the west and the county line to the north, south and east. The Cities of Dade City, San Antonio and Zephyrhills are kept whole within the district as is the Town of St. Leo. This district is very similar to District 38 in HPUBH0107 and District 61 in HPUBH0016 and HPUBH0024.

District 39 is located in Polk and Osceola Counties. The predominant boundaries for the district are the Polk and Osceola county lines to the North, the Polk county line to the west, US 17-92 to the south in Polk County, and Poinciana Blvd to the east in Osceola County. The City of Davenport and the Town of Polk City are kept whole in the district. The Committee received written testimony from The City of Davenport requesting that they be placed in a district that is predominantly in Polk County. 88% of District 39's population is in Polk County.

District 40 is wholly within Polk County. The predominant boundaries to the district are the county line to the west, S. Combee Road and Bartow Road to the east, Ewell Road and W. County Road 540A to the south and Desson Road and W. Daughtery Road to the north to create a small, geometric shape. This district is very similar to District 64 in SPUBH0087, SPUBH0067, HPUBH119, and others.

District 41 is wholly within Polk County. The predominant boundaries to the district are S. Combee Road and Bartow Road to the west, US 17-92, VTDs and the county line to the north, VTDs to the east and Thompson Nursery Road to the south. The City of Eagle Lake and the Town of Lake Hamilton are kept whole in the district. This district is very similar to District 65 in SPUBH0087, HPUBH0134, HPUBH0112, and others.

District 42 is located in Osceola and Polk Counties. The predominant boundaries to the district are the Osceola County line to the north and east, the Osceola and Polk County lines to the south and US-27 and VTDs to the west. The City of St. Cloud is kept whole within the district. The Committee received testimony from the Polk County Commission asking that four House districts have the majority of their populations be in Polk County. Those districts are Districts 39, 40, 41 and 56. District 42 was built in a manner to allow District 56 to have the majority of its population in Polk County.

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, East Lake Tohopekaliga, the city boundary for the City of Kissimmee and Pleasant Hill Road to the east and Poinciana Road and CR 530 to the west. The City of Kissimmee is kept whole within the district. This district is very similar to District 36 in HPUBH0047 and District 41 in SPUBH0156.

District 44 is wholly located in Orange County. The predominant boundaries of the district are S. Apopka Vineland Road to the west, VTDs to the north, the Florida Turnpike to the east and the county line to the south. The Committee heard testimony throughout the public hearings requesting that counties be kept whole or split as little as possible.

District 45 is wholly located in Orange County. The predominant boundaries of the district are the county line to the west, the county line and VTDs near Wekiwa Springs State Park to the north and VTDs to the east and south. The Town of Oakland is kept whole in the district. This district is very similar to District 38 in HPUBH0037 and HPUBH0116.

District 46 is wholly contained 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 VTDs to the west, north, east and south. This district is very similar to District 39 in HPUBH0037, SPUBH0156, and HPUBH0116.

District 47 is wholly located in Orange County. The predominant boundaries of the district are State Road 423, VTDs, I-4 and US-41 to the west, VTDs to the north, Semoran Blvd to the east and Hoffner Avenue and VTDs to the south. The City of Edge wood is kept whole within the district. The Committee heard testimony throughout the public hearings requesting that counties be kept whole or split as little as possible.

District 48 is wholly located 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 of the district are US 17-92 and the Florida Turnpike to the west, E. Colonial Drive, Hoffner Avenue and VTDs to the north, VTDs and the boundary to the City of Orlando to the east and the county line to the south. The Committee received verbal testimony during the public hearings saying that a Hispanic majority district in Orange County should be created. This district is very similar to District 1 in HPUBH0101.

District 49 is located in Seminole and Orange Counties. The predominant boundaries of the district are State Road 436, Dodd Road and Forsythe Road N to the west, Red Bug Lake Road, VTDs and the county line to the north, a railway to the east and VTDs to the south. The Committee received testimony during the Orlando public hearing calling for a University of Central Florida based district. The entire campus of the university is located within the district as are many of the areas where students live and work.

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. The Committee received testimony requesting that Eastern Orange County be kept together in a 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. It is important to note that the boundaries were built in a manner to keep the City of Cocoa Beach whole within the district. Other cities kept whole in the district are Cocoa, Rockledge and Cape Canaveral. This district is very similar to District 46 in SPUBH0074, HPUBH0134 and others.

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. This district is very similar to District 28 in HPUBH0107 and others.

District 53 is wholly within Brevard County. The predominant boundaries for the district are US-192 and VTDs to the north, and the county line to the east, west and south. The Towns of Malabar and Grant-Valkaria are kept whole within the district. This district is very similar to District 48 in SPUBH0087 and others.

District 54 contains all of Indian River County and is located in St. Lucie County. The predominant boundaries of the district are the county line to the north, east and west and VTDs to the south in St. Lucie County. The Cities of Fellsmere, Sebastian and Vero Beach are kept whole within the district, as are the Towns of Orchid and Indian River Shores. This district is very similar to District 67 in SPUBH0087, HPUBH0119, and HPUBH0112.

District 55 is contains all of Highlands, Glades and Okeechobee Counties and is located in St. Lucie County. The predominant boundaries for the district are the county lines to the north, west and south and VTDs to the east in St. Lucie County. The Cities of Avon Park, Sebring, Okeechobee and Moore Haven are kept whole within the district as is the Town of Lake Placid. St. Lucie County's population is too large for a House district and mathematically had to be split. The Committee received verbal testimony at the public hearings that Highlands County should be in one district and also received verbal testimony at the public hearings saying that Highlands and Glades counties be in the same district. This district is very similar to District 62 in HPUBH0048, District 67 in HPUBH0047, and District 78 in HPUBH0107.

District 56 contains all of DeSoto and Hardee Counties and is located in Polk County. The predominant boundaries of the district are the county lines to the west and south, VTDs to the north and county lines and US Highway 27 to the east, making it near rectangular in shape. The Cities of Mulberry, Fort Meade, Bowling Green, Wauchula and Arcadia are kept whole within the district, as is the Town of Zolfo Springs. This district is similar to a district that was requested in the Wauchula public hearing, where a district that had US-17 be a major transportation artery be created. The Committee also received verbal testimony asking that DeSoto County be grouped with Hardee County within a district.

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, 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 are kept 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, State Road 60 West to the north and US Highway 41 and I-75 to the west. This district is very similar to District 70 in SPUBH0067, SPUBH0074, and SPUBH0087.

District 58 is wholly contained in Hillsborough County. The predominant boundaries of the district are the county line to the north and east, State Road 60 and State Road 574 to the south and US Highway 301 and VTDs to the 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. The Committee received written testimony asking that the City of Temple Terrace be kept whole.

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. This district is also consistent with testimony that we heard in the Tampa public hearing, which requested a district be built that contains the unincorporated areas of Brandon, Valrico and Riverview together. This district is very similar to District 48 in HPUBH0027, HPUBH0045, and HPUBH0079.

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. This district is very similar to District 52 in HPUBH0079, District 57 in HPUBH0037, and District 65 in HPUBH0107.

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 the Hillsborough River and N. Armenia Ave. to the west, E. Fletcher Avenue and VTDs to the north, VTDs, US Highway 301 and State Road 574 to the east and VTDs to the south. This district is very similar to District 51 in HPUBH0045, District 59 in SPUBH0156, and District 62 in HPUBH0107 and others.

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. This district is very similar to District 61 in HPUBH0027, HPUBH0045, and HPUBH0079 and others.

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, Morris Bridge Road and VTDs to the east and W. Busch Blvd to the south. The Committee received testimony requesting that counties be kept whole and or split as little as possible.

District 64 is located in Hillsborough and Pinellas Counties. The predominant boundaries of the district are State Road 611 to the west, the county line and Keystone Road 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. The Committee received testimony requesting that small cities in Pinellas County be kept whole as well as requesting that Dale Mabry Highway in Hillsborough County be used as a boundary for districts.

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 Cities of Tarpon Springs and Dunedin are kept whole within the district and it is important to note that the district was built in a manner to keep Dunedin whole. This district is very similar to District 48 in SPUBH0156 and HPUBH0107.

It is important to note that when a railway that essentially bisects the peninsula of Pinellas County in half, four districts that are mainly the northwest, northeast, southwest and southeast quadrants of the peninsula can be created. Those districts are Districts 66-69.

District 66 is wholly located in Pinellas County. The predominant boundaries of the district are the county line to the west, VTDs to the north, South Missouri Avenue and a railway to the east and Park Blvd N to the south. The Cities of Belleair Beach, Belleair Bluffs, Indian Rocks Beach and Seminole are kept whole in the district as are the Towns of Belleair Shore and Belleair. It is important to note that the district's boundary to the south was built in a manner to keep the City of Seminole whole. This district is very similar to District 54 in SPUBH0156.

District 67 is wholly located in Pinellas County. The predominant boundaries of the district are the S. Missouri Avenue and a railway to the west, VTDs to the north, VTDs and the county line to the east and VTDs to the south. This district is very similar to District 50 in SPUBH0156 and District 56 in HPUBH0048.

District 68 is wholly located in Pinellas County. The predominant boundaries of the district are the railway to the west, VTDs to the north and south and the county line to the east. This district is very similar to District 52 in SPUBH0156, District 65 in HPUBH0079 and others.

District 69 is wholly located in Pinellas County. The predominant boundaries of the district are county line to the west and south, VTDs to the north and a railway and I-275 to the 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. The Committee received verbal testimony at the public hearings asking that Gulfport be kept whole within a district. This district is very similar to District 59 in HPUBH0107.

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 of the district are VTDs to the north in Pinellas County and Hillsborough County, State Road 674 and US Highway 41 to the east in Hillsborough County, 69th Street E and 28th Ave E and US Highway 301 to the east in Manatee County, VTDs to the east and south in Sarasota County, VTDs and I-275 to the west in Pinellas County, the county line to the west in Hillsborough County, I-275 and VTDs to the west in Manatee County and Tamiami Trail to the west in Sarasota County. It is important to note that the manner in which the district was built in Manatee and Sarasota Counties creates four districts to be in one or both of the counties, which is consistent with testimony that the Committee received during the public hearing in Sarasota. The Committee received testimony asking that the Sarasota-Bradenton Airport be kept whole within a district. This district is very similar to District 55 in SPUBH0156 and HPUBH0116.

District 71 is located in Manatee and Sarasota Counties. The predominant boundaries of the district are the county lines to the west, the county line and I-275 to the north, VTDs to the east and south. The Cities of Anna Maria, Holmes Beach, Bradenton Beach and the Town of Longboat Key are kept whole within the district. It is important to note that Longboat Key is kept whole within the district, despite that its boundaries span both Manatee and Sarasota counties. This district is also consistent with testimony that the Committee received in the Sarasota public hearing requesting that four districts be built within the two counties. This district is very similar to District 64 in HPUBH0048, District 68 in HPUBH0037, and District 72 in HPUBH0134.

District 72 is wholly in Sarasota County. The predominant boundaries of the district are the county line and US Highway 301 to the west, the county line to the north, I-75 to the east and VTDs to the south.

This district is also consistent with testimony that the Committee received in the Sarasota public hearing requesting that four district be built with Manatee and Sarasota Counties. This district is very similar to District 66 in HPUBH0048 and District 69 in SPUBH0156.

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, the Manatee and Sarasota County lines to the east and VTDs and State Road 72 to the south. The district also includes the community of Lakewood Ranch, which was requested to be kept whole within a district during the Sarasota public hearing. This district is also consistent with testimony that the Committee received in the Sarasota public hearing requesting that four district be built with Manatee and Sarasota Counties. This district is very similar to District 67 in SPUBH0156 and HPUBH0116.

District 74 is wholly located in Sarasota County. The predominant boundaries of the district are the county line to the west, east and south and State Road 72 and the county line to the north. The Cities of Venice and North Port are kept whole within the district. This district is also consistent with testimony that the Committee received in the Sarasota public hearing requesting that four district be built with Manatee and Sarasota Counties. This district is very similar to District 70 in SPUBH0156.

District 75 is all of Charlotte County. All of the county's boundaries are the boundaries of the district. The City of Punta Gorda is kept whole within the district. The Committee received verbal testimony at the public hearings asking for Charlotte to be contained within one district. This district is very similar to District 68 in HPUBH0048 and District 73 in HPUBH0107.

It is important to note that mathematically, Lee County's population is roughly the same as four House districts. Those districts are Districts 76-79.

District 76 is wholly located in Lee County. The predominant boundaries of the district are county line to the north, west and south and San Carlos Bay to the east. The Cities of Sanibel and Bonita Springs are kept whole within the district, as is the Town of Fort Myers Beach. The Committee received written testimony asking to keep Bonita Springs whole within a district. This district is very similar to District 71 in HPUBH0048, District 75 in HPUBH0116 and SPUBH0156 and others.

District 77 is wholly located in Lee County. The predominant boundaries of the district are San Carlos Bay to the west and south, the county line to the north and the city boundaries of Cape Coral to the east. The City of Cape Coral is kept whole within the district and it is important to note that the district was built in a manner to keep the City of Cape Coral whole, as the City's population is near that of a House district. This district is very similar to District 73 in HPUBH0027, District 74 in HPUBH0107 and HPUBH0116, and others.

District 78 is wholly located in Lee County. The predominant boundaries of the district are the city boundaries of Cape Coral to the west, the county line to the north, I-75 and State Road 82 to the west and Daniels Parkway to the south. The City of Fort Myers is kept whole within the district and it is important to note that the district was built in a manner to do that. This district is very similar to District 73 in HPUBH0116 and SPUBH0156, District 76 in HPUBH0107 and others.

District 79 is wholly located in Lee County. The predominant boundaries to the district are I-75, the boundaries of Fort Myers, State Road 82 and Tamiami Trail to the west, the county line to the north and east and Corkscrew Road and the county line to the south. The Committee received written testimony asking for Lehigh Acres to be kept whole within a district. This district is very similar to District 73 in HPUBH0055, District 74 in HPUBH0045 and HPUBH0079.

District 80 contains all of Hendry County and is located in Collier County, both of which 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 I-75 (Alligator Alley) to the south. The Cities of Clewiston and LaBelle are kept

whole within the district. The Committee received written testimony asking for Collier County to be split into three State House districts.

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. The Committee received written testimony asking that Palm Beach County be split into 9 State House districts and received verbal testimony from the public hearings asking that Belle Glade and Pahokee be kept together within a district.

District 82 is located in Martin and Palm Beach Counties. The predominant boundaries of the district are the Martin County line and I-95 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. This district is consistent with testimony that was received in the Stuart public hearing requesting that Martin County be connected with northern Palm Beach County in a district. The Committee also received written testimony asking that Palm Beach County be split into 9 State House districts. This district is very similar to District 78 in HPUBH0119, HPUBH0128, HPUBH0134 and others.

It is important to note that the population remaining in Palm Beach County after District 82 was built is roughly 8 House districts. Those districts are Districts 81 and 85-91. The Committee also received written testimony asking that Palm Beach County be split into 9 State House districts.

District 83 is located in St. Lucie and Martin Counties. The predominant boundaries to the west are the boundary of the City of Port St. Lucie and the Martin County line to the west, VTDs and the county line to the north, the county line to the east and VTDs to the south. The Towns of Ocean Breeze Park and Sewall's Point are kept whole within the district. This district is very similar to District 69 in HPUBH0112, HPUBH0122, SPUBH0067 and others.

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 Okeechobee Road and VTDs to the west. The City of Fort Pierce is kept whole within the district. This district is very similar to District 68 in SPUBH0067, HPUBH0119, HPUBH0122, and others.

District 85 is wholly located in Palm Beach County. The predominant boundaries of the district are VTDs to the west, the county line, I-95 and the boundary of the City of Palm Beach Gardens to the north, the county line and VTDs to the east and VTDs to the south. The City of Palm Beach Gardens and the Town of North Palm Beach are kept whole within the district. This district is very similar to District 83 in HPUBH0116, District 85 in HPUBH0134 and HPUBH0128 and others.

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, the Florida Turnpike, N. Military Trail and VTDs to the east and the city boundary of Wellington and Lantana Road to the south. The Towns of Loxahatchee Groves and Haverhill are kept whole as are the Villages of Royal Palm Beach and Wellington. This district is very similar to District 87 in SPUBH0067, SPUBH0074, SPUBH0087, and one other.

District 87 is wholly located in Palm Beach County. When studying the demographics of the county, it can be determined that a majority-minority Hispanic district could be built wholly with Palm Beach County. The predominant boundaries of the district are N. Military Trail and VTDs to the west and VTDs to the north, east and south. The Towns of Cloud Lake, Glen Ridge, Lake Clarke Shores and the Village of Palm Springs are all kept whole within the district. The Committee received written testimony asking for a Hispanic or other minority State House district in this area. This district is very similar to District 76 in HPUBH0047, District 112 in HPUBH0045 and HPUBH0079 and others.

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, Haverhill Road N., N. Tamarind Avenue, N. Dixie Highway, I-95, State Road 807 and VTDs to the west, VTDs to the north, the shoreline of the mainland, S. Olive Ave, N. 8th Street, Overlook Road, US-1 and a railway to the east and W. Woolbright Road and SW 10th Street to the south. The Towns of Lake Park and Mangonia Park are kept whole within the district. The Committee received written testimony asking for a Hispanic or other minority State House district in this area.

District 89 is wholly located in Palm Beach County. The predominant boundaries of the district are the shoreline of the mainland, S. Olive Avenue, US-1, I-95 and S. Military Trail to the west, VTDs to the north, the county line to the east and south. The Towns of Palm Beach, Palm Beach Shores, Manalapan, Ocean Ridge, Gulf Stream and Highland Beach are kept whole within the district. The Committee received written testimony asking for the coastal areas of Palm Beach County to be kept together in a district.

District 90 is wholly located in Palm Beach County. The predominant boundaries of the district are the Florida Turnpike to the west, Forest Hill Blvd, Lake Worth Road and 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. This district is very similar to District 92 in HPUBH0048.

District 92 is wholly located in Broward County. This area has produced a Black opportunity district in years past and this district recreates that opportunity. The predominant boundaries of the district are the Florida Turnpike and State Road 7 to the west, the county line to the north, State Road 811 to the east and VTDs to the south. This district is very similar to District 92 in SPUBH0156.

District 93 is wholly located in Broward County. The predominant boundaries of the district are State Road 811 and US-1 to the west, the county line to the north and east and VTDs to the south to create a rectangular shape. The Towns of Lighthouse Point, Hillsboro Beach, Lauderdale-by-the-Sea and the Village of Sea Ranch Lakes are kept whole within the district. This district is very similar to District 91 in HPUBH0116 and District 96 in HPUBH0107.

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 US Highway 441, E. Tropical Way and VTDs to the west, VTDs to the north, State Road 811 and US-1 to the east and Peters Road, Davie Blvd and SW 24th Street to the south. The Village of Lazy Lake is kept whole within the district. This district is very similar to District 93 in SPUBH0156, District 98 in HPUBH0048, District 101 in HPUBH0134 and others.

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. The predominant boundaries of the district are N. Pine Island Road and the city boundaries of North Lauderdale to the west, Southgate Blvd to the north, US-441 to the east and W. Sunrise Blvd to the south. This district is very similar to District 94 in SPUBH0156.

District 96 is wholly located in Broward County. The predominant boundaries of the district are the city boundaries of Parkland, Coral Springs Drive, N. University Drive and the boundary to the City of Coral Springs to the west, the county line to the north, the Florida Turnpike to the east and VTDs to the south. The City of Parkland is kept whole within the district. The Committee received verbal testimony at the public hearings asking for Parkland to be kept whole within a district.

District 97 is wholly located in Broward County. The predominant boundaries of the district are the county line to the west and north, the city boundary of Coral Springs, N. University Blvd and Coral Springs Drive to the east and I-75 to the south to create a rectangular shape. This district is very similar to District 96 in SPUBH0156, District 103 in HPUBH0079 and HPUBH0045 and others.

District 98 is wholly located in Broward County. The predominant boundaries of the district are the boundary to the Town of Davie, Weston Road, NW 124th Avenue and VTDs to the west, NW 44th Street and VTDs to the north, N. Pine Island Road, VTDs and Davie Road to the east and Griffin Road to the south. The Committee received testimony requesting that counties be kept whole and or split as little as possible.

District 99 is wholly within Broward County. The predominant boundaries of the district are I-75 and Davie Road to the west, VTDs to the north, US A1A to the east and NW 17th St to the south. The City of Cooper City is kept whole within the district and it is important to note that the district was built in a manner to do so. The Committee received verbal testimony at the public hearings asking for Cooper City to be kept whole within the same district.

District 100 is located in Broward and Miami-Dade Counties. The predominant boundaries of the district are US A1A and Biscayne Blvd to the west, VTDs to the north and south and the county lines to the east to create a rectangular shape. 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. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in the Miami Dade area. There are no public plans similar to this district.

District 101 is located wholly within Broward County. This area has created a Black opportunity district in years past and this district recreates that opportunity. The predominant boundaries of the district are S. Douglas Road and S. University Drive to the west, Taft Street to the north, Dixie Highway to the east and the county line to the south. The City of West Park and the Town of Pembroke Park are kept whole within the district. The Committee received testimony requesting that counties be kept whole and or split as little as possible.

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 N. Hiatus Road, S. Flamingo Road and NW 57th Ave to the west, Taft Street to the north, S. University Drive and the Florida Turnpike to the east and Palmetto Expressway and VTDs to the south. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County.

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, VTDs and Palmetto Expressway to the east and NW 58th Street to the south. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County. This district is very similar to District 103 in SPUBH0067, HPUBH0134, and HPUBH0119 and others.

District 104 is wholly located in Broward County. The predominate boundaries of the district are the county line to the west and south, I-75 to the north and boundary of the City of Weston and VTDs to the east. The City of Weston is kept whole within the district. This district is very similar to District 98 in HPUBH0027 and HPUBH0045, District 101 in HPUBH0118, and others.

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 and the Miami-Dade County line to the west, I-75, the Miami-Dade County line and the boundary of the City of

Miramar to the north, VTDs to the east and Tamiami Trail, the Collier County line and VTDs to the south. The Committee received verbal testimony at the public hearings asking to preserve opportunities for the Hispanic Community in Miami-Dade County and received written testimony asking for Collier County to be split into three State House districts.

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. The Committee received written testimony asking for Collier County to be split into three State House districts. This district is very similar to District 73 in HPUBH0048, District 76 in HPUBH0116 and SPUBH0156 and others.

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 the Florida Turnpike to the west, the county line to the north, US-1 to the east and VTDs to the south. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County. This district is very similar to District 113 in HPUBH0048.

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 17th Ave. and NW 12th Ave. to the west, VTDs, the boundary of the City of North Miami and NE 135th Street 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 Miami Shores and El Portal are kept whole in the district. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County.

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 State Road 823, NW 32nd Ave and VTDs to the west, Palmetto Expressway and VTDs to the north, NW 17th Ave, NW 12th Ave and VTDs to the south. The Committee received verbal testimony at the public hearings asking to consider the Palmetto Expressway as a boundary for districts.

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 to the south. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County and to consider the Palmetto Expressway as a district boundary.

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 to the west, E 65th Street to the north, NW 27th Ave and NW 32nd Ave to the east and W. Flagler Street to the south. The city of Miami Springs is kept whole in the district. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County and to preserve the opportunities for the Hispanic community in the area.

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 SW 42nd Ave and SW 37th Ave and SW 27th Ave to the west, VTDs to the north, US-1 to the east and south. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County.

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 52.05%, 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. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County. This district is very similar to District 106 in HPUBH0118, District 114 in HPUBH0134 and HPUBH0122 and others.

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 a railway, SW 67th Ave, US-1 and the boundaries of Cutler Bay to the west, the Tamiami Canal and W. Flagler Street to the north, SW 37th Ave., and SW 42nd Ave and VTDs to the east and VTDs to the south. The City of West Miami and the Town of Cutler Bay are kept whole within the district. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County., as well as testimony at the public hearings asking for the City Cutler Bay to be kept whole within a district.

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 SW 87th Ave, Don Shula Expressway, State Road 821, and the boundary of the Village of Palmetto Bay to the west, the city boundary of Doral and NW 58th Street to the north, a railway, SW 67th Ave and Old Cutler Road to the east and the boundary of the Village of Palmetto Bay to the south. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County.

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 NW 170th Ave and the Florida Turnpike to the west, NW 58th Street, VTDs and SW 8th St to the north, NW 87th Ave and Din Shula Expressway to the east and SW 104th Street to the south. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County. This district is very similar to District 111 in HPUBH0118.

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 it 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. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County. This district is very similar to District 118 in SPUBH0156 and HPUBH0116.

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 8th St to the north, SW 117th Ave to the east and VTDs to the south. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County.

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 to create a square-like shape. The Committee received verbal testimony at the public hearings asking to create districts that run north and south in Miami-Dade County. This district is very similar to District 115 in SPUBH0087, HPUBH0128, HPUBH0134 and others.

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. This district is consistent with testimony that was received during the Key West public hearing request that Monroe County and the Keys be kept whole within a

district. This district is very similar to District 120 in HPUBH0112, HPUBH0119, HPUBH0122, and others.

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