

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SRS 12-01 Legislative Apportionment

SPONSOR(S): Senate Redistricting Subcommittee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Senate Redistricting Subcommittee		Poreda	Kelly

SUMMARY ANALYSIS

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

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

This proposed committee bill (joint resolution) reapportions the resident population of Florida into 40 State Senate 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 40 State Senate districts, this proposed committee bill would:

- Reduce the number of counties split from 45 to 31;
- Reduce the number of cities split from 126 to 78;
- 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 38.60% to 2.50%; and
- Maintains 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 Senate districts and their subsequent deviation from the new ideal population of 470,033 residents.

Table 1. Florida Senate Districts 2002-2011

Florida Senate Districts 2002-2011	2000	2010
Total State Population, Decennial Census	15,982,378	18,801,310
Maximum Number of Districts	40	40
Ideal District Population (Total State Population / 40)	399,559	470,033

District	2000 Population	2000 Deviation		2010 Population	2010 Deviation	
		Count	%		Count	%
1	399,563	4	0.0%	424,456	-45,577	-9.7%
2	399,543	-16	0.0%	449,902	-20,131	-4.3%
3	399,512	-47	0.0%	495,081	25,048	5.3%
4	399,586	27	0.0%	433,628	-36,405	-7.7%
5	399,573	14	0.0%	515,369	45,336	9.6%
6	399,586	27	0.0%	451,464	-18,569	-4.0%
7	399,552	-7	0.0%	432,554	-37,479	-8.0%
8	399,568	9	0.0%	525,674	55,641	11.8%
9	399,552	-7	0.0%	527,435	57,402	12.2%
10	399,547	-12	0.0%	565,921	95,888	20.4%
11	399,543	-16	0.0%	433,661	-36,372	-7.7%
12	399,594	35	0.0%	531,959	61,926	13.2%
13	399,563	4	0.0%	394,766	-75,267	-16.0%
14	399,571	12	0.0%	457,489	-12,544	-2.7%
15	399,559	0	0.0%	560,770	90,737	19.3%

16	399,549	-10	0.0%	431,916	-38,117	-8.1%
17	399,577	18	0.0%	456,960	-13,073	-2.8%
18	399,553	-6	0.0%	404,822	-65,211	-13.9%
19	399,553	-6	0.0%	477,068	7,035	1.5%
20	399,578	19	0.0%	576,207	106,174	22.6%
21	399,556	-3	0.0%	529,870	59,837	12.7%
22	399,568	9	0.0%	419,763	-50,270	-10.7%
23	399,561	2	0.0%	458,330	-11,703	-2.5%
24	399,554	-5	0.0%	524,254	54,221	11.5%
25	399,580	21	0.0%	428,398	-41,635	-8.9%
26	399,517	-42	0.0%	481,892	11,859	2.5%
27	399,568	9	0.0%	551,555	81,522	17.3%
28	399,573	14	0.0%	545,085	75,052	16.0%
29	399,534	-25	0.0%	397,144	-72,889	-15.5%
30	399,553	-6	0.0%	458,703	-11,330	-2.4%
31	399,544	-15	0.0%	432,649	-37,384	-8.0%
32	399,576	17	0.0%	428,898	-41,135	-8.8%
33	399,552	-7	0.0%	404,290	-65,743	-14.0%
34	399,596	37	0.0%	481,165	11,132	2.4%
35	399,563	4	0.0%	438,861	-31,172	-6.6%
36	399,575	16	0.0%	418,626	-51,407	-10.9%
37	399,552	-7	0.0%	480,189	10,156	2.2%
38	399,540	-19	0.0%	442,810	-27,223	-5.8%
39	399,606	47	0.0%	483,183	13,150	2.8%
40	399,488	-71	0.0%	448,543	-21,490	-4.6%

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

¹ *Baker v. Carr*, 369 U.S. 186 (1962).

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

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

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).

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.

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 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

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.

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.”

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 inquiry from the 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

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.

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.

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 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

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).

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.

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

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

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.

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 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

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.

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.

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 principles to race substantially more than is ‘reasonably necessary’ to avoid” the Section 2 violation.⁵² The Court has held that compliance with Section 5 is not a compelling interest where race-based districting is not “reasonably necessary” under a “correct reading” of the Voting Rights Act.⁵³

The Use of Statistical Evidence

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

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

As noted previously, when the U.S. Department of Justice conducts a Section 5 preclearance review it requires that a submitting authority provide political data supporting a plan.⁵⁵ 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.

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).

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.

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 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

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.

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:

“In establishing legislative district boundaries:

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

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.”

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

To the extent that compliance with second-tier standards conflicts with first-tier standards or federal law, the second-tier standards do not apply.⁶³ The order in which the standards are set forth within either tier does not establish any priority of one standard over another within the same tier.⁶⁴

⁶² See generally Section 8.0001, et seq., Florida Statutes (2007).

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

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

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

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

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).

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)).

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 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

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).

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.”).

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:

- 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

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).

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.*

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.

**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 Senate Map

Redistricting Plan Data Report for S000S9004

Plan File Name: S000S9004						Plan Type: Senate - 40 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::	470,032					Number Non-Contiguous Sections:	1 (normally one)												
District Population Remainder:	30					County or District Split :	31 Split of 67 used												
District Population Range:	464,088 to 475,858					City or District Split :	78 Split of 411 used												
District Deviation Range:	(-5,944) To 5,826					VID's Split :	372 Split of 9,436 used												
Deviation:	(-1.26) To 1.23 Total 2.50%																		
Number of Districts by Race Language																			
	20%+	30%+	40%+	50%+	60%+	District	County	Count Blocks				Pop							
Current Black VAP	8	6	3	2	1	9	Osceola	1				0							
New Black VAP	8	6	4	2	0														
Current Hisp VAP	14	8	6	3	3														
New Hisp VAP	13	7	5	5	3														
Plan Name: S000S9004						Number of Districts				40									
Spatial Measurements - Map Based																			
	Base Shapes			Circle - Dispersion					Convex Hull - Indentation										
	Perimeter	Area	P/A	Perimeter	Area	P/A	Pc/P	A/Ac	Perimeter	Area	P/A	Pc/P	A/Ac	Width	Height	W+H			
S9004-Map	9,941	65,934	15.07%	8,602	216,308	3.97%	86.53%	30.48%	6,823	98,963	6.89%	68.62%	66.62%	2,034	2,095	4,068			
Current Map	11,470	65,934	17.39%	9,035	234,011	3.86%	78.77%	28.17%	7,143	108,049	6.61%	62.27%	61.02%	2,121	2,269	4,242			
S9004-Simple	9,126	65,923	13.84%				94.26%	30.47%				74.76%	66.61%						
Current Map	10,402	65,883	15.78%				86.86%	28.15%				68.66%	60.97%						
	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							
S9004-Map	21	21	22	15	28	28	28	20	38	38	37	29							
Current Map	24	24	24	18	32	32	31	24	41	41	39	32							

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STORAGE NAME: pcb01.SRS

DATE: 1/3/2012

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

District ID	Pop Dev	TPOP10	%AllBlkVAP10	%AllHispVAP10	%HaitianPOPACS
1	-1,598	468,434	47.85	5.87	0.70
2	4,135	474,167	14.45	3.55	0.22
3	-2,050	467,982	9.28	6.08	0.14
4	4,078	474,110	12.54	5.19	0.18
5	-5,730	464,302	10.93	6.82	0.17
6	4,376	474,408	29.61	5.29	0.45
7	-5,575	464,457	7.18	10.49	0.27
8	-1,553	468,479	6.40	5.58	0.22
9	-1,783	468,249	7.76	13.71	0.48
10	-4,710	465,322	11.45	17.32	0.42
11	2,027	472,059	5.36	8.60	0.12
12	4,411	474,443	6.92	19.06	0.23
13	1,096	471,128	5.58	7.43	0.06
14	-3,311	466,721	15.34	7.33	0.49
15	-973	469,059	10.35	15.23	0.69
16	1,329	471,361	4.96	7.60	0.12
17	-3,166	466,866	11.71	17.52	0.94
18	-5,944	464,088	37.33	27.51	1.37
19	-3,912	466,120	40.02	20.73	5.24
20	345	470,377	9.13	6.63	0.10
21	-2,021	468,011	8.43	11.71	0.58
22	3,987	474,019	8.30	16.74	0.35
23	-5,595	464,437	4.24	6.15	0.43
24	-1,237	468,795	14.35	50.53	1.62
25	-5,253	464,779	6.64	11.07	1.73
26	3,051	473,083	9.30	8.16	0.67
27	-5,011	465,021	8.52	14.64	1.52
28	486	470,518	10.60	9.89	1.52
29	3,544	473,576	55.70	15.47	11.73
30	2,183	472,215	11.26	20.79	4.57
31	5,826	475,858	14.20	31.01	2.49
32	3,449	473,481	21.34	21.14	5.16
33	3,767	473,799	57.75	27.99	16.21
34	4,885	474,917	13.80	24.34	1.99
35	5,769	475,801	9.65	50.54	2.37
36	4,821	474,853	5.44	83.44	0.53
37	-5,514	464,518	4.04	16.11	1.65
38	5,191	475,223	5.28	83.48	0.88
39	-890	469,142	35.11	39.55	6.27

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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DATE: 1/3/2012

40	-2,900	467,132	8.32	86.88	1.01
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District-by-District Descriptions for the Proposed State Senate Map⁹¹

District 1 preserves the core of an existing district that has long elected an African-American member to the Senate. The district connects communities in the northeastern portion of the state from the St. Johns River basin to Interstate 95 between Daytona Beach and Jacksonville. The committee heard testimony in Jacksonville that urged the maintenance of such a district in order to preserve minority voting opportunities in Northeast Florida. District 1 has a black voting-age population of 47.9%, comparable to that of the existing district. The Legislature received several submissions from the public that proposed districts of a similar configuration and demographic composition. (See Plans HPUBS0090, SPUBS0142, SPUBS0148, and SPUBS0155).

District 2 links the rural communities of the Florida Panhandle in Escambia, Santa Rosa, Okaloosa, Walton, Bay, Washington, Holmes, and Jackson Counties, utilizing political and geographical boundaries for nearly the entire length of its perimeter. It follows the boundaries of the state on the western, northern, and eastern sides of the district. The district's southern boundary follows the intercoastal waterway, the Yellow River, Interstate 10, the eastern boundary of Bay County and the southern boundary of Jackson County, and the outer boundaries of Pensacola to the west and Lynn Haven to the east. The committee heard testimony at the Pensacola, Panama City and Fort Walton Beach public hearings and at the October 5, 2011, Senate Reapportionment Committee meeting that rural and agricultural interests in the north part of the Panhandle have different traditions and representational needs than the urban and tourism interest in the south. Additionally the committee heard testimony pointing out that commerce and communication flow east to west along the main transportation corridors of the region, Interstate 10 and U.S. Highway 98, and not north to south. The Legislature received several submissions that proposed a similar orientation in the Panhandle. (See Plans HPUBS0007, HPUBS0080, HPUBS0099, HPUBS0090, SPUBS0105, and SPUBS0142.)

District 3 combines rural communities in North Florida and the Nature Coast. The plan makes extensive use of political boundaries, incorporating all of Citrus, Levy, Gilchrist, Lafayette, Suwannee, Columbia, Union, and Baker Counties. In Marion County, the district uses Interstate 75 and the western boundary of Ocala as its western boundary. In addition, District 3 enables District 6 to the west and District 14 to the east to consist entirely of whole counties.

At the public hearing in Gainesville, members of the public supported keeping rural counties such as Gilchrist and Union separate from major metropolitan areas like Jacksonville. At its meeting on October 18, 2011, the Senate Reapportionment Committee heard public support for keeping the Nature Coast region largely intact. The testimony pointed out that Dixie and Levy Counties and the rest of the region have a rural-industry focus quite different from urban areas like Gainesville. Plan SPUBS0143 contains a district similar to District 3.

District 4 unites the coastal communities of the Florida Panhandle in Escambia, Santa Rosa, Okaloosa, Walton, and Bay Counties. Like District 2, District 4 uses political and geographical boundaries for nearly the entire length of its perimeter. It follows the boundaries of the state on its west, the eastern boundary of Bay County on its east, and the Gulf of Mexico on its south. The northern boundary of the district follows the intercoastal waterway, the Yellow River, Interstate 10, and the outer boundaries of Pensacola to the west and Lynn Haven to the east. District 4 is supported by the same testimony as District 2. Its horizontal configuration recognizes the differences between the rural North and the urban South. District 4 honors the request of members of the public who called for representation that reflects their distinct communities. Plans HPUBS0007, HPUBS0080, HPUBS0099, HPUBS0090, SPUBS0105, and SPUBS0142 all have a similar alignment in the Panhandle.

District 5 contains all of Nassau County and a portion of Duval County necessary to attain the population. The district is bounded by the State of Georgia on the west and north, the Atlantic Ocean on the east, and uses the Duval County line for most of its southern boundary. Part of its boundary is adjacent to the northeast Florida minority opportunity district (District 1). Several participants at the

⁹¹ District descriptions were provided by the Florida Senate and are available at www.flsenate.gov.

Jacksonville hearing requested that Nassau County be kept whole. In the benchmark plan, District 5 divided Nassau, Clay, and St. Johns Counties. Public plans HPUBS0056, SPUBS0066, and HPUBS0095 contain districts of a similar orientation, keeping Nassau County whole and combining it with a portion of Duval County to equalize populations.

District 6 combines the counties of the Capitol Region. The district consists entirely of whole counties, following political boundaries for its entire perimeter. The district includes Gadsden, Calhoun, Gulf, Liberty, Franklin, Taylor, Wakulla, Jefferson, Leon, Madison, and Hamilton Counties. Its location is largely dictated by District 2 and District 4 to its west. District 6 combines communities that associate with Tallahassee, which lies near the geographic center of the district. Many residents in the surrounding counties travel to Tallahassee for work and recreation, and the district is traversed by Interstate 10, which promotes intra-district travel and commerce. At the public hearing in Tallahassee, several members of the public urged the elimination of "fingers" like the one in District 3 of the benchmark plan that pushes into Tallahassee. Public plan SPUBS0143 includes a district that is identical to District 6.

District 7 combines the communities south and west of Daytona Beach in Volusia County with northern Brevard County and eastern Orange County. The district follows the western border of Volusia County, the northern border of Orange County, the Econlockhatchee River, and, as its southern boundary, the Beachline Expressway through Orange and Brevard Counties, and the northern boundary of the City of Cocoa. Its eastern boundary is the Atlantic Ocean. The Committee heard testimony from the public at the Daytona Beach hearing requesting at least one district based primarily in Volusia County. Additionally members of the public requested that cities in Volusia County be kept whole. Consistent with this testimony, District 7 does not divide cities, and it follows the boundaries of DeBary, Port Orange, Daytona Beach, and Daytona Beach Shores for portions of its boundary. Public plans HPUBS0084 and SPUBS0146 each contain a district similar to District 7.

District 8 combines the coastal communities of Northeast Florida from the Jacksonville beaches south of the mouth of the St. Johns River to Daytona Beach. The district is adjacent to the northeast Florida minority-access district to its west and is bordered by the Atlantic Ocean on the east. The district is connected through common interests along the northeast coast of Florida, from Atlantic Beach to St. Augustine Beach and Daytona Beach. Interstate 95 runs through most of District 8 and thus facilitates commerce and transportation across the district. Public plan SPUBS0155 includes a district similar to District 8.

District 9 includes communities along the Florida Turnpike from Leesburg to Orlando. Its western boundary is the western boundary of Lake County, and its southern boundary is the southern boundary of Lake and Orange Counties. On the east, the district abuts two minority opportunity districts in Central Florida. District 9 contains closely united territory. Travel through the district is facilitated not only by the Florida Turnpike, but by Interstate 4 to the east and Highway 441 to the north. The communities it unites are connected with Orlando, as well as Lake Buena Vista and Winter Park, in several respects. Residents of Mount Dora, Clermont, Minneola, Leesburg, and other municipalities throughout the district frequently travel to Orlando for work and recreation. Public plans SPUBS0146 and SPUBS0147 each contain districts of a similar configuration.

District 10 links the communities east of Tampa, partially encircling the city. On the north and south, District 10 follows the boundaries of Hillsborough County. On the west, it abuts Interstate 275 and a minority-opportunity district that generally follows Interstate 75 and Tampa Bay. On the east, District 10 follows State Road 39 and the western and northern outskirts of Plant City. The district is contained wholly within Hillsborough County. District 10 consists of the closely united territory along the eastern periphery of greater Tampa. Communities such as Brandon, Sun City Center, and Apollo Beach are associated by geographical proximity and shared interests. At the public hearing in Tampa, the committee heard from members of both communities requesting that they be kept whole.

District 11 connects the communities of northern and western Pasco County with all of Hernando County and most of Sumter County. The district is bounded by the Gulf of Mexico on the west, the boundaries of Hernando and Sumter County on the north and east, and State Road 52 in Pasco County

along most of its southern border. At the public hearing in Wesley Chapel the Committee heard from several members of the public who pointed out the similarities between the rural portions of Hernando, Pasco, and Sumter Counties. This district combines the common interests described at the Wesley Chapel hearing. Members of the public also pointed out the growing interest of The Villages in Sumter County. District 11 does not include the portion of The Villages that falls within Sumter County. Instead, The Villages and its separate interests are preserved whole within District 20.

District 12 links the communities in northwest Hillsborough County with south-central and southeast Pasco County. In Hillsborough County, the district is bounded on the west by the boundary between Pinellas and Hillsborough Counties and on the east by a minority opportunity district and Interstate 275. In Pasco County, the district is bounded chiefly by State Road 52. The district does not divide any cities in Pasco County, following the boundaries of St. Leo and San Antonio. At the public hearing in Wesley Chapel the Committee heard from members of the public who pointed out the division between East Pasco, which has a coastal focus, and West Pasco, which is more rural. One member of the public suggested that communities like Wesley Chapel, Zephyrhills, and Lutz form a contiguous zone of common interest. The district provides ease of travel along Veterans Expressway, Suncoast Parkway, Interstates 75 and 275, and State Roads 52 and 56.

District 13 contains communities in northern Pinellas County. The district is bounded by the Pinellas County line on the north and east and by the Gulf of Mexico and Intracoastal Waterway on the west. On the south, the boundary crosses Pinellas County without dividing any municipalities. Parts of the boundary follow the municipal boundaries of St. Petersburg, Pinellas Park, Largo, Seminole, Indian Shores, Indian Rocks Beach, Belleair, Belleair Beach, and Clearwater. District 13 contains, in its entirety, the related communities of Largo, Belleair, Belleair Bluffs, Clearwater, Safety Harbor, Oldsmar, Dunedin, and Tarpon Springs. Many of the submissions received from the public contained districts that united the communities of northern Pinellas County. (See Plans HPUBS0007, HPUBS0056, HPUBS0083, SPUBS0091, HPUBS0092, and HPUBS0095)

District 14 consists of three whole counties—Alachua, Bradford, and Clay Counties—and therefore follows political boundaries for the entire extent of its perimeter. The regular shapes of the counties that compose District 14 result in a district of closely united territory. At the public hearings in Gainesville and Jacksonville, the committee heard from several members of the public urging the Legislature, to the extent possible, to avoid the division of the many communities in Alachua, Bradford, and Clay Counties. By maintaining Alachua, Bradford, and Clay Counties as whole counties, District 14 preserves each of the municipalities in the three counties. Public plan SPUBS0143 has a district similar to District 14.

District 15 links the mostly rural communities of Osceola, Polk, and Orange Counties. A portion of its boundary is defined by Hispanic-majority District 24. On the northwest, the district follows the boundary of Polk County. On the east, it follows the boundary of Osceola County. Along much of its northern and southern boundaries, it follows the Beachline Expressway and State Road 60, respectively. From its north-central point, the district is connected to the east by the Beachline Expressway, to the southeast by the Florida Turnpike, and to the southwest by Interstate 4. At the public hearing in Lakeland, the committee heard testimony pointing out the rural nature of the majority of Polk County outside of Lakeland, and the interests in the agricultural industry that the region shares, differentiating it from the urban areas in Tampa to the west and Orlando to the northeast. The portion of Osceola County contained in District 15 shares these rural and agricultural interests.

District 16 connects the southern and beach communities in Pinellas County with south Tampa. It is bounded on the west by the Gulf of Mexico, on the north by Interstate 275 and municipal boundaries across Pinellas County, and on the east and south by a minority opportunity district. The district unites the beach communities in western Pinellas County from Belleair Beach to St. Pete Beach. These communities share economic interests and contribute significantly to the economic life of Pinellas County. Interstate 275 provides easy transportation throughout the district.

District 17 includes the predominantly rural, agricultural areas from the Kissimmee basin to Lake Okeechobee. The district includes all of Hardee, Desoto, Glades, Highlands, and Okeechobee

Counties, as well as the largely rural parts of southern Polk County, northern Charlotte County, and eastern Martin and St. Lucie Counties. It follows the western boundaries of Hardee and Desoto Counties, the southern boundaries of Glades and Martin Counties, and the northern boundaries of St. Lucie and Okeechobee Counties. The district also follows State Road 60 through much of Polk County and County Road 74 through most of Charlotte County. At the public hearing in Wauchula, several members of the public urged the committee to group the inland communities in counties like Hardee, Highlands, and Glades with each other, rather than with coastal and urban communities. District 17 attempts to give effect to the expressed desire for an agricultural district. Public plan HPUBS0072 contains a similar district.

District 18 preserves the core of a minority access district for Tampa Bay that was created by the Florida Supreme Court in 1992 and has consistently elected the candidate of choice of minority voters. The district connects African-American and Hispanic communities in Hillsborough, Manatee, and Pinellas Counties, but also unites urban populations in Tampa, St. Petersburg, and Bradenton. The district follows geographical boundaries along portions of its perimeter, using Tampa Bay at its center and Interstate 75 on the east. At the Tampa public hearing, the committee heard from a number of members of the public who argued for a minority access district in Hillsborough County. District 18 has a black voting-age population of 37.3% and a Hispanic voting-age population of 27.5%. Public plans HPUBS0085, SPUBS0123, SPUBS0142, and SPUBS0155 each have a district substantially similar to District 18.

District 19 unites urban, largely minority communities in Orange and Seminole Counties. It includes parts of Orlando, Ocoee, Winter Garden, Apopka, Maitland Winter Park, and Sanford, as well as the historic City of Eatonville. At the public hearing in Orlando, the Committee heard from representatives of the minority communities in the Orlando area who argued for their junction in a single district. District 19 has a black voting-age population of 40%.

District 20 connects the largely rural area north of Central Florida. The district follows most of the boundaries of Putnam County and, on the east, part of the eastern boundary of Lake County. On the west, District 20 follows Interstate 75 and the western boundary of Ocala through Marion County. It includes The Villages in Marion and in the northern portion of Sumter and Lake Counties. District 20 includes The Villages, Ocala, rural areas in eastern Marion County and Putnam County, and most of central and east Lake County. At the public hearing in The Villages, the committee heard from many members of the public who expressed a desire to keep that community together, pointing out the common culture, lifestyle and interest shared by the people that live in The Villages.

District 21 combines the large share of Manatee County not in the Tampa Bay minority access district with communities in eastern Hillsborough and western Polk County. The district follows the boundaries of Manatee County adjacent to the minority access district. In Hillsborough County it follows Highways 579, 674, and 39 and the outskirts of Plant City. The boundary crosses into Polk County on Highway 582 and through the City of Lakeland using Interstate 4, U.S. 92, and U.S. 98. The district boundary passes between Mulberry, which is entirely inside the district, and Bartow, which is entirely outside the district. At the Tampa hearing, the committee heard from members of the public who testified that the rural communities in eastern Hillsborough County around Plant City associate more closely with each other than with neighboring Tampa. At the public hearing in Sarasota the committee heard similar testimony about the rural communities of eastern Manatee including testimony that the rural communities of Myakka Head, Old Myakka and Myakka City in Manatee share similarities with rural areas of southern Polk and eastern Hillsborough Counties.

District 22 combines the majority of Seminole County, excepting portions of northern and western Seminole County that are part of a minority opportunity district, with parts of northern Orange County as necessary to equalize the district population. The eastern boundary of the district consists of the eastern boundary of Seminole County and the Econlockhatchee River.

The district includes like communities such as Longwood, Casselberry, Winter Springs, Oviedo, and most of Lake Mary and Altamonte Springs. Public Plans SPUBS0064, HPUBS0072, SPUBS0146 and SPUBS0147 contain districts with an orientation similar to that of District 22.

District 23 includes all of Sarasota County and the eastern portion of Charlotte County. It follows the Gulf of Mexico on the west, the boundary of Sarasota County on the north and east, and Charlotte Harbor in the south. At the Sarasota public hearing, the committee heard testimony asking that Sarasota County be kept in a single district. Additionally, members of the public advocated combining Sarasota and western Charlotte counties, pointing out the common interest they share as coastal communities. District 23 ties the communities of Longboat Key, Sarasota, Venice, North Port, and Port Charlotte. It is intersected by Interstate 75, which runs from the northern to the southeastern boundary of the district. Public plan HPUBS0092 contains a district similar to District 23.

District 24 unites the predominantly Puerto-Rican Hispanic communities of Orange, Osceola, and Polk Counties. The communities in this region have similar commercial and economic interests. The committee received testimony from many members of the public at the Orlando public hearing and through email that pointed out the growing Hispanic population in Central Florida and the common culture, language, and business interests shared among the community. More than 50% of the voting-age population of District 24 is Hispanic. Plans HPUBS0092, HPUBS0095, HPUBS0102, SPUBS0123, and SPUBS0147 all have districts with the same general orientation and demographics as District 24.

District 25 connects the coastal communities of Broward and Palm Beach Counties. It is adjacent to the minority opportunity district to its west and the Atlantic Ocean to the east. In the northwest, the district follows the municipal boundaries of West Palm Beach and Palm Beach Gardens. In the northeast, it crosses through Jupiter following the Loxahatchee River. On the south, it follows the Ft. Lauderdale city boundary. The committee heard from many members of the public at the Davie and Boca Raton public hearings who emphasized the shared interests among coastal residents in the two counties, including tourism and affordable property insurance. A number of maps submitted by the public contain districts substantially similar to District 25. (See Plans HPUBS0089, SPUBS0123, SPUBS0147 and SPUBS0155.)

District 26 combines southern Brevard County with northern and western Indian River County, including the cities of Sebastian and Fellsmere. The district follows the borders of Brevard and Indian River Counties on the west and south, and is bounded on the east by the Atlantic Ocean and Interstate 95. On the north, District 26 generally follows the Beachline Expressway, the municipal boundaries of Cocoa, and the barge canal that crosses Merritt Island and empties to the Atlantic at Port Canaveral. District 26 ties communities along the barrier islands of the Space Coast with similar communities along U.S. 1 and Interstate 95. The Committee heard testimony at the Melbourne hearing noting that the population of Brevard County must be divided into two Senate districts. In this plan, the majority of the county is in a single district, with a small remainder in District 7. Public plan HPUBS0085 contains a district similar to District 26.

District 27 combines eastern Lee and southern Charlotte Counties. The district follows the county boundaries of Lee and Charlotte Counties on the east and south and the Caloosahatchee River, the municipal boundary of Cape Coral, and Charlotte Harbor on the west. The district is traversed by Interstate 75 from Punta Gorda in the north to Fort Myers and Bonita Springs in the south. At the Lehigh Acres public hearing, many testified about their desire to see Lehigh Acres kept in a single district. The committee also heard multiple requests that the City of Bonita Springs be put in a mostly Lee County district. District 27 ties all of Lehigh Acres, Fort Myers, and Punta Gorda with almost all the population of Bonita Springs in a single district.

District 28 connects the Treasure Coast communities of Indian River, St. Lucie, Martin, and northern Palm Beach Counties. On the east, the district is bounded by the Atlantic Ocean. On the west, it is generally bounded by the Florida Turnpike and Interstate 95. At the Stuart meeting, the committee received testimony that described the similar interests shared by the communities of northern Palm Beach County and the rest of the Treasure Coast. SPUBS0123 contains a district that is substantially similar to District 28.

District 29 unites communities along Interstate 95 and U.S. 1 in Palm Beach and Broward Counties. It also preserves the core of an existing district that has consistently elected candidates preferred by minority voters. The district includes all of Lauderhill and Lauderdale Lakes and is bounded on the

south in part by the municipal boundaries of Plantation, Fort Lauderdale, and Dania Beach. The Committee heard from several members of the public at both the Boca Raton and Davie hearings that expressed concerns that the African-American communities continue to have a voice. District 29 has a black voting-age population of 55.7%. A number of public maps contain similar districts. (Plans HPUBS0084, HPUBS0089, SPUBS0091, SPUBS0123, and SPUBS0155.)

District 30 includes communities in southern and central Palm Beach County between Interstate 95 and the Florida Turnpike. District 30 is adjacent to the minority opportunity district to the east. In places, the district follows the municipal boundaries of Boca Raton, Greenacres, and other cities. The district combines the Century Village retirement communities in Palm Beach County as well as western Boca Raton and suburbs. It is oriented along the principal transportation routes that run from north to south through heavily populated areas in Palm Beach County.

District 31 includes communities of south Broward County. Its southern boundary follows the southern boundary of Broward County and the northern boundary of the minority-majority district in Miami-Dade and Broward Counties. Its eastern boundary is the Atlantic Ocean, and its northern boundary generally follows the city boundaries of Hallandale Beach, Hollywood, Dania Beach, Plantation, Pembroke Pines, and Miramar, as well as Interstate 595. Travel through the district is facilitated by Interstates 75, 95, and 595, and several major thoroughfares that cross the district east-to-west. The district unites most of Cooper City and Davie, which the committee heard at the public hearing in Davie share a single chamber of commerce and interest in equestrian issues. HPUBS0007 and SPUBS0105 both contain districts that combine the municipalities of Davie, Cooper City, and Diana Beach, and are substantially similar to District 31.

District 32 combines the inland municipalities in the northern portion of Broward County. The district is bounded on the west by the Sawgrass Expressway, on the north by the Broward County line, on the east and south by the minority opportunity district that parallels Interstate 95, and further along the south, by the Tamarac and Sunrise city lines. The district closely follows political boundaries and consists of a geographically concentrated area entirely within Broward County. The district includes, in their entirety, the municipalities of Tamarac, North Lauderdale, Coral Springs, Margate, Coconut Creek, and Parkland. It unites similar communities traversed through the center of the district by the Florida Turnpike, on the east of the district by Interstate 95, and on the west of the district by the Sawgrass Expressway. The committee received testimony at the public hearing in Davie requesting that these communities be grouped together because they share many interest and amenities, including schools, hospitals and Chambers of Commerce. This same testimony argued that these interests were distinct from those in the neighboring communities of Cooper City and Weston.

District 33 includes the core of a majority-black district that has a history of electing the candidate preferred by minority voters. The district includes all of Miami Gardens, Opa-Locka, Biscayne Park, West Park, and Pembroke Park, plus portions of North Miami, North Miami Beach, Hallandale Beach, Hollywood, Miramar, and Pembroke Pines. The district combines similar communities located in a geographically concentrated area of Miami-Dade and Broward Counties. It is intersected by Interstate 95 and the Florida Turnpike. The Committee heard considerable testimony at the Miami public hearing about the cohesiveness of the African-American community in Miami-Dade County, calling special attention to the similarities in the communities in Miami Gardens and the eastern part of Miramar in Broward County. The district has a black voting-age population of 57.8%. A number of publicly submitted maps, including Plans HPUBS0056, HPUBS0072, HPUBS0095, HPUBS0113, and SPUBS0155, include districts similar to District 33.

District 34 includes western portions of Palm Beach and Broward County. On the north, south, and west, the district follows the county boundaries of Broward and Palm Beach Counties. It includes the cities of Southwest Ranches, Weston, Wellington, Loxahatchee Groves, Royal Palm Beach, portions of Pembroke Pines, Davie, and Sunrise, plus a small portion of Cooper City. It also includes the entire Everglades Agricultural Area and conservation areas in western Broward and Palm Beach Counties. The Florida Turnpike, Sawgrass Expressway, Interstate 75, and U.S. 98 are major transportation arteries connecting communities within the district. It also utilizes the western boundaries of Miramar, Plantation, Tamarac, Coconut Creek, Parkland, Greenacres, West Palm Beach, and Palm Beach

Gardens. In Boca Raton, the committee heard that the areas of Palm Beach County west of the Florida Turnpike had an agricultural interest distinct from the economic focus of communities east of the Turnpike, and that the western communities should be grouped with similar communities. In District 34, these communities are grouped with communities in Broward County situated along a similar longitudinal line.

District 35 includes the coastal communities of Miami-Dade County. The district generally encompasses areas east of U.S. 1 from the Miami-Dade County boundary on the north to Homestead in the south. Along its western boundary, the district follows the boundaries of Aventura, Miami Shores, El Portal, South Miami, Pinecrest, Palmetto Bay, and Cutler Bay, and the Homestead Extension of the Florida Turnpike. The district is bounded on the east by the Atlantic Ocean. The committee received testimony at the public hearing in Miami and by email requesting that the coastal communities of Miami-Dade County be apportioned to a single district. The committee also received significant amounts of testimony that Miami Shores be included in a coastal district. These communities share concerns about oil drilling, tourism, and beach renourishment. The district has a Hispanic voting-age population of 50.5%. Public Plans HPUBS0084, HPUBS0085 and HPUBS0089 all have similarly oriented coastal districts in Miami-Dade County.

District 36 includes the Allapatah and Little Havana neighborhoods in Miami, Coral Gables north of U.S. 1, all of South Miami and West Miami, and unincorporated areas of Miami-Dade County south of Miami International Airport and east of SW 107th Avenue (State Road 985). On the southeast, the district follows U.S. 1, the South Miami and Coral Gables city lines, and Coral Way (State Road 972). The neighborhoods in District 36 form a cohesive Hispanic community, with a shared culture, shared interests, and shared language. At the South Miami hearing, the committee heard testimony that the area around Kendall, Sunset, and Westchester formed a collection of like communities that should be grouped together. District 36 has a Hispanic voting-age population of 83.4% and is located exclusively within Miami-Dade County. Public plans SPUBS0108 and SPUBS0144 contain districts that similarly connect South Miami and West Miami and have a majority-Hispanic voting-age population.

District 37 combines coastal communities in Lee and Collier Counties. It is bounded on the west by the Gulf of Mexico, on the north by the Charlotte County line, and on the south by the Monroe County line. In Collier County it is adjacent to a minority opportunity district (District 39, which is covered by Section 5 of the federal Voting Rights Act, and it includes all of Naples and Marco Island. In Lee County, the district includes the barrier islands west of the Intracoastal Waterway, plus the entire City of Cape Coral (Sanibel and Fort Myers Beach also are wholly included in the district). Travel through the district is facilitated by Interstate 75 and the Tamiami Trail. Public plans HPUBS0083 and HPUBS0089 contain similar districts. Unlike those maps, District 37 keeps both Cape Coral (within the district) and Fort Myers (outside the district) whole.

District 38 includes Hispanic communities in western Miami-Dade County. As its boundaries, it utilizes the Tamiami Trail and Dolphin Expressway on the north, State Road 985 (West 107th Avenue) and the Homestead Extension on the east, and State Road 997 (Krome Avenue) on the west. The district consists of a geographically concentrated area entirely within Miami-Dade County. The committee received public testimony at the Miami public hearing pointing out that the communities of West Kendall and Hammocks share a distinct identity and should not be divided. District 38 has a Hispanic voting-age population of 83.5% and includes neighborhoods with a shared culture, shared interests, and shared language. Public plan HPUBS0085 includes a district in Miami-Dade County with a similar orientation and majority-Hispanic population.

District 39 preserves the core of an existing district that has consistently elected the candidate preferred by minority voters, and which is covered by Section 5 of the federal Voting Rights Act. The district includes all of Hendry and Monroe Counties plus agricultural and conservation areas in Collier and Miami-Dade Counties, including Everglades National Park and the Big Cypress National Preserve. Like the current Senate District 39, it also includes Brownsville, Liberty City, Little Haiti, and Overtown neighborhoods in Miami. It then extends north to include the City of El Portal and Gladeview and Pinewood neighborhoods. The committee heard testimony in Miami expressing that the desire for the African-American communities in existing District 39 to continue to have a voice in the region. The

proposed District 39 has a black voting-age population of 35.1% and Hispanic voting-age population of 39.5%. Public plans HPUBS0084 and SPUBS0155 both contain similar districts.

District 40 is a geographically concentrated district in northwest Miami-Dade County. It follows the Miami-Dade County boundary on the north and State Road 997 (Krome Avenue) on the west. On the south, it is adjacent to District 39 (a minority opportunity district covered by Section 5 of the Voting Rights Act) and Miami International Airport. On the east, the district generally follows the municipal boundaries of Miami Gardens, Miami Lakes, Hialeah, Opa-Locka, and Miami Springs. District 40 ties together similar, predominantly Hispanic communities, including the municipalities of Hialeah, Hialeah Gardens, Miami Springs, Medley, Miami Lakes, Virginia Gardens, and most of Doral. At the Miami public hearing, the committee received testimony that Hialeah Gardens, Miami Lakes, Miami Springs, and Medley share many of the same services and have the same needs, like the Enterprise Zones and Historically Underutilized Business Zones, that are best addressed by being combined in a distinct district. These municipalities draw together a cohesive Hispanic community that shares common values and interests. The district is intersected by the Homestead Extension of the Florida Turnpike and Interstate 75. District 40 has a Hispanic voting-age population of 86.9%. A number of publicly submitted maps contain similar districts. (See Plans HPUBS0083, HPUBS0089, HPUBS0095, SPUBS0105, and SPUBS0155).

B. SECTION DIRECTORY:

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| Section 1 | Provides that the 2010 Census is the official census of the state for the purposes of this 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:
3. 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:

3. 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