

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SCOR 14A-01 Establishment of Congressional Districts

SPONSOR(S): Select Committee on Redistricting

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Select Committee on Redistricting		Takacs	Poreda

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.

On February 9, 2012, the Florida Legislature passed SB 1174, redistricting the population of Florida into 27 congressional districts, as required by state and federal law. Shortly thereafter, two legal challenges to the plan were filed in the Florida's Second Judicial Circuit in Leon County. Those challenges were eventually combined into one case, *Romo v. Detzner*. On July 10, 2014, the Court issued an order rejecting challenges to eight districts (Districts 13, 14, 15, 21, 22, 25, 26 and 27) but finding Districts 5 and 10 invalid. On August 1, 2014, the Court issued an order requiring the Legislature to submit a remedial map no later than noon on August 15, 2014. In that same order, the Court directed the Secretary of State and Supervisors of Elections to collaborate and propose a special election schedule and comments or suggestions regarding the conduct of such an election no later than noon on August 15, 2014. Oral Argument to objections to the remedial map and/or proposed election schedule, if any, will be heard on August 20, 2014.

Redistricting Plan H000C9057:

When compared to the existing 27 Congressional districts, this proposed committee bill would:

- Maintain the number of counties split at 21;
- Increase the number of cities split to 28 from 27 ;
- 20 Congressional districts remain identical to the enacted Congressional map;
- The 7 impacted districts are 5, 6, 7, 9, 10, 11 and 17;
- Removed Sanford from CD 5;
- The compactness and shape of CD 5 was improved both visually and mathematically (Reock Score of .13 versus .09, Convex Hull score of .42 versus .29);
- Maintains the ability to elect for minority communities in Northeast and Central Florida in CD 5 with a BVAP of 48.11% (Compared to 49.9% BVAP in the Benchmark district);
- The Compactness of CD 10 was improved both visually and mathematically (Reock Score of .42 versus .39, Convex Hull score of .83 versus .73);
- Significantly improved the overall visual and mathematical compactness of the impacted districts, when compared to the currently enacted plan and, where feasible, better followed political and geographical boundaries;
- Maintain the total population deviation of 0 or 1;

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In the Final Judgment of July 10, the Court found:

“...I find the Congressional Redistricting plan adopted by the Legislature to be constitutionally invalid. Specifically, Districts 5 and 10 were drawn in contravention of Article III Section of the Florida Constitution. They will need to be withdrawn, as will any other districts affected thereby. All additional challenges to the plan are rejected.”

On August 1, 2014, the Court ordered the Legislature to submit a remedial map no later than noon on August 15, 2014:

“It is necessary to get a revised map in place and for me to consider additional evidence as to the legal and logistical obstacles to holding delayed elections for affected districts in 2014. Time is of the essence. The Legislature has shown following the Supreme Court’s order in Apportionment I that it is capable of adopting and submitting a remedial map very quickly when time is of the essence.”

In that same order, the Court directed the Secretary of State and Supervisors of Elections to collaborate to propose a special election schedule and comments or suggestions regarding the conduct of such an election no later than noon on August 15, 2014:

“The Secretary of State and the Supervisor of Elections are in the best position to propose a special election date and concomitant schedule for consideration under a revised map, and to articulate any obstacles to an orderly election under such a schedule.”

Oral Argument to objections to the remedial map and/or proposed election schedule, if any, will be heard on August 20, 2014.

The 2010 Census

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

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

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

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

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

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

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

Table 1. Florida Congressional Districts 2002-2011

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

District	2000 Population	2000 Deviation		2010 Population	2010 Deviation	
		Count	%		Count	%
1	639,295	0	0.0%	694,158	-2,187	-0.3%
2	639,295	0	0.0%	737,519	41,174	5.9%
3	639,295	0	0.0%	659,055	-37,290	-5.4%
4	639,295	0	0.0%	744,418	48,073	6.9%
5	639,295	0	0.0%	929,533	233,188	33.5%
6	639,295	0	0.0%	812,727	116,382	16.7%
7	639,295	0	0.0%	812,442	116,097	16.7%
8	639,295	0	0.0%	805,608	109,263	15.7%
9	639,296	1	0.0%	753,549	57,204	8.2%
10	639,295	0	0.0%	633,889	-62,456	-9.0%
11	639,295	0	0.0%	673,799	-22,546	-3.2%
12	639,296	1	0.0%	842,199	145,854	20.9%
13	639,295	0	0.0%	757,805	61,460	8.8%
14	639,295	0	0.0%	858,956	162,611	23.4%
15	639,295	0	0.0%	813,570	117,225	16.8%
16	639,295	0	0.0%	797,711	101,366	14.6%
17	639,296	1	0.0%	655,160	-41,185	-5.9%
18	639,295	0	0.0%	712,790	16,445	2.4%
19	639,295	0	0.0%	736,419	40,074	5.8%
20	639,295	0	0.0%	691,727	-4,618	-0.7%
21	639,295	0	0.0%	693,501	-2,844	-0.4%
22	639,295	0	0.0%	694,259	-2,086	-0.3%
23	639,295	0	0.0%	684,107	-12,238	-1.8%
24	639,295	0	0.0%	799,233	102,888	14.8%
25	639,295	0	0.0%	807,176	110,831	15.9%
26				0	-696,345	-100.0%
27				0	-696,345	-100.0%

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

U.S. Constitution

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

Article I, Section 4 of the United States Constitution provides that “[t]he Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.” The U.S. Constitution thus delegates to state legislatures exclusive authority, subject to congressional regulation, to create congressional districts.

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

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

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

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

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

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

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

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

² *Reynolds v. Sims*, 377 U.S. 533, 568 (1964).

³ *Reynolds v. Sims*, 377 U.S. 584 (1964).

⁴ *Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969).

⁵ *Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969).

⁶ *Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969).

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).

Nevertheless, any significant deviation (even within the 10 percent overall deviation margin) must be “based on legitimate considerations incident to the effectuation of a rational state policy,”⁹ including “the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts, or the recognition of natural or historical boundary lines.”¹⁰

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

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

The Voting Rights Act

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

The relevant components of the VRA 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 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 consists of a minority group. 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.

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.

⁹ *Reynolds*, 377 U.S. at 579.

¹⁰ *Swann v. Adams*, 385 U.S. 440, 444 (1967).

¹¹ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 36.

¹² *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 39.

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

¹⁴ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 51.

¹⁵ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 51.

Lastly, 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 affect election outcomes.

Section 2 of the Voting Rights Act

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

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

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

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

The three “*Gingles* factors” are necessary, but not sufficient, to show a violation of Section 2.²¹ To determine whether minority voters have been denied an equal opportunity to influence the political process and elect representatives of their choice, a court must examine the totality of the circumstances.²²

This analysis requires consideration of the so-called “Senate factors,” which assess historical patterns of discrimination and the success, or lack thereof, of minorities in participating in campaigns and being elected to office.²³ Generally, these “Senate factors” were born in an attempt to distance Section 2 claims from standards that would otherwise require plaintiffs to prove “intent,” which Congress viewed as an additional and largely excessive burden of proof, because “It diverts the judicial injury from the

¹⁶ 42 U.S.C. Section 1973(a) (2006).

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

¹⁸ Also frequently referred to as “fracturing.”

¹⁹ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 54.

²⁰ 478 U.S. 30 (1986).

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

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

²³ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 57.

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

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

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.”²⁸ However, the Court made clear that States had the flexibility to implement crossover districts, 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.”²⁹

Section 5 of the Voting Rights Act

Section 5 of the Voting Rights Act of 1965, as amended, was 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.”³⁰

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

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

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

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

²⁸ *Bartlett v. Strickland*, No. 07-689 (U.S. Mar. 9, 2009).

²⁹ *Bartlett v. Strickland*, No. 07-689 (U.S. Mar. 9, 2009).

³⁰ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 78.

Section 5 required 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.”³¹ This included districting plans.

Five Florida counties—Collier, Hardee, Hendry, Hillsborough, and Monroe—had been designated as covered jurisdictions.³²

Preclearance may have been 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).³³ Preclearance must have been 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.”³⁴

The purpose of Section 5 was to “insure that no voting procedure changes would be made that would lead to retrogression³⁵ in the position of racial minorities with respect to their effective exercise of the electoral franchise.”³⁶ Whether a districting plan was retrogressive in effect requires an examination of “the entire statewide plan as a whole.”³⁷

The Department of Justice required 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, could be implemented by the submitting jurisdiction. Without preclearance, proposed changes were not legally enforceable and cannot be implemented.”³⁸

However, in 2013, the United States Supreme Court declared in *Shelby County v. Holder* that the so-called “coverage formula” in Section 4 of the VRA—the formula by which Congress selected the jurisdictions that Section 5 covered—exceeded Congress’s enforcement authority under the Fifteenth Amendment. The preclearance process established by Section 5 of the VRA is thus no longer in effect. *Shelby County* does not, however, affect the validity of the statewide diminishment standard in the Florida Constitution.

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

³¹ 42 U.S.C. Section 1973c.

³² Some states were covered in their entirety. In other states only certain counties were covered.

³³ 42 U.S.C. Section 1973c.

³⁴ 42 U.S.C. Section 1973c

³⁵ A decrease in the absolute number of representatives which a minority group has a fair chance to elect.

³⁶ *Beer v. United States*, 425 U.S. 130, 141 (1976).

³⁷ *Georgia v. Ashcroft*, 539 U.S. 461, 479 (2003).

³⁸ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 96.

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

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

**Table 3. 1982 House Plan
Only Districts with Greater Than 20% African-American Population³⁹**

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 Population⁴⁰**

³⁹ 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.

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

Equal Protection – Racial Gerrymandering

Racial gerrymandering is “the deliberate and arbitrary distortion of district boundaries...for (racial) purposes.”⁴¹ Racial gerrymandering claims are justiciable under equal protection.⁴² 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.”⁴³

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.”⁴⁴ Thus, the “plaintiff must prove that the legislature subordinated traditional race-neutral districting principles...to racial considerations.”⁴⁵ If the plaintiff meets this burden, “the State must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest,”⁴⁶ i.e. “narrowly tailored” to achieve that singular compelling state interest.

Florida Constitution, Article III, Section 16

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

The Florida Constitution is silent with respect to process for congressional redistricting. Article 1 Section 4 of the United States Constitution grants to each state legislature the exclusive authority to apportion seats designated to that state by providing the legislative bodies with the authority to

⁴⁰ 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.

⁴¹ *Shaw v. Reno*, 509 U.S. 630, 640 (1993)

⁴² *Shaw v. Reno*, 509 U.S. 630, 642 (1993)

⁴³ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 72.

⁴⁴ *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

⁴⁵ *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

⁴⁶ *Miller v. Johnson*, 515 U.S. 920 (1995).

determine the times place and manner of holding elections for senators and representatives. Consistent therewith, Florida has adopted its congressional apportionment plans by legislation subject to gubernatorial approval.⁴⁷ 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 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.

⁴⁷ See generally Section 8.0001, et seq., Florida Statutes (2007).

To the extent that compliance with second-tier standards conflicts with first-tier standards or federal law, the second-tier standards do not apply.⁴⁸ 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.⁴⁹

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.⁵⁰

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 Florida Supreme Court has construed the non-diminishment standard as imposing in all sixty-seven counties in Florida minority protections similar to those in Section 5 of the federal Voting Rights Act, as amended when reauthorized by Congress in 2006.

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.⁵¹ In a contiguous district, a person can travel from any point within the district to any other point without departing from the district.⁵² A district is not contiguous if its parts touch only at a common corner, such as a right angle.⁵³ 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.⁵⁴

The second tier of these standards requires that districts be compact.⁵⁵ Compactness “refers to the shape of the district.”⁵⁶ The Florida Supreme Court has confirmed that the primary test for compactness is a visual examination of the general shape of the district.⁵⁷ “Compact districts should

⁴⁸ Article III, Sections 20(b) and 21(b), Florida Constitution.

⁴⁹ Article III, Sections 20(c) and 21(c), Florida Constitution.

⁵⁰ 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.”).

⁵¹ *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)).

⁵² *Id.*

⁵³ *Id.* (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1051).

⁵⁴ *Id.* at 280.

⁵⁵ Article III, Sections 20(b) and 21(b), Florida Constitution.

⁵⁶ *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 685 (Fla. 2012).

⁵⁷ *Id.* at 634 (“[A] review of compactness begins by looking at the shape of a district.”).

not have an unusual shape, a bizarre design, or an unnecessary appendage unless it is necessary to comply with some other requirement.”⁵⁸

In addition to a visual inspection, quantitative measures of compactness can assist courts in assessing compactness.⁵⁹ The Florida Supreme Court relied on two common, quantitative measures of compactness: the Reock and Convex Hull methods.⁶⁰ The Reock method divides the area of the district by the area of the smallest circle that can surround the district. The result is a number from zero to one. A Reock score of one indicates that a district covers 100% of the area of the surrounding circle—in other words, that the district fills the entire circle and therefore *is* a circle. A Reock score of 0.50 indicates that a district covers 50% of the area of the surrounding circle. A higher score indicates superior compactness, on the assumption that a district that occupies more of its surrounding circle is more compact than one that occupies less.

The Convex Hull method performs the same calculation, with one difference. Rather than surround the district with a circle, the Convex Hull method surrounds it with a convex polygon—a figure constructed of straight lines that do not turn inward (the shape created by a hypothetical rubber band placed around a district). The Convex Hull method then divides the area of the district by the area of the surrounding convex polygon. The score indicates, on a zero-to-one scale, the percentage of the area of the polygon that the area of the district covers.

The second tier of these standards also requires that “districts shall, where feasible, utilize existing political and geographical boundaries.”⁶¹ “Political boundaries” refers to county and municipal lines.⁶² The protection for counties and municipalities is consistent with the purpose of the standards to respect existing community lines. “Geographical boundaries” refers to boundaries that are “easily ascertainable and commonly understood, such as rivers, railways, interstates, and state roads.”⁶³

Compactness “refers to the shape of the district.”⁶⁴ The Florida Supreme Court has confirmed that the primary test for compactness is a visual examination of the general shape of the district.⁶⁵ “Compact districts should not have an unusual shape, a bizarre design, or an unnecessary appendage unless it is necessary to comply with some other requirement.”⁶⁶

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⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 635.

⁶¹ Article III, Sections 20(b) and 21(b), Florida Constitution.

⁶² *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 636-37 (Fla. 2012).

⁶³ *Id.* at 638 (marks omitted); *see also id.* (“Together with an analysis of compactness, an adherence to county and city boundaries, and rivers, railways, interstates and state roads as geographical boundaries will provide a basis for an objective analysis of the plans and the specific districts drawn.”).

⁶⁴ *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 685 (Fla. 2012).

⁶⁵ *Id.* at 634 (“[A] review of compactness begins by looking at the shape of a district.”).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.* at 635.

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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;⁷² or
- 2) That county, city and other geographic boundaries are viable reasons to deviate from compactness.⁷³

Either way, county, city, and other geographic boundaries are primary considerations when evaluating compactness.⁷⁴

⁶⁹ Article III, Sections 20(b) and 21(b), Florida Constitution.

⁷⁰ *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 636-37 (Fla. 2012).

⁷¹ *Id.* at 638 (marks omitted); *see also id.* (“Together with an analysis of compactness, an adherence to county and city boundaries, and rivers, railways, interstates and state roads as geographical boundaries will provide a basis for an objective analysis of the plans and the specific districts drawn.”).

⁷² *e.g.*, *DeWitt v. Wilson*, 856 F. Supp. 1409, 1414 (E.D. Cal. 1994).

⁷³ *e.g.*, *Jamerson v. Womack*, 423 S.E. 2d 180 (1992). *See generally*, 114 A.L.R. 5th 311 at § 3[a], 3[b].

⁷⁴ *See id.*

Redistricting Plan Data Report for H000C9057

Plan File Name: H000C9057		Plan Type: Congress - 27 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::	696,344	Number Non-Contiguous Sections: 1 (normally one)														
District Population Remainder:	22	County or District Split : 21 Split of 67 used														
District Population Range:	696,344 to 696,345	City or District Split : 28 Split of 411 used														
District Deviation Range:	(0) To 1	VID's Split : 355 Split of 9,436 used														
Deviation:	(0) To 0.00 Total 0.00%															
Number of Districts by Race Language																
	20%+	30%+	40%+	50%+	60%+											
2002 Black VAP	5	3	3	2	0											
New Black VAP	5	3	3	2	0											
2002 Hisp VAP	7	4	3	3	3											
New Hisp VAP	7	6	3	3	3											
Plan Name: H000C9057		Number of Districts														
		27														
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
C9057-Map	7,735	65,757	11.76%	6,812	175,675	3.87%	88.07%	39.84%	5,553	90,929	6.10%	71.78%	73.29%	1,675	1,677	3,352
2002 Map	10,064	65,757	15.30%	7,681	241,801	3.17%	76.31%	30.42%	6,041	104,959	5.75%	60.02%	62.94%	1,898	1,830	3,729
C9057-Simple	7,735	65,756	11.76%				88.07%	37.43%				71.79%	72.31%			
2002 Map	10,066	65,757	15.30%				76.30%	27.19%				60.01%	62.65%			
	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				
C9057-Map	23	23	25	18	31	31	32	25	41	40	41	33				
2002 Map	29	29	30	22	38	38	38	29	48	48	46	38				

District-by-District Summary Statistics for the Proposed Congressional Map

District ID	Pop Dev	TPOP10	%AllBlkVAP10	%AllHispVAP10	%HaitianPOPACS
1	1	696345	13.19172	4.548123	0.1871403
2	1	696345	23.83068	4.753289	0.3821093
3	1	696345	13.24901	6.993377	0.2869324
4	1	696345	12.90607	6.720813	0.3017773
5	1	696345	48.11019	10.29148	3.215911
6	1	696345	8.999868	5.893412	0.2578889
7	1	696345	10.87175	17.38742	0.4713241
8	0	696344	9.124648	7.656963	0.5561223
9	0	696344	11.23105	38.3748	1.110902
10	1	696345	12.20773	16.88626	1.113505
11	1	696345	7.721366	7.380528	0.1550049
12	0	696344	4.338227	9.935627	0.1091668
13	1	696345	5.293462	7.243767	0.05160762
14	1	696345	25.62865	25.61204	0.8761909
15	1	696345	12.72498	14.98514	0.3521989
16	1	696345	5.829445	8.758595	0.7082896
17	1	696345	8.344933	14.35199	0.5233728
18	0	696344	11.06876	12.05479	1.760646
19	1	696345	6.466457	14.83137	1.625322
20	1	696345	50.0578	18.53966	9.907381
21	1	696345	11.22658	18.28904	3.036792
22	1	696345	10.33147	17.71708	4.003601
23	1	696345	10.98851	36.731	1.511455
24	1	696345	54.9152	33.15138	15.22171
25	0	696344	7.704848	70.69013	1.753488
26	1	696345	10.02387	68.91428	1.351733
27	1	696345	7.707506	75.04417	0.7832751

Functional Analysis Chart of Proposed Congressional District 5

	H000C9057 CD 5	Benchmark - 2002 CD 3
Black VAP	48.11%	49.87%
2012 PRES DEM	68.69%	70.82%
2010 GOV DEM	63.45%	65.51%
2008 PRES DEM	68.37%	70.63%
2006 GOV DEM	56.67%	58.74%
2010 DEM REG	60.04%	61.59%
2010 DEM REG - black	65.28%	66.41%
2010 Black REG - DEM	86.87%	87.06%
2010 DEM Turnout	60.61%	62.49%
2010 DEM Turnout - Black	66.19%	67.18%
2010 Black Turnout - DEM	92.00%	92.25%
2010 DEM PRI - Black	63.67%	64.97%

District-by-District Descriptions for the Proposed Congressional Map

Congressional District 1, which is equal in population to other districts; is compact; includes all of Escambia, Okaloosa, Santa Rosa and Walton Counties and portions of Holmes County; includes all of the municipalities of Century, Cinco Bayou, Crestview, De Funiak Springs, Destin, Esto, Fort Walton Beach, Freeport, Gulf Breeze, Jay, Laurel Hill, Mary Esther, Milton, Niceville, Noma, Paxton, Pensacola, Ponce de Leon, Shalimar, Valparaiso, and Westville; follows the boundaries of the state on the western and northern sides of the district and the Gulf of Mexico on the south.

Congressional District 2, which is equal in population to other districts; is compact; includes all of Bay, Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Taylor, Wakulla, and Washington Counties and portions of Holmes and Madison Counties; includes all of the municipalities of Alford, Altha, Apalachicola, Bascom, Blountstown, Bonifay, Bristol, Callaway, Campbellton, Carrabelle, Caryville, Chattahoochee, Chipley, Cottondale, Ebro, Graceville, Grand Ridge, Greensboro, Greenville, Greenwood, Gretna, Havana, Jacob City, Lynn Haven, Malone, Marianna, Mexico Beach, Midway, Monticello, Panama City, Panama City Beach, Parker, Perry, Port St. Joe, Quincy, St. Marks, Sneads, Sopchoppy, Springfield, Tallahassee, Vernon, Wausau, and Wewahitchka.

Congressional District 3, which is equal in population to other districts; is compact; includes all of Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Suwannee and Union Counties and portions of Alachua, Clay, Madison and Marion Counties; includes all of the municipalities of Alachua, Archer, Bell, Branford, Bronson, Brooker, Cedar Key, Chiefland, Cross City, Dunnellon, Fanning Springs, Fort White, Hampton, High Springs, Horseshoe Beach, Inglis, Jasper, Jennings, Keystone Heights, La Crosse, Lake Butler, Lake City, Lawtey, Lee, Live Oak, Madison, Mayo, Micanopy, Newberry, Otter Creek, Penney Farms, Raiford, Starke, Trenton, Waldo, White Springs, Williston, Worthington Springs, and Yankeetown; uses Interstate 75, State Road 200, Highway 17, and the Ocala city line as portions of its eastern boundary.

Congressional District 4, which is equal in population to other districts; is compact; includes all of Baker and Nassau Counties and portions of Duval County; includes all of the municipalities of Atlantic Beach, Baldwin, Callahan, Fernandina Beach, Glen St. Mary, Hilliard, Jacksonville Beach, Macclenny, and Neptune Beach; follows the boundaries of the state to the north, the Atlantic Ocean to the east and county boundaries to the west and south.

Congressional District 5, which is equal in population to other districts; is as compact as the minority protection provisions in tier 1 permit; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; preserves the core the existing district in accordance with public testimony, is culturally and demographically compact, and ties communities in Northeast Florida of similar socioeconomic and historical characteristics; includes portions of Alachua, Clay, Duval, Lake, Marion, Orange and Putnam Counties; includes all of the municipalities of Eatonville, Green Cove Springs, Hawthorne, Interlachen, McIntosh, Palatka, and Reddick; improves the use of existing, county, city, political and geographic boundaries as compared to the comparable district in the benchmark plan; uses the St. Johns River and other waterways as large portions of its eastern boundary.

Congressional District 6, which is equal in population to other districts; is compact; includes all of Flagler and St. Johns Counties and portions of Putnam and Volusia Counties; includes all of the municipalities of Beverly Beach, Bunnell, Crescent City, Daytona Beach, Daytona Beach Shores, DeLand, Edgewater, Flagler Beach, Hastings, Holly Hill, Lake Helen, Marineland, New Smyrna Beach, Oak Hill, Ormond Beach, Palm Coast, Pierson, Pomona Park, Ponce Inlet, Port Orange, St. Augustine, St. Augustine Beach, South Daytona, Welaka; uses the St. Johns County line, the Volusia County line, the Atlantic Ocean for portions of its western and eastern border and is traversed by Interstate 95.

Congressional District 7, which is equal in population to other districts; is compact; includes all of Seminole County and portions of Orange and Volusia Counties; includes all of the municipalities of Altamonte Springs,

Casselberry, Deltona, Lake Mary, Longwood, Maitland, Oviedo, Sanford, Winter Park, and Winter Springs; follows the boundary of Seminole County along much of its western and southern boundaries; is bounded on the east by the Brevard County line; and is traversed by the Seminole Expressway and Interstate 4.

Congressional District 8, which is equal in population to other districts; is compact; includes all of Brevard and Indian River Counties and portions of Orange County; includes all of the municipalities of Cape Canaveral, Cocoa, Cocoa Beach, Fellsmere, Grant-Valkaria, Indialantic, Indian Harbour Beach, Indian River Shores, Malabar, Melbourne, Melbourne Beach, Melbourne Village, Orchid, Palm Bay, Palm Shores, Rockledge, Satellite Beach, Sebastian, Titusville, Vero Beach, West Melbourne; is bounded by county lines and by the Atlantic Ocean; and is traversed by Interstate 95, U.S. Highway 1, and State Road A1A.

Congressional District 9, which is equal in population to other districts; is compact; includes portions of Osceola and Orange Counties; includes all of the municipalities of Belle Isle, Edgewood, Kissimmee and St. Cloud; ties high growth central Florida communities of similar language characteristics.

Congressional District 10, which is equal in population to other districts; is compact; includes portions of Lake, Osceola, Orange and Polk Counties; includes all of the municipalities of Astatula, Auburndale, Bay Lake, Clermont, Davenport, Eustis, Groveland, Haines City, Howey-in-the-Hills, Lake Alfred, Lake Buena Vista, Lake Hamilton, Leesburg, Mascotte, Minneola, Montverde, Mount Dora, Oakland, Polk City, Tavares, Umatilla, Windermere, and Winter Garden; is traversed by Interstate 4 and the Florida Turnpike.

Congressional District 11, which is equal in population to other districts; is compact; includes all of Citrus, Hernando and Sumter Counties and portions of Lake and Marion Counties; includes all of Belleview, Brooksville, Bushnell, Center Hill, Coleman, Crystal River, Fruitland Park, Inverness, Lady Lake, Ocala, Webster, Weeki Wachee and Wildwood; uses Interstate 75, State Road 200, and the Ocala city line as portions of its western border.

Congressional District 12, which is equal in population to other districts; is compact; includes all of Pasco County and portions of Hillsborough and Pinellas Counties; includes all of the municipalities of Dade City, New Port Richey, Oldsmar, Port Richey, St. Leo, San Antonio, Tarpon Springs and Zephyrhills; uses the Dale Mabry Highway as portions of its eastern border, and is traversed by the Suncoast Parkway, Interstate 75, and U.S. Highways 19 and 98.

Congressional District 13, which is equal in population to other districts; is compact; is wholly located in Pinellas County; includes all of the municipalities of Belleair, Belleair Beach, Belleair Bluffs, Belleair Shore, Clearwater, Dunedin, Gulfport, Indian Rocks Beach, Indian Shores, Kenneth City, Largo, Madeira Beach, North Redington Beach, Pinellas Park, Redington Beach, Redington Shores, Safety Harbor, St. Pete Beach, Seminole, South Pasadena, and Treasure Island; uses the Hillsborough-Pinellas border and Interstate 275 as portions of its western border, and follows city lines of Dunedin and Clearwater on the northern border.

Congressional District 14, which is equal in population to other districts; complies with Section 5 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties urban neighborhoods of similar socioeconomic characteristics in the Tampa Bay area; is compact; includes portions of Hillsborough and Pinellas Counties; includes portions of the municipalities of St. Petersburg and Tampa; uses Interstate 75 as a portion of its eastern boundary and uses portions of the Hillsborough-Pinellas border and Interstate 275 as portions of its western border.

Congressional District 15, which is equal in population to other districts; is compact; includes portions of Hillsborough and Polk Counties; includes all of the municipalities of Bartow, Lakeland, Mulberry, Plant City and Temple Terrace, uses the Alafia River as a portion of its southern boundary and uses Interstate 75 as a portion of its western boundary, and the Lakeland, Auburndale, and Bartow city lines for portions of its eastern border.

Congressional District 16, which is equal in population to other districts; is compact; includes all of Sarasota County and portions of Manatee County; includes all of the municipalities of Anna Maria, Bradenton, Bradenton Beach, Holmes Beach, Longboat Key, North Port, Palmetto, Sarasota, and Venice; is traversed by Interstate 75.

Congressional District 17, which is equal in population to other districts; is compact; includes all of Charlotte, DeSoto, Glades, Hardee, Highlands and Okeechobee Counties and portions of Hillsborough, Lee, Manatee, Osceola, and Polk Counties; includes all of the municipalities of Arcadia, Avon Park, Bowling Green, Dundee, Eagle Lake, Fort Meade, Frostproof, Highland Park, Hillcrest Heights, Lake Placid, Lake Wales, Moore Haven, Okeechobee, Punta Gorda, Sebring, Wauchula, and Zolfo Springs; uses the Alafia River, the Bartow and Dundee city lines as portions of its northern border.

Congressional District 18, which is equal in population to other districts; is compact; includes all of Martin and St. Lucie Counties and portions of Palm Beach County; includes all of the municipalities of Fort Pierce, Juno Beach, Jupiter, Jupiter Inlet Colony, Jupiter Island, North Palm Beach, Ocean Breeze Park, Palm Beach Gardens, Palm Beach Shores, Port St. Lucie, St. Lucie Village, Sewall's Point, Stuart, and Tequesta; is traversed by Interstate 95 and the Florida Turnpike.

Congressional District 19, which is equal in population to other districts; is compact; includes portions of Collier and Lee Counties; includes all of the municipalities of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Marco Island, Naples and Sanibel; is traversed by Interstate 75 and the Tamiami Trail.

Congressional District 20, which is equal in population to other districts; complies with Sections 2 and 5 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties communities of similar socioeconomic characteristics in Broward, Palm Beach, and Hendry Counties; is compact; includes portions of Broward, Hendry and Palm Beach Counties; includes all of the municipalities of Belle Glade, Clewiston, Cloud Lake, Glen Ridge, Haverhill, Lake Park, Lauderdale Lakes, Lauderhill, Loxahatchee Groves, Mangonia Park, North Lauderdale, Pahokee, South Bay, and Tamarac; uses Interstate 75 as portions of its southern border and uses the Loxahatchee National Wildlife Refuge as a portion of its eastern border.

Congressional District 21, which is equal in population to other districts; is compact; includes portion of Broward and Palm Beach Counties; includes all of the municipalities of Coconut Creek, Coral Springs, Greenacres, Parkland and Wellington; uses the Loxahatchee National Wildlife Refuge as a portion of its western border, and the Boca Raton, Delray Beach, Boynton Beach, Golf and Palm Springs city lines for portions of its eastern border, and National Wildlife Refuge as a portion of its western border, and the Boca Raton, Delray Beach, Boynton Beach, Golf and Palm Springs city lines for portions of its eastern border.

Congressional District 22, which is equal in population to other districts; is compact; includes portions of Broward and Palm Beach Counties; includes all of the municipalities of Atlantis, Boca Raton, Briny Breezes, Delray Beach, Golf, Gulf Stream, Highland Beach, Hillsboro Beach, Hypoluxo, Lake Clarke Shores, Lauderdale-by-the-Sea, Lazy Lake, Lighthouse Point, Manalapan, Ocean Ridge, Palm Beach, Palm Springs, Sea Ranch Lakes, South Palm Beach, and Wilton Manors; is traversed by Interstate 95 and State Road A1A.

Congressional District 23, which is equal in population to other districts; is compact; includes portions of Broward and Miami-Dade Counties; includes all of the municipalities of Aventura, Bal Harbour, Bay Harbor Islands, Cooper City, Dania Beach, Davie, Golden Beach, Hallandale Beach, Hollywood, Indian Creek, Miami Beach, North Bay Villages, Southwest Ranches, Sunny Isles Beach, Surfside and Weston; uses Interstate 595 as portions of its northern border.

Congressional District 24, which is equal in population to other districts; complies with Section 2 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties urban neighborhoods

of similar language, cultural, and socioeconomic characteristics in Miami-Dade and south Broward Counties; is compact; includes portions of Broward and Miami-Dade Counties; includes all of the municipalities of Biscayne Park, El Portal, Miami Gardens, Miami Shores, North Miami, North Miami Beach, Opa-locka, Pembroke Park and West Park; is traversed by Interstate 95 and the Florida Turnpike.

Congressional District 25, which is equal in population to other districts; complies with Sections 2 and 5 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties communities of similar language, cultural, and socioeconomic characteristics; is compact; includes portions of Broward, Collier, Hendry and Miami-Dade Counties; includes all of the municipalities of Doral, Everglades City, Hialeah Gardens, LaBelle, Medley, Miami Lakes and Sweetwater; uses the Tamiami Trail as a portion of its southern border and uses Interstate 75 as a portion of its northern border.

Congressional District 26, which is equal in population to other districts; complies with Sections 2 and 5 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties neighborhoods in western and south Miami-Dade and Monroe County of similar language, cultural, and socioeconomic characteristics; is compact; includes all of Monroe County and portions of Miami-Dade County; includes all of the municipalities of Florida City, Islamorada, Village of Islands, Key Colony Beach, Key West, Layton and Marathon; uses the Tamiami Trail as a portion of its northern border and U.S. 1 as a portion of its eastern border.

Congressional District 27, which is equal in population to other districts; complies with Section 2 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties neighborhoods of similar language, cultural, and socioeconomic characteristics; is compact; is wholly located in Miami-Dade County; includes all of the municipalities of Coral Gables, Cutler Bay, Key Biscayne, Miami Springs, Palmetto Bay, Pinecrest, South Miami, Virginia Gardens and West Miami; uses the Miami-Dade County line as a portion of its southern border and U.S. 1 as a portion of its western border.

B. SECTION DIRECTORY:

- | | |
|-----------|---|
| Section 1 | Provides for the geographical description of the apportionment of the 27 Congressional districts. |
| Section 2 | Provides for the reenactment of Section 8.0111, Florida Statutes pertaining to the inclusion of unlisted territory in contiguous districts. |
| Section 3 | Provides for the reenactment of Section 8.031, Florida Statutes pertaining to the election of representatives to Congress. |
| Section 4 | Provides a severability clause in the event that any portion of this bill is held invalid. |
| Section 5 | Provides for the applicability of the congressional districts prescribed in this bill to apply in the primary and general elections held after the 2014 general election. |
| Section 6 | Provides for an effective date of upon becoming law. |

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

There does not appear to be any anticipated cost on the Department of State related to the redrawing of maps. Should the need arise for holding a special election(s) as a result of this matter, however, there would be costs associated with the statutory requirement to reimburse local supervisors for such expenditures. The fiscal impact related to any possible special election reimbursement is indeterminate at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The reapportionment will have an indeterminate fiscal impact on Florida's 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 voter records to reflect new districts if they are impacted by this remedial map. 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 may 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