HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

BILL #:	CS/SB 1174 (CS/HB 6005)	**FINAL HOUSE FLOOR ACTION:**	
SPONSOR(S):	Senate Committee on Reapportionment	80 **Y's**	37 **N's**
COMPANION BILLS:	CS/HB 6005	**GOVERNOR'S ACTION:**	Approved

SUMMARY ANALYSIS

Senate Bill 1174 initially passed the Senate on January 17, 2012. As initially passed by the Senate, this bill contained a congressional redistricting map. During the amendatory process, the House struck the congressional redistricting map the bill contained and replaced it with the substance of HB 6005, the congressional redistricting map that passed out of the House Redistricting Committee, and passed Senate Bill 1174 on February 3, 2012, and the Senate subsequently passed it on February 9, 2012.

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. The reapportionment of the 435 seats of the United States House of Representatives revealed that the State of Florida would gain 2 seats, going from 25 to 27. Therefore districts must be adjusted to correct population differences.

Redistricting Plan H000C9047: This proposed committee bill redistricts the resident population of Florida into 27 congressional districts, as required by state and federal law.

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

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

- Reduce the number of counties split from 30 to 21;
- Reduce the number of cities split from110 to 27;
- Reduce the total perimeter, width and height of the districts, consistently, based on various methods of measurement;
- Reduce the distance and drive time to travel the average district;
- Reduce the total population deviation from 42.45% to 0.00%; and
- Maintain elected representation for African-American and Hispanic Floridians.

Upon approval by the Legislature, this bill is subject to review by the Governor. CS for SB 1174 was passed by the Legislature on February 9, 2012, and signed by the Governor on February 16, 2012.

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

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

The 2010 Census

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

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

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

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

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

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

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

Table 1. Florida Congressional Districts 2002-2011

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 ***or*** 25)	639,295	696,345

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

15	639,295	0	0.0%	813,570	117,225	16.8%
16	639,295	0	0.0%	797,711	101,366	14.6%
17	639,296	1	0.0%	655,160	-41,185	-5.9%
18	639,295	0	0.0%	712,790	16,445	2.4%
19	639,295	0	0.0%	736,419	40,074	5.8%
20	639,295	0	0.0%	691,727	-4,618	-0.7%
21	639,295	0	0.0%	693,501	-2,844	-0.4%
22	639,295	0	0.0%	694,259	-2,086	-0.3%
23	639,295	0	0.0%	684,107	-12,238	-1.8%
24	639,295	0	0.0%	799,233	102,888	14.8%
25	639,295	0	0.0%	807,176	110,831	15.9%
26				0	-696,345	-100.0%
27				0	-696,345	-100.0%

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

U.S. Constitution

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

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

In addition to state specific requirements to redistrict, states are obligated to redistrict based on the principle commonly referred to as "one-person, one-vote."[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.

[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).

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 it State Senate districts, and 0.00% for its Congressional districts.[13]

The Voting Rights Act

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

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

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[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.
[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.

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 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

[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).

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

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

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

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

Later, in *Shaw v. Hunt*, the Court found that the State of North Carolina made race the predominant consideration for redistricting, such that other race-neutral districting principles were subordinated, but the state failed to meet the strict scrutiny[29] test. The Court found that the district in question, "as drawn, is not a remedy narrowly tailored to the State's professed interest in avoiding liability under Section(s) 2 of the Act," and "could not remedy any potential Section(s) 2 violation, since the minority group must be

[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.
[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.

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

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

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

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[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.
[37] 42 U.S.C. Section 1973c.
[38] 42 U.S.C. Section 1973c

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

The Department of Justice requires that submissions for preclearance include numerous quantitative and qualitative pieces of data to satisfy the Section 5 review. "The Department of Justice, through the U.S. Attorney General, has 60 days in which to interpose an objection to a preclearance submission. The Department of Justice can request additional information within the period of review and following receipt of the additional information, the Department of Justice has an additional 60 days to review the additional information. A change, either approved or not objected to, can be implemented by the submitting jurisdiction. Without preclearance, proposed changes are not legally enforceable and cannot be implemented."[42]

Majority-Minority and Minority Access Districts in Florida

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

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

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

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

[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.

Table 3. 1982 House Plan
Only Districts with Greater Than 20% African-American Population[43]

Total African-American Population	House District Number	Total Districts	African-American Representatives Elected
20% - 29%	2, 12, 15, 22, 23, 25, 29, 42, 78, 81, 92, 94, 103, 118, 119	15	0
30% - 39%	8, 9	2	1
40% - 49%	55, 83, 91	3	2
50% - 59%	17, 40, 63, 108	4	4
60% - 69%	16, 106,	2	2
70% - 79%	107	1	1
TOTAL			10

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

Table 4. 2002 House Plan
Only Districts with Greater Than 20% African-American Population[44]

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

Equal Protection – Racial Gerrymandering

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

[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.
[45] *Shaw v. Reno*, 509 U.S. 630, 640 (1993)

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.[5556] Registration and performance data must be used under Section 2 of the Voting Rights Act to determine whether geographically compact minority groups are politically cohesive, and also to determine whether the majority population votes as a block to defeat the minority's candidate of choice.

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[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.

The Florida Constitution is silent with respect to process for congressional redistricting. Article 1 Section 4 of the United States Constitution grants to each state legislature the exclusive authority to apportion seats designated to that state by providing the legislative bodies with the authority to determine the times place and manner of holding elections for senators and representatives. Consistent therewith, Florida has adopted its congressional apportionment plans by legislation subject to gubernatorial approval.[57] 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

[57] *See generally* Section 8.0001, et seq., Florida Statutes (2007).

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.[58] 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.[59]

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.[60]

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.[61]

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."[62]

"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

[58] Article III, Sections 20(b) and 21(b), Florida Constitution.
[59] Article III, Sections 20(c) and 21(c), Florida Constitution.
[60] 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.").
[61] *Compare id*. with 42 U.S.C. § 1973c(b).
[62] 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.

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."[63]

Without comment, the Department of Justice granted preclearance on May 31, 2011.[64]

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.[65] In a contiguous district, a person can travel from any point within the district to any other point without departing from the district.[66] A district is not contiguous if its parts touch only at a common corner, such as a right angle.[67] 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.[68]

The second tier of these standards requires that districts be compact.[69] The meaning of "compactness" can vary significantly, depending on the type of redistricting-related analysis in which the court is involved.[70] 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"[71] 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.[72] 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."[73] In a vote dilution context, "While no precise rule has emerged governing § 2 compactness, the inquiry should take into account traditional districting principles."[74]

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[63] 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.
[64] 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).
[65] *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)).
[66] *Id.*
[67] *Id*. (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1051).
[68] *Id*. at 280.
[69] Article III, Sections 20(b) and 21(b), Florida Constitution.
[70] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Pages 109-112.
[71] *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 26 (2006).
[72] *Karcher v. Daggett*, 462 U.S. 725, 756 (1983).
[73] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 111.
[74] *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 27 (2006).

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."[75] The term "political boundaries" refers, at a minimum, to the boundaries of cities and counties.[76] 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.[77]

Similarly, the federal courts have used the phrase "geographical boundaries" in a general sense.[78] The U.S. Supreme Court has used the phrase "geographical considerations" when referring to how difficult it is to travel within a district.[79]

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.",[80] or topographical features such as a waterway dividing a county or other natural borders within a state or county.[81]

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;[82] or

2) That county, city and other geographic boundaries are viable reasons to deviate from compactness.[83]

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[75] Article III, Sections 20(b) and 21(b), Florida Constitution.
[76] 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).
[77] *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.").
[78] *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.").
[79] *Reynolds v. Sims,* 377 U.S. 533, 580 (1964)
[80] *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),
[81] *Moore v. Itawamba County, Miss.*, 431 F.3d 257, 260 (5th Cir. 2005).
[82] *e.g., DeWitt v. Wilson*, 856 F. Supp. 1409, 1414 (E.D. Cal. 1994).
[83] *e.g.*, *Jamerson v. Womack*, 423 S.E. 2d 180 (1992). *See generally*, 114 A.L.R. 5th 311 at § 3[a], 3[b].

Either way, county, city, and other geographic boundaries are primary considerations when evaluating compactness.[84]

Public Outreach

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

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

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

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

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

[84] *See id.*

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.

Redistricting Plan H000C9047: Effect of Proposed Changes

Redistricting Plan Summary Statistics for the Proposed Congressional Map

Redistricting Plan Data Report for H000C9047

Plan File Name: H000C9047	
Plan Population Fundamentals	
Total Population Assigned:	18,801,310 of 18,801,310
Ideal District Population::	696,344
District Population Remainder:	22
District Population Range:	696,344 to 696,345
District Deviation Range:	(0) To 1
Deviation:	(0) To 0.00 Total 0.00%

Plan Type: Congress - 27 Districts	
Plan Geography Fundamentals:	
Census Blocks Assigned:	484,481 out of 484,481
Number Non-Contiguous Sections:	1 (normally one)
County or District Split :	21 Split of 67 used
City or District Split :	27 Split of 411 used
VTD's Split :	352 Split of 9,436 used

Number of Districts by Race Language					
	20%+	30%+	40%+	50%+	60%+
Current Black VAP	5	3	3	2	0
New Black VAP	5	3	3	3	0
Current Hisp VAP	7	4	3	3	3
New Hisp VAP	7	6	4	3	3

Plan Name:	H000C9047			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
C9047-Map	8,120	65,934	12.31%	6,919	181,529	3.81%	85.21%	36.32%	5,627	93,263	6.03%	69.29%	70.69%	1,723	1,706	3,447
Current Map	10,064	65,934	15.26%	7,767	252,642	3.07%	77.18%	26.09%	6,041	105,234	5.74%	60.02%	62.65%	1,898	1,830	3,797
C9047-Simple	7,463	65,831	11.33%				92.71%	36.26%				75.39%	70.58%			
Current Map	9,153	65,906	13.88%				84.86%	26.08%				66.00%	62.62%			

	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
C9047-Map	24	23	25	19	31	31	33	25	41	41	41	34
Current Map	29	29	30	22	38	38	38	29	48	48	46	38

District-by-District Summary Statistics for the Proposed Congressional Map[85]

District ID	Pop Dev	TPOP10	%AllBlkVAP10	%AllHispVAP10	%HaitianPOPACS
1	1	696,345	13.19	4.55	0.19
2	1	696,345	23.83	4.75	0.38
3	1	696,345	13.25	6.99	0.29
4	1	696,345	12.91	6.72	0.30
5	1	696,345	50.06	11.08	3.28
6	1	696,345	9.02	5.69	0.26
7	1	696,345	9.03	16.97	0.46
8	0	696,344	9.12	7.66	0.56
9	1	696,345	12.40	41.39	1.23
10	1	696,345	11.14	14.20	0.95
11	1	696,345	7.73	7.38	0.15
12	0	696,344	4.34	9.94	0.11
13	1	696,345	5.29	7.24	0.05
14	1	696,345	25.63	25.61	0.88
15	1	696,345	12.72	14.99	0.35
16	1	696,345	5.83	8.76	0.71
17	0	696,344	8.36	14.35	0.50
18	0	696,344	11.07	12.05	1.76
19	1	696,345	6.47	14.83	1.63
20	1	696,345	50.06	18.54	9.91
21	1	696,345	11.23	18.29	3.04
22	1	696,345	10.33	17.72	4.00
23	1	696,345	10.99	36.73	1.51
24	1	696,345	54.92	33.15	15.22
25	0	696,344	7.70	70.69	1.75
26	1	696,345	10.02	68.91	1.35
27	1	696,345	7.71	75.04	0.78

District-by-District Descriptions for the Congressional Map as Provided in the Whereas Clauses of the Bill

Included in the bill text are Where As clauses that describe the districts. The following is quoted directly from that language of the bill.

WHEREAS, it is the intent of the Legislature to establish 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, DeFuniak 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

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

Westville; and follows the boundaries of the state on the western and northern sides of the district and the Gulf of Mexico on the south, and

WHEREAS, it is the intent of the Legislature to establish 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; and 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, and

WHEREAS, it is the intent of the Legislature to establish 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; and uses Interstate 75, State Road 200, Highway 17, and the Ocala city line as portions of its eastern boundary, and

WHEREAS, it is the intent of the Legislature to establish 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; and follows the boundaries of the state to the north, the Atlantic Ocean to the east, and county boundaries to the west and south, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 5, which is equal in population to other districts; is consistent 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; preserves the core of the existing district in accordance with public testimony and ties communities in Northeast Florida of similar socioeconomic characteristics; includes portions of Alachua, Clay, Duval, Lake, Marion, Orange, Putnam, and Seminole counties; includes all of the municipalities of Eatonville, Green Cove Springs, Hawthorne, McIntosh, Palatka, and Reddick; improves the use of county and city boundaries as compared to the comparable district in the benchmark plan; and uses the St. Johns River and other waterways as portions of its eastern boundary, and

WHEREAS, it is the intent of the Legislature to establish 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, Interlachen, 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, and Welaka; uses the St. Johns County line, the Volusia County line, and the Atlantic Ocean for portions of its western and eastern border; and is traversed by Interstate 95, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 7, which is equal in population to other districts; is compact; includes portions of Orange, Seminole, and Volusia counties; includes all of the municipalities of Altamonte Springs, Casselberry, DeBary, Deltona, Lake Mary, Longwood, Maitland, Orange City, Oviedo, 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, and

WHEREAS, it is the intent of the Legislature to establish 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, and 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, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 9, which is equal in population to other districts; is compact; includes all of Osceola County and portions of Orange and Polk counties; includes all of the municipalities of Davenport, Haines City, Kissimmee, Lake Hamilton, and St. Cloud; and ties high-growth central Florida communities of similar language characteristics, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 10, which is equal in population to other districts; is compact; includes portions of Lake, Orange, and Polk counties; includes all of the municipalities of Astatula, Auburndale, Bay Lake, Belle Isle, Clermont, Edgewood, Eustis, Fruitland Park, Groveland, Howey-in-the-Hills, Lake Alfred, Lake Buena Vista, Leesburg, Mascotte, Minneola, Montverde, Mount Dora, Oakland, Ocoee, Polk City, Tavares, Umatilla, Windermere, and Winter Garden; and is traversed by Interstate 4 and the Florida Turnpike, and

WHEREAS, it is the intent of the Legislature to establish 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, Inverness, Lady Lake, Ocala, Webster, Weeki Wachee, and Wildwood; and uses Interstate 75, State Road 200, and the Ocala city line as portions of its western border, and

WHEREAS, it is the intent of the Legislature to establish 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, and

WHEREAS, it is the intent of the Legislature to establish 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, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 14, which is equal in population to other districts; is consistent 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 portions of the Hillsborough-Pinellas border and Interstate 275 as portions of its western border, and

WHEREAS, it is the intent of the Legislature to establish 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; and uses the Alafia River as a portion of its southern boundary, Interstate 75 as a portion of its western boundary, and the Lakeland, Auburndale, and Bartow city lines for portions of its eastern border, and

WHEREAS, it is the intent of the Legislature to establish 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; and is traversed by Interstate 75, and

WHEREAS, it is the intent of the Legislature to establish 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, 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; and uses the Alafia River and the Bartow and Dundee city lines as portions of its northern border, and

WHEREAS, it is the intent of the Legislature to establish 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; and is traversed by Interstate 95 and the Florida Turnpike, and

WHEREAS, it is the intent of the Legislature to establish 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; and is traversed by Interstate 75 and the Tamiami Trail, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 20, which is equal in population to other districts; is consistent 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; and uses Interstate 75 as portions of its southern border and the Loxahatchee National Wildlife Refuge as a portion of its eastern border, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 21, which is equal in population to other districts; is compact; includes portions of Broward and Palm Beach counties; includes all of the municipalities of Coconut Creek, Coral Springs, Greenacres, Parkland, and Wellington; and 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

WHEREAS, it is the intent of the Legislature to establish 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; and is traversed by Interstate 95 and State Road A1A, and

WHEREAS, it is the intent of the Legislature to establish 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; and uses Interstate 595 as portions of its northern border, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 24, which is equal in population to other districts; is consistent 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; and is traversed by Interstate 95 and the Florida Turnpike, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 25, which is equal in population to other districts; is consistent 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; and uses the Tamiami Trail as a portion of its southern border and Interstate 75 as a portion of its northern border, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 26, which is equal in population to other districts; is consistent 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 County and in 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; and uses the Tamiami Trail as a portion of its northern border and U.S. 1 as a portion of its eastern border, and

WHEREAS, it is the intent of the Legislature to establish Congressional District 27, which is equal in population to other districts; is consistent 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; and uses the Miami-Dade county line as a portion of its southern border and U.S. 1 as a portion of its western border.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.