

SUBMISSION UNDER SECTION 5 OF THE VOTING RIGHTS ACT

Pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c (“Section 5”), and 28 C.F.R. Part 51, the State of Florida submits the following information in support of its request for preclearance of the United States House of Representatives districts created by Committee Substitute for Senate Bill 1174 (“SB 1174”), which was enacted by the Florida Legislature on February 9, 2012, and signed into law by the Governor on February 16, 2012. SB 1174 is a voting change that affects Florida’s five covered counties of Collier, Hardee, Hendry, Hillsborough, and Monroe. The State of Florida submits SB 1174 for preclearance only to the extent that it affects the five covered counties.

The changes embodied in SB 1174 comply with the United States Constitution’s one-person-one-vote requirement and preserve minority voting strength within the covered counties to the extent possible given demographic changes since the last decennial census and redistricting.

Introduction

The submitted voting change is necessitated by demographic changes documented in the 2010 Census. In 2000, the total resident population of Florida was 15,982,378. In 2010, the total resident population of Florida was 18,801,310, which represents an increase of 2,818,932, or 17.6%. Statewide, the black population increased by 728,933, from 2,471,730 to 3,200,663. Blacks now comprise 17% of Florida’s population. The Hispanic population increased by 1,541,091, from 2,682,715 to 4,223,806. Hispanics now make up 22.5% of Florida’s population.

Florida is currently divided into 25 congressional districts. Based on the 2010 Census, Florida is entitled to two additional congressional seats. SB 1174 apportions Florida into 27 contiguous, equally populated congressional districts. The newly enacted districts will apply with respect to qualification, nomination, and election to the offices of United States Representative in the August primary and November general elections beginning in 2012.

Request for Prompt Consideration

The State of Florida requests that this submission be given prompt consideration because candidate qualification for the 2012 primary election will begin on June 4, 2012.

Summary of the Public Process

Florida has engaged in a fair, open, and transparent redistricting process designed in part to ensure inclusion of all racial and language minorities. The process by which the Florida Legislature enacted the new congressional districts was the most open and

accessible in the history of the State. As reflected in the attachments to this Submission, the Senate and House of Representatives held 26 public hearings throughout Florida, including locations within each of the covered counties, between June 20, 2012, and September 1, 2012. The hearings were publicized in newspapers, on the radio, and through new media. The public was invited to attend the hearings and express their views. Members from each chamber attended every hearing. More than 4,780 members of the public attended the hearings, and more than 1,600 provided testimony. See the “Publicity and Participation” folder on the accompanying DVDs for copies of the public hearing advertisements, correspondence and e-mails received by the House and Senate from the public, and other evidence of public participation.

In addition to the public hearings, legislative committees engaged with the public through social media, new media, and other means. Websites developed by both the House and Senate kept the public informed on the status of the redistricting process. The websites were constantly updated with new information. For the first time, the Legislature allowed the public to submit proposed maps through free, user-friendly, web-based redistricting applications developed by the House and Senate. With this unprecedented access, the public submitted no fewer than 177 proposed redistricting plans for state legislative and congressional districts, in addition to thousands of emails, Tweets, Facebook posts, and other communications. By comparison, the public submitted only four proposed maps to the Legislature a decade ago. As further outreach, the committees of the House and Senate communicated frequently with public-interest and voting-rights advocacy organizations, Florida’s 67 supervisors of elections, nearly every county and city commission, county school boards, every college and university in Florida, student organizations, Florida’s regional planning councils, local chambers of commerce, and other advocacy organizations.

Both websites are live and can be viewed at <http://www.floridaredistricting.org> and <http://www.flsenate.gov/Redistricting>.

Public Access to Software Used to Create Plans

In July 2007, the Florida Senate began to develop redistricting software. The Senate determined early on that the best and most affordable technology for maximizing public participation would be an open-source web application. In November 2009, the Senate demonstrated for Executive Staff of the U.S. Census Bureau a District Builder prototype built on open-source technology (MapServer/PostgreSQL/Apache). That same year, the Senate demonstrated the prototype at National Conference of State Legislatures meetings. The “alpha” version of District Builder (with 2000 Census data) was used for NCSL redistricting simulation exercises in Providence, Rhode Island, and Washington, D.C.

In November 2009, the Florida House of Representatives began development of its own web-based, available to the public, open-source redistricting software. The software,

known as MyDistrictBuilder™, is built on a technology stack of Microsoft Silverlight, Bing Maps, and Azure cloud servers with software source code available on Microsoft CodePlex at <http://mydistrictbuilder.codeplex.com/>.

The focus of both applications is redistricting. They provide all the functions and information required for building districts and nothing more. They give Floridians two choices with easy and direct access to the same programs, data, and plans that legislators and professional staff themselves use to navigate interactive maps, explore population characteristics, and build districts.

To use the Senate's District Builder, individuals register for a secure account. To use the House's MyDistrictBuilder™, individuals do not need any type of account or password. The application is immediately accessible via a link at <http://www.floridaredistricting.org>.

Senate and House professional staff worked collaboratively to ensure common geographic and data characteristics for the two applications. In addition, Senate and House professional staff shared public submissions. Maps, statistics, and downloads for each submission were posted on both the Senate and House websites, regardless of whether the plan was drawn using District Builder, MyDistrictBuilder™, or some other application.

Both applications remain accessible.

Legislative Process

The redistricting process in Florida was consciously designed to be transparent and inclusive.

Both the Senate and the House had committees dedicated solely to redistricting: the Senate Committee on Reapportionment and the House Redistricting Committee. The Senate Committee met on September 22, October 5, October 18, November 11, November 15, and December 6, 2011, and January 11, 2012. The House Committee met on September 19, and December 6, 2011, and January 20 and January 27, 2012. The House also had a Subcommittee on Congressional Redistricting that met on September 19, October 3, October 17, November 3, and December 8, 2011 and January 9, 2012. Transcripts of Committee and Subcommittee proceedings are in the "Publicity and Participation" folder.

Redistricting was a primary focus of the 2012 legislative session. In fact, the Legislature began its legislative session approximately two months early in order to facilitate a timely redistricting process. *See* Fla. Const. art. III, § 3(b); Ch. 2010-91, Laws of Fla. The House and Senate calendars and journals and transcripts of floor debate are included in the "Publicity and Participation" folder. The legislative sessions were televised,

broadcast via the internet, and conducted in strict conformity with Florida’s Sunshine Law. *See* Fla. Const. art. III, § 4(b), (e).

Throughout the redistricting process, the Legislature encouraged the African-American and Hispanic communities to participate. Minority legislators received access to all relevant data as well as the support required to draft plans for consideration. The public was invited to address the joint House and Senate committee at all of their public meetings, and personalized invitations were mailed to civil-rights advocacy organizations. These outreach efforts were successful. The Legislature received proposed redistricting maps from the Florida State Conference of NAACP Branches and LatinoJustice PRLDEF, and the redistricting plans adopted by the Legislature borrow extensively from those proposals.

The organization of information below corresponds to 28 C.F.R. §§ 51.27 and 51.28.

§ 51.27 Required Contents

(a) A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting.

SB 1174, enacted on February 9, 2012, and signed into law on February 16, 2012, contains the newly enacted congressional districts. It is included in the “Constitutional and Statutory Provisions” folder.

(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed.

Chapter 8 of the Florida Statutes contains the benchmark congressional districts. It is included in the “Constitutional and Statutory Provisions” folder.

(c) If the change affecting voting either is not readily apparent on the face of the documents provided under paragraphs (a) and (b) of this section or is not embodied in a document, a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.

Florida’s congressional districts have been affected by significant population growth, from 15,982,378 in 2000 to 18,801,310 in 2010—an increase of 17.6%. This population growth was not uniform throughout the State. The increase in population resulted in the addition of two congressional seats (from 25 to 27) and necessitated changes to all of the State’s congressional districts, including those that contain the five covered counties.

See the “Maps” folder for maps of the benchmark and newly enacted congressional plans in 35 by 42-inch format.

See the “Demographic Information” folder for 8.5 by 11-inch maps, statistics, and downloads for the benchmark and newly enacted congressional plans.

Interactive maps with navigation and layer controls to access much greater detail are available online:

Benchmark congressional plan: http://maps.flsenate.gov/de1/map.html?plan=fl2002_con.

Newly enacted congressional plan:
<http://maps.flsenate.gov/de1/map.html?plan=h000c9047>.

(d) The name, title, address, and telephone number of the person making the submission.

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(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.

The State of Florida, on behalf of its five Section 5 covered counties.

(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.

Not applicable.

(g) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar).

Congressional redistricting was accomplished by SB 1174, an act of the Florida Legislature adopted at its 2012 regular session and signed by the Governor.

(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

Article I, Section 4 of the United States Constitution directs that the “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.” The Legislature thus enacts congressional districts in the manner provided by the Florida Constitution for the enactment of laws. These provisions are contained in Article III of the Florida Constitution:

SECTION 6. Laws.—Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection. The enacting clause of every law shall read: “Be It Enacted by the Legislature of the State of Florida.”.

SECTION 7. Passage of bills.—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first reading in that house. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote of each member voting shall be entered on the journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the

secretary of the senate and the clerk of the house of representatives during the session or as soon as practicable after its adjournment sine die.

SECTION 8. Executive approval and veto.—

(a) Every bill passed by the legislature shall be presented to the governor for approval and shall become a law if the governor approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed, the governor shall transmit signed objections thereto to the house in which the bill originated if in session. If that house is not in session, the governor shall file them with the custodian of state records, who shall lay them before that house at its next regular or special session, whichever occurs first, and they shall be entered on its journal. If the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session.

(c) If each house shall, by a two-thirds vote, re-enact the bill or reinstate the vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding.

SECTION 9. Effective date of laws.—Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted or as otherwise provided therein. If the law is passed over the veto of the governor it shall take effect on the sixtieth day after adjournment sine die of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution passed by both houses of the legislature.

(i) The date of adoption of the change affecting voting.

The Governor signed SB 1174 into law on February 16, 2012.

(j) The date on which the change is to take effect.

The proposed change will take effect upon the expiration of the terms of United States Representatives serving on the date that SB 1174 became a law (*i.e.*, February 16, 2012), *see* Ch. 2012-2, § 7, Laws of Fla., and will apply with respect to the qualification, nomination, and election in the primary and general elections held in 2012 and thereafter, *see id.* § 8. Qualification for election to the congressional seats will begin on June 4, 2012. *See* §§ 99.061(9), 100.031, 100.061, Fla. Stat. (2011). The primary election will be held on August 14, 2012. *See id.* § 100.061. The general election will be held on November 6, 2012. *See id.* §§ 100.031, 100.061.

(k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.

The change has not yet been enforced or administered.

(l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.

Not applicable.

(m) A statement of the reasons for the change.

The United States Constitution requires redistricting of the State’s congressional districts after the decennial Census discloses population changes within the State. *See* U.S. Const. amend. XIV, § 2. Pursuant to 2 U.S.C. § 2a, the State of Florida is now entitled to 27 members of Congress, which is two more than the current number of congressional districts.

(n) A statement of the anticipated effect of the change on members of racial or language minority groups.

Standard of Review

The State of Florida is entitled to preclearance if the voting change “neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color.” 42 U.S.C. § 1973c(a). When it reauthorized Section 5 in 2006, Congress clarified that a voting change violates this standard if it “has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color . . . to elect their preferred candidates of choice.” *Id.* § 1973c(b); *see also id.* § 1973c(d) (“The purpose of subsection (b) of this section is to protect the ability of [minority] citizens to elect their preferred candidates of choice.”). Justice Department regulations explain that the “ability of [minority] citizens to elect their preferred candidates of choice” in a district covered by Section 5 “either exists or it does not.”

Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act, 76 Fed. Reg. 7040, 7471 (Feb. 9, 2011) (“DOJ Guidance”).

“[T]he purpose of § 5 has always been to insure that no voting-procedure changes would be made that would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.” *Miller v. Johnson*, 515 U.S. 900, 906 (1995) (quoting *Beer v. United States*, 425 U.S. 130, 141 (1976)). Section 5 also prohibits a voting change that has been enacted for a discriminatory purpose. See 42 U.S.C. § 1973c(c); *Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act*, 76 Fed. Reg. 7040, 7470 (Feb. 9, 2011) (“DOJ Guidance”).

SB1174 satisfies the requirements of Section 5.

Retrogressive Effect

Section 5 covers five counties in Florida: Collier, Hardee, Hendry, Hillsborough, and Monroe. See 28 C.F.R. pt. 51, app. The benchmark plan contained three congressional districts in which minorities in the covered counties had the ability to elect the candidates of their choice. SB 1174 does not have a retrogressive effect in this district.

Benchmark District 23. Benchmark District 23, which is represented by Alcee Hastings, a black Democrat, includes population from Hendry as well as Broward, Martin, Palm Beach, and Saint Lucie Counties. Under the 2010 Census, the ideal population of a congressional district is 696,345. Because Benchmark District 23 has a total population of 684,107, it is underpopulated by 12,238 people, or 1.8%. It has a voting-age population (“VAP”) of 510,629. Of that total VAP, 275,677, or 54.0%, is black voting-age population (“BVAP”), and 91,074, or 17.8%, is Hispanic voting-age population (“HVAP”). Benchmark District 23 includes 2,763 BVAP and 1,498 HVAP from Hendry County.

Enacted District 20. Under SB 1174, Benchmark District 23 becomes Enacted District 20. Enacted District 20 includes population from Hendry as well as Broward and Palm Beach Counties. Enacted District 20 has a total population of 696,345 and a VAP of 525,932. Specifically, its BVAP is 263,270, or 50.1% of the district’s total VAP, and its HVAP is 97,506, or 18.5% of the district’s total VAP. While there has been a slight decrease in BVAP from the benchmark, no one has suggested the difference is material.

Enacted District 20 also includes more Section 5 covered minority population. It contains all of the black and Hispanic population from Hendry County that was in Benchmark District 23. In addition, Enacted District 20 includes 378 BVAP and 3,275 HVAP from Hendry County that was not in Benchmark District 23. Thus, in Enacted District 20, minorities in Hendry County continue to possess the ability to elect their preferred candidates of choice.

Benchmark District 18. Benchmark District 18, which is represented by Ileana Ros-Lehtinen, a Hispanic Republican, includes population from Monroe as well as Miami-Dade County. Because Benchmark District 18 has a total population of 712,790, it is overpopulated by 16,445 people, or 2.4%. It has a voting-age population (“VAP”) of 584,589. Of that total VAP, 392,741, or 67.2%, is HVAP. Benchmark District 18 includes 11,437 HVAP from Monroe County.

Enacted District 26. Under SB 1174, Benchmark District 18 becomes Enacted District 26. Enacted District 26 includes population from Monroe as well as Miami-Dade County. Enacted District 26 has a total population of 696,345 and a VAP of 541,358. Specifically, its HVAP is 373,073, or 68.9% of the district’s total VAP. Enacted District 26 includes the same Section 5 covered minority population as Benchmark District 18. Thus, in Enacted District 26, minorities in Monroe County continue to possess the ability to elect their preferred candidates of choice.

Benchmark District 25. Benchmark District 25, which is represented by David Rivera, a Hispanic Republican, includes population from Monroe and Collier as well as Miami-Dade County. Because Benchmark District 25 has a total population of 807,176, it is overpopulated by 110,831 people, or 15.9%. It has a VAP of 603,590. Of that total VAP, 435,935, or 72.2%, is HVAP. Benchmark District 25 includes no HVAP from Monroe County and 36,504 HVAP from Collier County.

Enacted District 25. Under SB 1174, Benchmark District 25 becomes Enacted District 25. Enacted District 25 includes population from Collier and Broward and Miami-Dade Counties. Enacted District 25 has a total population of 696,344 and a VAP of 534,871. Specifically, its HVAP is 378,101, or 70.7% of the district’s total VAP.

Enacted District 25 also includes more Section 5 covered minority population. In Collier County, it contains 32,440, or 88.9%, of the 36,504 HVAP from Benchmark District 25. In addition, Enacted District 25 includes 7,266 HVAP from Collier County that was not in Benchmark District 25, and 7,956 HVAP from Hendry County that was not in Benchmark District 25. Thus, in Enacted District 25, minorities in Collier County continue to possess the ability to elect their preferred candidates of choice.

In addition, Benchmark District 11, which includes population from Hillsborough County, was composed of 26.8% BVAP and 25.8% HVAP under the benchmark plan. Attorneys in the Justice Department have previously opined that similar districts must be protected against retrogression under Section 5. *See LULAC v. Perry*, 548 U.S. 399, 479 (2006) (Stevens, J., concurring in part and dissenting in part) (“According to the unanimous report authored by staff attorneys in the Voting Section of the Department of Justice, black voters in District 24 generally voted cohesively, and thus had the ability to elect their candidate of choice”); *id.* at 443 (plurality opinion) (explaining that “District 24 had elected Anglo Democrat Martin Frost to Congress in every election since

1978,” and that the district was composed of 25.7% citizen BVAP and 20.8% citizen HVAP). The ability to elect has not been diminished in Enacted District 14. Enacted District 14 contains 25.6% BVAP and 25.6% HVAP under SB 1174.

Discriminatory Purpose

SB 1174 was not enacted with a discriminatory purpose.

In November 2010, voters approved a state constitutional amendment (known as Amendment 6) that established new redistricting standards. *See* Fla. Const. art. III, § 20. The new standards are arranged in two tiers. In cases of conflict, standards in the first tier supersede standards in the second tier. The first tier provides that “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.” *Id.* § 20(a). These provisions “follow[] almost verbatim the requirements embodied in the Voting Rights Act.” *Brown v. Sec’y of State of Fla.*, No. 11-14554, 2012 WL 264610, at *8 (11th Cir. Jan. 31, 2012).

On March 29, 2011, the Legislature submitted the constitutional amendment to the Department of Justice for preclearance. The Legislature argued that Amendment 6 is not “retrogressive” with respect to the electoral position of minorities. It took the position that Amendment 6 “preserve[s] without change the Legislature’s prior ability to construct effective minority districts” and that, “in promoting minority voting strength, the Legislature may continue to employ whatever means were previously at its disposal.” The Legislature argued that Amendment 6 is not retrogressive because the Tier-One standards “hold[] minorities harmless from the new restrictions imposed by” Amendment 6. None of the interested parties who filed written comments on the Legislature’s submission disputed this ultimate conclusion, and the Department granted preclearance on May 31, 2011.

Beginning in 1992, the Florida Legislature markedly expanded opportunities for minorities through redistricting. The new standards contained in the state constitutional amendment confirmed and continued this effort to provide effective and meaningful opportunities to voters and candidates of all races. The Legislature’s interpretation of the new amendment, as revealed in its preclearance submission, reflects this understanding, and the legislative record compiled in the redistricting process discloses the Legislature’s purpose to promote electoral opportunities for all citizens. For example, the districts in SB 1174 very closely track the recommendations for districts submitted in the NAACP’s proposed congressional map. *See* NAACP Map (*available at* <http://wp.me/1vrtX>).

The direct and circumstantial evidence of purpose uniformly shows that the Legislature, far from entertaining a discriminatory intent, intended to promote minority opportunities. As explained above, the redistricting process in Florida was designed to be open and non-discriminatory. In particular, the African-American and Hispanic communities were

encouraged to participate throughout the redistricting process. Minority legislators received access to all relevant data as well as support required to draft plans for consideration. The public was invited to address the House and Senate Committee at all of their public meetings, and personalized invitations were mailed to civil-rights advocacy organizations. These outreach efforts yielded a great deal of input from the minority communities, including proposed redistricting maps from the Florida State Conference of NAACP Branches and LatinoJustice PRLDEF. The redistricting plans adopted by the Legislature incorporate extensive portions of these proposed plans and reflect other suggestions expressed by Florida's minority populations.

There cannot be any serious issue concerning discriminatory purpose in the covered counties. The minority districts there largely followed the districts recommended by civil-rights groups and materially preserved the ability of minority voters in those counties to elect their preferred candidates.

(o) A statement identifying any past or pending litigation concerning the change or related voting practices.

The proposed plan is the subject of two actions in state circuit court. The two actions have been consolidated. *See Romo v. Scott*, No. 2012-CA-000412 (Fla. 2d Cir. Ct. filed Feb. 9, 2012). The plaintiffs allege that SB 1174 does not comply with the standards in Article III, Section 20 of the Florida Constitution. Article III, Section 20, Florida Constitution, codifies an amendment to the Florida Constitution that was approved by voters on November 2, 2010, and precleared by the United States Department of Justice on May 31, 2011.

(p) A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.

The benchmark plan for congressional districts was precleared by the United States Department of Justice on June 7, 2002. See "Preclearance of 2002 Congressional Districts" in the "Constitutional and Statutory Provisions" folder. The procedure for the adoption of the change is the ordinary lawmaking process of the State of Florida and is thus not subject to preclearance.

(q) For redistrictings, the items listed under § 51.28(a)(1) and (b)(1).

See the discussion under § 51.28 below.

(r) Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include

items listed in § 51.28 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission relating to voting changes of this type.

See the discussion under § 51.28 below.

§ 51.28 Supplemental Contents

(a) Demographic Information

(1) Total and voting age population of the affected area before and after the change, by race and language group. If such information is contained in publications of the U.S. Bureau of the Census, reference to the appropriate volume and table is sufficient.

In the “Demographic Information” folder, see:

- “Benchmark Congressional Plan” for reports and spreadsheets describing the benchmark plan.
- “Enacted Congressional Plan” for reports and spreadsheets describing the newly enacted plan.

Census population counts for districts are derived from the Census 2010 Redistricting Data (Public Law 94-171) Summary File – Florida [machine readable data files prepared by the U.S. Census Bureau, 2011].

Consistent with *DOJ Guidance*, 76 Fed. Reg. at 7472-73, counts of black population and black voting-age population include persons who self-identified as black or African-American alone or in combination with one or more other races. “NHB” (non-Hispanic black) is the population that self-identified as black and not Hispanic. “HB” is the population that self-identified as both black and Hispanic. “HxB” is the population that self-identified as Hispanic and not black. “SRW” is the population who self-identified as white alone, excluding Hispanic persons. “Oth” is the population that does not fall into one of the other four mutually exclusive categories.

The HB population is “allocated alternatively to the Latino category and the minority race category.” *DOJ Guidance*, 76 Fed. Reg. at 7473. NHB plus HB is the total count of black persons. HxB plus HB is the total count of Hispanic persons. Total counts of blacks and Hispanics are provided in some reports, including the one below.

The table below summarizes total and voting-age population from the 2010 Census by race and language group for each newly enacted or benchmark district that overlaps any of the five counties. Sums are cross-tabulated by newly enacted district (New), benchmark district (Bench), and county (County). Gray-filled cells indicate districts that (1) are entirely outside the five counties and (2) overlap a district in either the proposed or benchmark plan but not both.

New	Bench	County	TotalPop	BlackPop	HispPop	TotalVAP	BlackVAP	HispVAP
9	12	Osceola	29,358	8,632	16,706	20,111	5,718	11,180
9	12	Polk	60,317	13,345	23,874	44,220	8,980	15,335
10	12	Polk	90,842	18,778	11,117	70,528	12,596	7,117
12	5	Pasco	269,877	18,520	37,314	208,403	12,157	24,525
12	9	Hillsborough	98,769	6,616	16,281	74,343	4,578	11,590
12	9	Pasco	194,820	6,104	17,222	157,721	3,628	11,500
12	9	Pinellas	101,944	4,462	7,368	82,790	2,885	5,043
12	10	Pinellas	25,819	488	1,381	20,637	314	953
12	11	Hillsborough	5,115	285	1,109	4,164	214	842
13	9	Pinellas	114,259	10,799	14,729	93,259	7,333	10,021
13	11	Pinellas	726	64	37	643	38	33
14	9	Hillsborough	5,228	327	1,180	4,126	234	840
14	10	Pinellas	26,710	5,264	1,866	22,826	3,821	1,400
14	11	Hillsborough	525,133	132,414	163,249	404,819	90,439	119,480
14	11	Pinellas	65,724	46,690	2,697	49,235	32,721	1,801
14	12	Hillsborough	73,550	14,903	20,994	54,703	10,080	13,685
15	5	Polk	59,109	5,162	6,794	45,405	3,245	4,465
15	9	Hillsborough	218,957	21,070	43,402	162,769	14,101	28,455
15	11	Hillsborough	48,948	10,465	8,356	41,792	8,110	6,505
15	12	Hillsborough	141,846	23,655	28,468	105,923	15,873	18,730
15	12	Polk	227,485	39,274	33,158	172,481	25,906	21,022
16	11	Manatee	28,153	11,359	9,897	19,813	7,841	5,808
16	13	Manatee	288,744	19,549	36,722	232,278	12,168	23,429
16	13	Sarasota	379,448	20,209	30,033	319,713	13,324	20,845
17	9	Hillsborough	19,572	838	2,567	12,614	509	1,477
17	12	Hillsborough	92,108	11,956	21,029	69,765	7,371	13,071
17	12	Polk	126,693	15,893	23,065	98,146	10,884	14,705
17	13	Charlotte	21,084	158	425	19,159	109	323
17	13	DeSoto	34,862	4,633	10,425	27,027	3,507	7,041
17	13	Hardee	27,731	2,108	11,895	20,056	1,504	7,414
17	13	Manatee	5,936	48	1,336	4,459	28	940
17	14	Charlotte	32,239	1,319	1,496	27,325	935	1,013
17	14	Lee	77,798	6,670	13,243	61,580	4,378	8,627
17	16	Charlotte	106,655	8,785	7,292	90,616	6,433	5,061
17	16	Glades	12,884	1,641	2,720	10,467	1,406	1,866
17	16	Highlands	98,786	10,079	17,157	80,814	6,661	11,667
17	16	Okeechobee	39,996	3,431	9,561	30,412	2,453	6,084
18	16	Martin	141,437	6,796	16,481	116,620	4,640	10,894
18	16	Palm Beach	73,117	7,403	10,613	57,196	5,189	7,506

New	Bench	County	TotalPop	BlackPop	HispPop	TotalVAP	BlackVAP	HispVAP
18	16	St. Lucie	240,125	35,982	39,444	188,062	23,548	25,999
18	23	Martin	4,881	1,847	1,400	3,952	1,571	903
18	23	Palm Beach	20,190	6,137	4,150	15,913	4,233	3,044
18	23	St. Lucie	37,664	20,607	6,551	27,719	14,419	4,348
19	14	Collier	139,725	5,115	17,947	120,879	3,463	12,972
19	14	Lee	540,956	49,344	100,065	436,305	31,729	67,345
19	25	Collier	15,664	2,652	6,440	11,752	1,598	4,064
20	16	Hendry	9,208	600	4,909	6,621	378	3,275
20	16	Palm Beach	15,308	2,391	3,160	11,932	1,697	2,309
20	19	Broward	51,591	9,390	11,648	43,283	6,575	9,105
20	19	Palm Beach	10,943	3,550	3,682	8,092	2,307	2,623
20	20	Broward	84,600	28,778	20,514	68,668	21,045	16,294
20	22	Broward	6	3	1	6	3	1
20	22	Palm Beach	13,287	2,992	3,880	10,589	2,055	2,925
20	23	Broward	314,635	217,062	41,959	233,025	151,969	31,158
20	23	Hendry	8,042	3,816	2,102	5,923	2,763	1,498
20	23	Palm Beach	188,725	107,606	41,304	137,793	74,478	28,318
21	16	Palm Beach	38,305	3,928	7,948	28,563	2,504	5,487
21	23	Broward	0	0	0	0	0	0
21	23	Palm Beach	19,835	3,178	3,130	13,946	2,040	2,064
22	23	Broward	14,288	4,230	3,329	12,085	3,245	2,493
22	23	Palm Beach	44,144	16,434	12,092	34,646	11,742	8,915
23	18	Miami-Dade	82,455	4,366	46,138	72,874	3,790	40,687
23	23	Broward	12,946	1,094	4,817	12,063	985	4,515
24	18	Miami-Dade	61,533	10,306	40,327	52,559	8,636	34,027
24	23	Broward	18,735	11,931	5,046	13,547	8,232	3,815
25	14	Collier	68,238	3,495	10,647	55,943	2,195	7,266
25	16	Hendry	21,890	1,052	12,232	15,710	705	7,956
25	17	Miami-Dade	2,539	818	1,714	2,004	616	1,396
25	18	Miami-Dade	13,510	834	12,148	11,135	685	10,207
25	21	Broward	68,285	15,145	31,918	48,047	10,424	22,559
25	21	Miami-Dade	287,604	17,879	254,985	228,996	13,780	206,474
25	23	Broward	22	0	3	17	0	3
25	25	Collier	97,893	11,714	48,143	70,299	7,711	32,440
25	25	Miami-Dade	136,363	6,238	117,040	102,720	5,095	89,800
26	18	Miami-Dade	18,519	929	16,483	15,119	639	13,720
26	18	Monroe	73,081	4,630	15,071	62,080	3,388	11,437
26	21	Miami-Dade	126,922	14,478	90,091	102,078	11,273	72,901
26	25	Miami-Dade	477,814	54,808	357,529	362,072	38,965	275,015

New	Bench	County	TotalPop	BlackPop	HispPop	TotalVAP	BlackVAP	HispVAP
26	25	Monroe	9	0	0	9	0	0
27	18	Miami-Dade	463,692	40,319	346,505	370,822	28,492	282,663
27	25	Miami-Dade	79,433	13,735	48,846	56,738	8,994	34,616

(2) The number of registered voters for the affected area by voting precinct before and after the change, by race and language group.

See “Registered Voters By Precinct” in the “Demographic Information” folder.

(3) Any estimates of population, by race and language group, made in connection with the adoption of the change.

Not applicable. All population numbers are based on the Census.

(4-6) Demographic data.

See the “Demographic Data” subfolder in the “Demographic Information” folder for a block-level shapefile (six files) with relevant population attributes and district assignments for the plans listed below:

- cd_bench (Benchmark Congressional Plan)
- cd_new (Enacted Congressional Plan)

For reference, see the document labeled “FL2010_block_shapefile_data_description” in the same folder.

(b) Maps. Where any change is made that revises the constituency that elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or that changes voting precinct boundaries, polling place locations, or voter registration sites, maps in duplicate of the area to be affected, containing the following information:

(1) The prior and new boundaries of the voting unit or units.

See “Benchmark Congressional Plan” and “Enacted Congressional Plan” in the “Demographic Information” folder for statewide and regional maps showing district boundaries, major roads, and waters in 8½ by 11-inch format.

See “Benchmark Congressional Districts” and “Enacted Congressional Districts in the “Maps” folder for statewide maps showing district boundaries, major roads, and waters (with insets) in 35 by 42-inch format.

(2) The prior and new boundaries of voting precincts.

SB 1174 does not change the boundaries of voting precincts.

(3) The location of racial and language minority groups.

See “Black and Hispanic VAP” in the “Maps” folder for choropleth maps showing concentrations of racial and language minorities (with insets) in 35 by 42-inch format.

(4) Any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units.

The plans were drawn using Census geography, which includes the locations of rivers, oceans, and other bodies of waters.

See “Benchmark Congressional Plan” and “Enacted Congressional Plan” in the “Demographic Information” folder for statewide and regional maps showing district boundaries, major roads, and waters in 8½ by 11-inch format.

See “Benchmark Congressional Districts” and “Enacted Congressional Districts in the “Maps” folder for statewide maps showing district boundaries, major roads, and waters (with insets) in 35 by 42-inch format.

(5) The location of prior and new polling places.

SB 1174 does not change polling places. Polling places are established at the county-level.

(6) The location of prior and new voter registration sites.

SB 1174 does not change voter registration sites. Voter registration sites are established at the county-level.

(c) Annexations.

Not applicable.

(d) Election returns. Where a change may affect the electoral influence of a racial or language minority group, returns of primary and general elections conducted by or in the jurisdiction, containing the following information:

(1) The name of each candidate.

(2) The race or language group of each candidate, if known.

(3) The position sought by each candidate.

(4) The number of votes received by each candidate, by voting precinct.

(5) The outcome of each contest.

(6) The number of registered voters, by race and language group, for each voting precinct for which election returns are furnished. Information with respect to elections held during the last ten years will normally be sufficient.

(7) Election related data containing any of the information described above that are provided on magnetic media shall conform to the requirements of § 51.20(b) through (e). Election related data that cannot be accurately presented in terms of census blocks may be identified by county and by precinct.

In the “Election Returns” folder, see:

- “Election Returns 2002,” “Election Returns 2004,” “Election Returns 2006,” “Election Returns 2008,” and “Election Returns 2010,” for precinct-level election results.
- “Registered Voters By Precinct 2008” for a spreadsheet that aggregates total, black, and Hispanic registered voters by precinct for the 2008 general election.
- “Registered Voters By Precinct 2010” for a spreadsheet that aggregates total, black, and Hispanic registered voters by precinct for the 2010 general election.
- “Candidates and Race” is a spreadsheet that shows each candidate’s name and position sought, together with the race or language group of each candidate, if known by the Florida Legislature.

(e) Language usage. Where a change is made affecting the use of the language of a language minority group in the electoral process, information that will enable the Attorney General to determine whether the change is consistent with the minority language requirements of the Act. The Attorney General’s interpretation of the minority language requirements of the Act is contained in Interpretative Guidelines: Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups, 28 CFR part 55.

Not applicable.

(f) Publicity and participation. For submissions involving controversial or potentially controversial changes, evidence of public notice, of the opportunity for the public to be heard, and of the opportunity for interested parties to participate in

the decision to adopt the proposed change and an account of the extent to which such participation, especially by minority group members, in fact took place.

See the “Publicity and Participation” folder.

(1) Copies of newspaper articles discussing the proposed change.

See “Newspaper Clippings” in the “Publicity and Participation” folder.

(2) Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).

See “Public Notice, Advertisements, and Invitations” in the “Publicity and Participation” folder for records of:

- Advertisements and notices for 26 public hearings.
- Invitations to participate in 26 public hearings.
- Invitations to participate in committee meetings.

(3) Minutes or accounts of public hearings concerning the proposed change.

See “Public Hearing Participation and Transcripts” in the “Publicity and Participation” folder for:

- Attendance records for 26 public hearings.
- Hearing reports for 26 public hearings.
- Transcripts for 26 public hearings.

See “Publicly Submitted Congressional Plans,” “Publicly Submitted House Plans,” and “Publicly Submitted Senate Plans” in the “Publicity and Participation” folder for maps, statistics, and downloads for 177 redistricting plans submitted by members of the public:

Public Plans	Complete Plans	Partial Plans	Total Plans
House	20	24	44
Senate	29	18	47
Congressional	61	25	86
TOTAL	110	67	177

(4) Statements, speeches, and other public communications concerning the proposed change.

See “Communications and Websites” in the “Publicity and Participation” folder for:

- Press releases issued by the Florida House.
- Press releases issued by the Florida Senate.
- Opinion-editorial pieces authored by members of the Florida Legislature and published in Florida newspapers.
- Website archives for the Florida House Committee on Redistricting. The House Redistricting website is live at <http://www.floridaredistricting.org>.
- Website archives for the Florida Senate Redistricting website. The Senate website is live at <http://www.flsenate.gov/Redistricting>.

See “Redistricting Software” in the “Public Notice, Advertisements, and Invitations” subfolder of the “Publicity and Participation” folder for a description of web applications developed by the Florida Legislature for maximizing public participation.

(5) Copies of comments from the general public.

See “Public Comments” in the “Publicity and Participation” folder for comments from the public to the Florida Legislature.

(6) Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.

See “Committee and Session Proceedings” in the “Publicity and Participation” folder for:

- House and Senate Calendars.
- House and Senate Journals.
- Transcripts of House and Senate committee meetings and floor debate.
- Maps, statistics, and downloads for plans considered during House committee meetings and floor debate.
- Maps, statistics, and downloads for plans considered during Senate committee meetings and floor debate.

(g) Availability of the submission.

(1) Copies of public notices that announce the submission to the Attorney General, inform the public that a complete duplicate copy of the submission is available for public inspection (e.g., at the county courthouse) and invite comments for the consideration of the Attorney General and statements regarding where such public notices appeared.

See the “Availability of the Submission” folder for the draft of a public notice that will be published in newspapers in the five Section 5 counties.

(2) Information demonstrating that the submitting authority, where a submission contains magnetic media, made the magnetic media available to be copied or, if so requested, made a hard copy of the data contained on the magnetic media available to be copied.

The House and Senate will post on their websites links to the contents of this submission. The House and Senate will provide copies of the DVDs submitted herewith to the general public upon request. Hard copies of content upon request will also be provided to the general public at the nominal rate provided by state law.

(h) Minority group contacts. For submissions from jurisdictions having a significant minority population, the names, addresses, telephone numbers, and organizational affiliation (if any) of racial or language minority group members residing in the jurisdiction who can be expected to be familiar with the proposed change or who have been active in the political process.

See the “Minority Group Contacts” folder.