

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 State House districts created by Senate Joint Resolution 1176 (“SJR 1176”), which was enacted by the Florida Legislature on February 9, 2012. SJR 1176 is a voting change that affects Florida’s five covered counties of Collier, Hardee, Hendry, Hillsborough, and Monroe. The State of Florida submits SJR 1176 for preclearance only to the extent that it affects the five covered counties.

The changes embodied in SJR 1176 comply with the United States Constitution’s one-person-one-vote requirement and preserve minority voting strength within the covered counties.

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 40 single-member senate districts and 120 single-member representative districts. Based on the 2010 Census, SJR 1176 apportions Florida into 40 single-member senate districts of nearly equal population and 120 single-member representative districts of nearly equal population. The newly enacted districts will apply with respect to qualification, nomination, and election to the offices of State Senator and State 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 senatorial and representative 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 used 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 of Representatives also had Subcommittees on House and Senate Redistricting. The House Subcommittee on House Redistricting met on September 19, October 3, October 17, November 3, and December 8, 2011, and January 9, 2012. The House Subcommittee on Senate Redistricting met on September 19, October 3, October 17, November 1, 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.

SJR 1176, enacted on February 9, 2012, contains the newly enacted House 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 10 of the Florida Statutes contains the benchmark House 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 House 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 necessitated changes that affected all of the State’s House districts, including those that contain the five covered counties.

See the “Maps” folder for maps of the benchmark and newly enacted House 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 House plans.

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

Benchmark House plan: http://maps.flsenate.gov/de1/map.html?plan=fl2002_sen.

Newly enacted House plan: <http://maps.flsenate.gov/de1/map.html?plan=s000s9008>.

(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).

SJR 1176 is a joint resolution adopted by the Florida Legislature.

(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 III, Section 16(a) of the Florida Constitution directs the Legislature, “at its regular session in the second year following each decennial census, by joint resolution, [to] apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory.” Within 15 days after adoption of a joint resolution of apportionment, the Florida Attorney General must petition the Supreme Court of Florida “for a declaratory judgment determining the validity of the apportionment.” Fla. Const. art. III, § 16(c). The Supreme Court must enter its judgment “within thirty days from the filing of the petition,” *id.*, and its judgment is “binding upon all the citizens of the state,” *id.* § 16(d). Additional procedures and substantive standards are contained in Article III, Sections 16 and 21 of the Florida Constitution.

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

The Legislature adopted SJR 1176 on February 9, 2012. On the next day, the Florida Attorney General petitioned the Supreme Court of Florida for a declaratory judgment determining the validity of the apportionment. *See In re Joint Resolution of Apportionment*, No. SC12-1 (Fla. filed Feb. 10, 2012); *see also* Fla. Const. art. III, § 16(c).

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

SJR 1176 applies with respect to the qualification, nomination, and election of members of the Legislature in the primary and general elections held in 2012 and thereafter. *See* Fla. S.J.R. 1176, § 8 (2012). Qualification for election to the Legislature will begin on June 4, 2012. *See* §§ 99.061(1), 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 has been construed to require redistricting of the State after the decennial Census discloses population changes within the State, *see Reynolds v. Sims*, 377 U.S. 533 (1964), and the Florida Constitution directs the Legislature to reapportion state legislative districts in the second year after each decennial Census, *see* Fla. Const. art. III, § 16(a).

(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.”).

“[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”).

SJR 1176 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 four House districts in which minorities in the covered counties had the ability to elect the candidates of their choice—House Benchmark Districts 55, 58, 59 and 112. SJR 1176 does not have a retrogressive effect in either of these districts.

Benchmark House District 55. Benchmark House District 55, which is represented by Representative Darryl Rouson, a black Democrat, includes population from Hillsborough as well as Pinellas, Manatee and Sarasota counties. Under the 2010 Census, the ideal population of a House district is 156,678. Because Benchmark House District 55 has a total population of 133,112, it is underpopulated by 23,566 people, or 15.0%. It has a voting-age population (“VAP”) of 98,741. Of that total VAP, 48,776, or 49.4%, is black voting-age population (“BVAP”) and 13,454, or 13.6%, is Hispanic voting-age population (“HVAP”). Benchmark House District 55 includes 2 BVAP and 22 HVAP from Hillsborough County.

Enacted House District 70. Under SJR 1176, Benchmark House District 55 becomes Enacted House District 70. Enacted House District 70 includes population from Hillsborough as well as Pinellas, Manatee and Sarasota counties. Enacted House District 70 has a total population of 154,044 and a VAP of 114,432. While there has been a slight decrease in BVAP from the benchmark, no one has suggested this is material. Enacted House District 70’s BVAP is 51,595, or 45.1% of the district’s total VAP, and its HVAP is 17,560, or 15.3% of the district’s total VAP.

Enacted House District 70 includes from Hillsborough County 844 blacks and 3,302 Hispanics of voting age who were not in Benchmark House District 55.

Thus, in Enacted House District 70, minorities in Hillsborough County continue to possess the ability to elect their preferred candidate of choice.

Benchmark House District 58. Benchmark House District 58, which is represented by Representative Janet Cruz, a Hispanic Democrat, includes population entirely from Hillsborough County. Under the 2010 Census, the ideal population of a House district is 156,678. Because Benchmark House District 58 has a total population of 131,897, it is underpopulated by 24,781 people, or 15.8%. It has a VAP of 102,076. Of that total VAP, 18,279, or 17.9%, is BVAP and 50,850, or 49.8%, is HVAP. Benchmark House District 58 includes 18,279 BVAP and 50,850 HVAP from Hillsborough County.

Enacted House District 62. Under SJR 1176, Benchmark House District 58 becomes Enacted House District 62. Enacted House District 62 includes population entirely from Hillsborough County. Enacted House District 62 has a total population of 158,453 and a VAP of 123,359. There has been a slight increase in HVAP from the benchmark. Enacted House District 62's BVAP is 15,641, or 12.7% of the district's total VAP, and its HVAP is 64,013, or 51.9% of the district's total VAP.

Enacted House District 62 also includes more Section 5 covered minority population. It includes 9,459, or 51.7%, of the 18,279 Hillsborough County BVAP from Benchmark House District 58, and it includes 42,700, or 84.0%, of the 50,850 Hillsborough County HVAP from Benchmark District 58. In addition, Enacted House District 62 includes from Hillsborough County 6,182 blacks and 21,313 Hispanics of voting age who were not in Benchmark House District 58.

Thus, in Enacted House District 62, minorities in Hillsborough County continued to possess the ability to elect their preferred candidate of choice.

Benchmark House District 59. Benchmark House District 59, which is represented by Representative Betty Reed, a black Democrat, includes population entirely from Hillsborough County. Under the 2010 Census, the ideal population of a House district is 156,678. Because Benchmark House District 59 has a total population of 141,651, it is underpopulated by 15,027 people, or 9.6%. It has a VAP of 102,221. Of that total VAP, 55,208, or 54.0%, is BVAP and 22,154, or 21.7%, is HVAP. Benchmark House District 59 includes 55,208 BVAP and 22,154 HVAP from Hillsborough County.

Enacted House District 61. Under SJR 1176, Benchmark House District 59 becomes Enacted House District 61. Enacted House District 61 includes population entirely from Hillsborough County. Enacted House District 61 has a total population of 159,521 and a VAP of 116,073. While there has been a slight decrease in BVAP from the benchmark, no one has suggested this is material. Enacted House District 61's BVAP is 59,495, or 51.3% of the district's total VAP, and its HVAP is 23,911, or 20.6% of the district's total VAP.

Enacted House District 61 also includes more Section 5 covered minority population. It includes 48,162, or 87.2%, of the 55,208 Hillsborough County BVAP from Benchmark District 59, and it includes 14,395, or 65.0%, of the 22,154 Hillsborough County HVAP from Benchmark District 59. In addition, Enacted House District 61 includes from Hillsborough County 11,333 blacks and 9,516 Hispanics of voting age who were not in Benchmark House District 59.

Thus, in Enacted House District 61, minorities in Hillsborough County continue to possess the ability to elect their preferred candidate of choice.

Benchmark House District 112. Benchmark House District 112, which is represented by Representative Jeanette Nunez, a Hispanic Republican, includes population from Collier as well as Miami-Dade and Broward counties. Under the 2010 Census, the ideal population of a House district is 156,678. Because Benchmark House District 112 has a total population of 210,556, it is overpopulated by 53,878 people, or 34.4%. It has a VAP of 157,769. Of that total VAP, 18,258, or 11.6%, is BVAP and 112,592, or 71.4%, is HVAP. Benchmark House District 112 includes 2,856 BVAP and 9,353 HVAP from Collier County.

Enacted House District 105. Under SJR 1176, Benchmark House District 112 becomes Enacted House District 105. Enacted House District 105 includes population from Collier as well as Miami-Dade counties. Enacted House District 105 has a total population of 157,369 and a VAP of 117,197. While there has been a slight decrease in HVAP from the benchmark, no one has suggested this is material. Enacted House District 105's BVAP is 12,981, or 11.1% of the district's total VAP, and its HVAP is 80,871, or 69.0% of the district's total VAP.

Enacted House District 105 also includes more Section 5 covered minority population. It includes 2,652, or 92.9%, of the 2,856 blacks Collier County BVAP from Benchmark District 112, and it includes 8,791, or 94.0%, of the 9,353 Collier County HVAP from Benchmark District 112. In addition, Enacted house District 105 includes from Collier County 2,000 blacks and 8,215 Hispanics of voting age who were not in Benchmark House District 112.

Thus, in Enacted House District 112, minorities in Collier County continue to possess the ability to elect their preferred candidate of choice.

Discriminatory Purpose

SJR 1176 was not enacted with a discriminatory purpose.

In November 2010, voters approved a state constitutional amendment (known as Amendment 5) that established new redistricting standards. *See* Fla. Const. art. III, § 21. 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.* § 21(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) (construing identical constitutional provisions applicable to congressional districts).

On March 29, 2011, the Legislature submitted the constitutional amendment to the Department of Justice for preclearance. The Legislature argued that Amendment 5 is not

“retrogressive” with respect to the electoral position of minorities. It took the position that Amendment 5 “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 5 is not retrogressive because the Tier-One standards “hold[] minorities harmless from the new restrictions imposed by” Amendment 5. 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 House districts in SJR 1176 very closely track the recommendations for districts’ black VAP submitted in the NAACP’s proposed state House map. *See* NAACP House Map SPUBH0156 in “Publicly Submitted House Plans” under the “Publicity and Participation” folder.

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 Committees 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.

On February 10, 2012, as required by the Florida Constitution, *see* Fla. Const. art. III, § 16(c), the Florida Attorney General petitioned the Supreme Court of Florida for a declaratory judgment determining the validity of the apportionment. *See In re Joint Resolution of Apportionment*, No. SC12-1 (Fla. filed Feb. 10, 2012). The Constitution directs the Court to enter its judgment within 30 days after the filing of the petition. *See* Fla. Const. art. III, § 16(c).

This litigation in the Florida Supreme Court does not delay the Justice Department's sixty-day statutory deadline for preclearance review. *See* 42 U.S.C. § 1973c(a). Although SJR 1176 must be presented to the Florida Supreme Court for "approval," this "final approving action" by the Florida Supreme Court does "not subject [SJR 1176] to alteration." 28 C.F.R. § 51.22(b). Rather, the Florida Supreme Court merely provides up-or-down approval of the redistricting plan. Thus, under the Justice Department's preclearance regulations, "the Attorney General may make a determination concerning [SJR 1176] prior to such approval." *Id.* And the materials submitted with this memorandum constitute a complete preclearance submission under the Attorney General's regulations. *See Morris v. Gressette*, 432 U.S. 491, 502 (1977); *Georgia v. United States*, 411 U.S. 526, 539 (1973).

(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 House districts was precleared by the United States Department of Justice on February 2, 2004. *See* "Preclearance of 2002 House Districts" in the "Constitutional and Statutory Provisions" folder. The procedure for the adoption of the change was not required to be precleared. Since 1968, the Florida Constitution has specified the same procedure for the adoption of joint resolutions of apportionment. *See* Fla. Const. art. III, § 16. And until November 1, 1972, no part of Florida was subject to Section 5. *See* 28 C.F.R. pt. 51 app.

(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 State House Plan” for reports and spreadsheets describing the benchmark plan.
- “Enacted State House 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
37	61	Pasco	66,979	4,206	10,056	50,245	2,780	6,745
38	61	Pasco	152,503	13,318	23,966	118,127	8,753	15,558
38	62	Pasco	518	15	64	386	10	40
39	63	Polk	20,179	3,027	2,959	15,261	1,832	1,812
39	66	Polk	1,353	85	165	971	53	107
40	63	Polk	63,306	7,793	8,696	49,094	4,883	5,699
40	66	Polk	12,748	1,135	1,396	9,203	741	913
41	63	Polk	1,651	625	243	1,192	435	134
41	66	Polk	34,507	5,106	7,109	25,909	3,393	4,430
42	66	Polk	23,284	5,229	3,633	17,822	3,563	2,335
55	66	Highlands	12,234	1,391	2,852	9,716	924	2,003
55	77	Glades	12,884	1,641	2,720	10,467	1,406	1,866
55	77	Highlands	86,552	8,688	14,305	71,098	5,737	9,664
56	63	Polk	42,138	7,753	8,179	30,582	5,366	4,926
56	66	Hardee	27,731	2,108	11,895	20,056	1,504	7,414
56	66	Polk	50,169	4,874	10,970	37,401	3,385	6,877
56	72	DeSoto	34,862	4,633	10,425	27,027	3,507	7,041
56	79	Polk	0	0	0	0	0	0
57	56	Hillsborough	44,825	4,270	6,972	30,782	2,630	4,200
57	62	Hillsborough	32,205	2,780	4,404	23,876	1,931	2,922
57	63	Hillsborough	28,909	1,023	9,324	23,058	694	5,680
57	67	Hillsborough	51,479	9,908	10,911	37,483	5,961	6,862
58	56	Hillsborough	5,587	890	1,301	3,983	522	798
58	59	Hillsborough	1,850	871	429	1,308	568	294
58	60	Hillsborough	61,852	12,221	10,086	47,983	8,364	6,985
58	61	Hillsborough	374	8	38	308	8	25
58	62	Hillsborough	88,905	8,646	25,396	64,996	5,829	15,640
59	56	Hillsborough	109,518	18,399	22,935	83,581	12,356	15,755
59	59	Hillsborough	8,177	2,177	2,540	6,097	1,483	1,824
59	62	Hillsborough	40,537	4,705	7,646	29,906	3,110	5,033
60	55	Hillsborough	348	2	26	314	2	22
60	56	Hillsborough	26,407	1,750	4,698	23,072	1,447	3,735
60	57	Hillsborough	108,090	8,646	17,598	85,899	5,997	12,917
60	58	Hillsborough	96	8	14	82	7	12
60	59	Hillsborough	5,513	1,803	2,310	4,104	1,299	1,646
60	67	Hillsborough	18,063	555	3,398	14,483	376	2,100
61	47	Hillsborough	3,152	337	679	2,575	243	496
61	56	Hillsborough	6,171	2,341	1,235	5,248	1,918	1,080
61	58	Hillsborough	37,494	12,774	10,673	28,532	8,495	7,644
61	59	Hillsborough	109,995	71,987	21,419	77,808	48,162	14,395

New	Bench	County	TotalPop	BlackPop	HispPop	TotalVAP	BlackVAP	HispVAP
61	60	Hillsborough	2,709	1,111	444	1,910	677	296
62	47	Hillsborough	39,868	5,806	17,130	30,773	4,004	12,484
62	56	Hillsborough	124	20	54	103	17	41
62	57	Hillsborough	26,042	3,030	11,941	20,434	2,161	8,788
62	58	Hillsborough	92,419	12,994	56,258	72,049	9,459	42,700
63	47	Hillsborough	21,014	1,776	4,562	16,746	1,198	3,244
63	58	Hillsborough	1,888	500	698	1,413	318	494
63	59	Hillsborough	16,116	5,079	5,481	12,904	3,696	3,995
63	60	Hillsborough	96,669	12,935	16,090	77,805	9,930	12,013
63	61	Hillsborough	22,540	4,087	4,122	15,566	2,511	2,665
64	47	Hillsborough	93,022	6,826	18,320	70,346	4,716	13,164
64	48	Pinellas	33,855	1,292	2,816	27,340	819	1,927
64	50	Pinellas	15,183	854	942	12,113	618	645
64	57	Hillsborough	14,328	810	1,853	10,312	544	1,278
64	60	Hillsborough	1,375	42	182	1,171	32	146
68	55	Pinellas	191	16	13	185	12	13
69	55	Pinellas	65	24	8	51	17	5
70	52	Pinellas	2,374	504	154	2,244	447	137
70	53	Pinellas	4,818	1,238	387	3,865	863	268
70	54	Pinellas	680	275	17	591	222	15
70	55	Hillsborough	0	0	0	0	0	0
70	55	Manatee	47,337	14,727	16,722	33,530	9,908	9,845
70	55	Pinellas	67,300	47,595	2,730	50,387	33,278	1,806
70	55	Sarasota	17,871	7,941	2,572	14,274	5,559	1,763
70	67	Hillsborough	11,565	1,412	5,468	8,008	844	3,302
70	67	Manatee	678	244	140	545	164	104
70	68	Hillsborough	0	0	0	0	0	0
70	68	Manatee	1,177	368	466	809	227	285
70	69	Sarasota	244	120	56	179	83	35
71	68	Manatee	127,507	7,588	15,788	105,660	4,701	10,212
72	67	Sarasota	0	0	0	0	0	0
73	67	Manatee	135,530	7,030	12,432	107,477	4,428	8,197
73	67	Sarasota	23,719	402	1,294	18,743	261	879
76	75	Lee	118,989	2,018	17,006	103,467	1,371	11,458
78	75	Lee	38,521	1,636	5,233	33,269	1,077	3,595
80	76	Collier	15,020	601	2,919	12,222	351	1,949
80	77	Collier	8,879	1,081	7,183	5,691	676	4,517
80	77	Hendry	39,140	5,468	19,243	28,254	3,846	12,729
80	101	Collier	92,598	7,835	28,848	70,122	5,295	19,420
80	112	Collier	0	0	0	0	0	0

New	Bench	County	TotalPop	BlackPop	HispPop	TotalVAP	BlackVAP	HispVAP
97	101	Broward	0	0	0	0	0	0
99	101	Broward	1,760	137	544	1,372	111	414
102	112	Broward	5,879	3,252	2,323	4,136	2,131	1,754
103	101	Broward	0	0	0	0	0	0
103	112	Broward	30,112	9,300	14,321	20,794	6,262	10,153
103	112	Miami-Dade	15,270	356	13,167	11,334	264	10,047
104	101	Broward	55,479	9,518	25,322	39,587	6,719	18,035
104	112	Broward	7,936	1,458	3,325	5,886	1,055	2,398
105	76	Collier	1,112	206	394	880	128	278
105	101	Broward	16,851	4,353	8,180	11,667	2,989	5,758
105	101	Collier	22,912	2,996	11,477	16,314	1,872	7,937
105	112	Collier	25,611	4,215	13,059	18,515	2,652	8,791
105	112	Miami-Dade	38,673	3,741	29,400	29,115	3,486	22,037
105	114	Miami-Dade	3,367	92	3,225	2,774	71	2,689
105	116	Miami-Dade	27,683	1,378	23,508	21,396	1,055	18,399
105	119	Miami-Dade	19,496	855	17,422	15,303	641	13,986
105	120	Miami-Dade	1,664	140	1,340	1,233	87	996
106	75	Collier	17,364	258	2,129	15,437	170	1,547
106	76	Collier	133,860	5,422	16,280	116,217	3,619	11,741
106	112	Collier	4,164	362	888	3,475	204	562
111	112	Miami-Dade	0	0	0	0	0	0
114	120	Miami-Dade	0	0	0	0	0	0
115	112	Miami-Dade	8,857	802	7,412	7,349	768	6,170
116	112	Miami-Dade	17,559	651	14,275	13,753	519	11,414
117	120	Miami-Dade	34,487	7,403	22,764	23,607	4,521	15,751
118	112	Miami-Dade	197	1	185	154	1	149
119	112	Miami-Dade	56,298	1,195	49,762	43,258	916	39,117
119	120	Miami-Dade	39,986	1,404	34,392	29,932	1,053	26,348
120	107	Miami-Dade	0	0	0	0	0	0
120	114	Miami-Dade	4,053	623	2,914	3,189	476	2,297
120	117	Miami-Dade	0	0	0	0	0	0
120	118	Miami-Dade	20,735	4,690	14,532	15,225	3,251	10,880
120	119	Miami-Dade	36,195	2,890	22,281	27,025	1,969	16,058
120	120	Miami-Dade	20,851	2,809	12,405	14,764	1,886	8,392
120	120	Monroe	73,090	4,630	15,071	62,089	3,388	11,437

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

- hd_bench (Benchmark State House Plan)
- hd_new (Enacted State House 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 State House Plan” and “Enacted State House 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 House Districts” and “Enacted House 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.

SJR 1176 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 State House Plan” and “Enacted State House 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 House Districts” and “Enacted House 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.

SJR 1176 does not change polling places. Polling places are established at the county-level.

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

SJR 1176 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.