HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1B Establishing the Congressional Districts of the State
SPONSOR(S): Oliva
TIED BILLS: **IDEN./SIM. BILLS:** SB 2-B

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Select Committee on Redistricting	9 Y, 4 N	Takacs	Poreda

SUMMARY ANALYSIS

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

On February 9, 2012, the Florida Legislature passed SB 1174, redistricting the population of Florida into 27 congressional districts, as required by state and federal law. Shortly thereafter, two legal challenges to the plan were filed in the Circuit Court for Florida's Second Judicial Circuit in Leon County. Those challenges were eventually combined into one case, *Romo v. Detzner*. On July 10, 2014, after a 12-day trial, the Court entered a final judgment rejecting challenges to eight districts (Districts 13, 14, 15, 21, 22, 25, 26 and 27) but finding Districts 5 and 10 invalid. On August 11, 2014, the Legislature passed SB 2A to remedy the invalidated districts, and those districts were upheld by the Court on August 22, 2014. On August 29, 2014, the plaintiffs appealed that decision, and the Florida Supreme Court heard oral arguments on the case on March 3, 2015.

On July 9, 2015, the Florida Supreme Court found Districts 5, 13, 14, 21, 22, 25, 26 and 27 invalid and provided the Legislature with specific guidance as to how to remedy these deficiencies. In its invalidation of those districts, the Supreme Court relinquished jurisdiction to the Circuit Court to enter an order recommending approval or disapproval of the remedial plan.

Redistricting Plan H000C9065:

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

- Decrease the number of counties split to 18 from 21;
- Decrease the number of cities split to 24 from 28;
- Contain and East-West configuration of CD 5;
- Remove CD 14 from Pinellas County;
- Contain a more compact version of CDs 21 & 22;
- Keep Hendry County whole within CD 25;
- Keep the City of Homestead whole within CD 26;
- Significantly improve the overall visual and mathematical compactness of the impacted districts, when compared to the currently enacted plan and, where feasible, better follow political and geographical boundaries;
- Maintain the total population deviation of 0 or 1;

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In the Opinion of July 9, the Supreme Court stated:

> "…while we affirm the trial court's finding that the Legislature's enacted map was "taint[ed]" by unconstitutional intent, we reverse the trial court's order upholding the Legislature's remedial redistricting plan. We relinquish this case to the trial court for a period of 100 days from the date of this opinion, with directions that it require the Legislature to redraw, on an expedited basis, Congressional Districts 5, 13, 14, 21, 22, 25, 26, 27, and all other districts affected by the redrawing, pursuant to the guidelines set for in this opinion."

Pursuant to that order, Judge Terry Lewis of the Second Judicial Circuit in Leon County has scheduled a hearing beginning on September 24, 2015, to consider arguments on the remedial map.

The 2010 Census

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

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

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

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

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

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

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

Table 1. Florida Congressional Districts 2002-2011

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

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

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

U.S. Constitution

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

Article I, Section 4 of the United States Constitution provides that "[t]he Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except

as to the Places of choosing Senators." The U.S. Constitution thus delegates to state legislatures authority, subject to congressional regulation, to create congressional districts.

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

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

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

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

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

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

For state legislative districts, the courts have permitted a greater population deviation amongst districts. The populations of state legislative districts must be "substantially equal."[7] Substantial equality of population has come to generally mean that a legislative plan will not be held to violate the Equal Protection Clause if the difference between the smallest and largest district is less than ten percent.[8] Nevertheless, any significant deviation (even within the 10 percent overall deviation margin) must be "based on legitimate considerations incident to the effectuation of a rational state policy,"[9] including "the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts, or the recognition of natural or historical boundary lines."[10]

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[1] *Baker v. Carr*, 369 U.S. 186 (1962).
[2] *Reynolds v. Sims,* 377 U.S. 533, 568 (1964).
[3] *Reynolds v. Sims,* 377 U.S. 584 (1964).
[4] *Kirkpatrick v. Preisler,* 394 U.S. 526, 531 (1969).
[5] *Kirkpatrick v. Preisler,* 394 U.S. 526, 531 (1969).
[6] *Kirkpatrick v. Preisler,* 394 U.S. 526, 531 (1969).
[7] *Reynolds v. Sims,* 377 U.S. 533, 568 (1964).
[8] *Chapman v. Meier,* 420 U.S. 1 (1975); *Connor v. Finch,* 431 U.S. 407, 418 (1977).
[9] *Reynolds,* 377 U.S. at 579.
[10] *Swann v. Adams,* 385 U.S. 440, 444 (1967).

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

After Florida last redistricted in 2002, Florida's population deviation ranges were 2.79% for its State House districts, 0.03% for it State Senate districts, and 0.00% for its Congressional districts.[13] For the State House districts enacted by the Legislature in 2012, Florida's population deviation range is 3.97%.

The Voting Rights Act

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

The phraseology for types of minority districts can be confusing and often times unintentionally misspoken. It is important to understand that each phrase can have significantly different implications for the courts, depending on the nature of a legal complaint.

A "majority-minority district" is a district in which the majority of the voting-age population (VAP) of the district consists of a minority group. A "minority access district" is a district in which the dominant minority community is less than a majority of the VAP, but is still large enough to elect a candidate of its choice through either crossover votes from majority voters or a coalition with another minority community.

A "crossover district" is a minority-access district in which the dominant minority community is less than a majority of the VAP, but is still large enough that a crossover of majority voters is adequate enough to provide that minority community with the opportunity to elect a candidate of its choice. A "coalitional district" is a minority-access district in which two or more minority groups, which individually comprise less than a majority of the VAP, can form a coalition to elect their preferred candidate of choice. A distinction is sometimes made between the two in case law. For example, the legislative discretion asserted in *Bartlett v. Strickland*—as discussed later in this document—is meant for crossover districts, not for coalitional districts.

Lastly, an "influence district" is a district in which a minority community is not sufficiently large enough to form a coalition or meaningfully solicit crossover votes and thereby elect a candidate of its choice, but is able to affect election outcomes.

Section 2 of the Voting Rights Act

The most common challenge to congressional and state legislative districts arises under Section 2 of the Voting Rights Act. Section 2 provides: "No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State…in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color."[15] The purpose of Section 2 is to ensure that minority voters have an equal opportunity along with other members of the electorate to influence the political process and elect representatives of their choice.[16]

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[11] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 36.
[12] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 39.
[13] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Pages 47-48.
[14] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 51.
[15] 42 U.S.C. Section 1973(a) (2006).
[16] 42 U.S.C. Section 1973(b); *Voinovich v. Quilter*, 507 U.S. 146, 155 (1993).

In general, Section 2 challenges have been brought against districting schemes that either disperse members of minority communities into districts where they constitute an ineffective minority—known as "cracking"[17]—or which concentrate minority voters into districts where they constitute excessive majorities—known as "packing"—thus diminishing minority influence in neighboring districts. In prior decades, it was also common that Section 2 challenges would be brought against multimember districts, in which "the voting strength of a minority group can be lessened by placing it in a larger multimember or at-large district where the majority can elect a number of its preferred candidates and the minority group cannot elect any of its preferred candidates."[18]

The Supreme Court set forth the criteria of a vote-dilution claim in *Thornburg v. Gingles.*[19] A plaintiff must show:

1. A minority group must be sufficiently large and geographically compact to constitute a majority in a single-member district;

2. The minority group must be politically cohesive; and

3. White voters must vote sufficiently as a bloc to enable them usually to defeat the candidate preferred by the minority group.

The three "*Gingles* factors" are necessary, but not sufficient, to show a violation of Section 2.[20] To determine whether minority voters have been denied an equal opportunity to influence the political process and elect representatives of their choice, a court must examine the totality of the circumstances.[21]

This analysis requires consideration of the so-called "Senate factors," which assess historical patterns of discrimination and the success, or lack thereof, of minorities in participating in campaigns and being elected to office.[22] Generally, these "Senate factors" were born in an attempt to distance Section 2 claims from standards that would otherwise require plaintiffs to prove "intent," which Congress viewed as an additional and largely excessive burden of proof, because "It diverts the judicial injury from the crucial question of whether minorities have equal access to the electoral process to a historical question of individual motives."[23]

In *Johnson v. De Grandy*, the Court decided that while states are not obligated to maximize the number of minority districts, states are also not given safe harbor if they achieve proportionality between the minority population(s) of the state and the number of minority districts.[24] Rather, the Court considers the totality of the circumstances. In "examining the totality of the circumstances, the Court found that, since Hispanics and Blacks could elect representatives of their choice in proportion to their share of the voting age population and since there was no other evidence of either minority group having less opportunity than other members of the electorate to participate in the political process, there was no violation of Section 2."[25]

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[17] Also frequently referred to as "fracturing."
[18] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 54.
[19] 478 U.S. 30 (1986).
[20] *Johnson v. De Grandy*, 512 U.S. 997, 1011-1012 (1994).
[21] 42 U.S.C. Section 1973(b); *Thornburg vs. Gingles*, 478 U.S. 46 (1986).
[22] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 57.
[23] Senate Report Number 417, 97th Congress, Session 2 (1982).
[24] *Johnson v. De Grandy*, 512 U.S. 997, 1017 (1994).
[25] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 61-62.

In *League of United Latin American Citizens (LULAC) v. Perry*, the Court elaborated on the first *Gingles* precondition. "Although for a racial gerrymandering claim the focus should be on compactness in the district's shape, for the first *Gingles* prong in a Section 2 claim the focus should be on the compactness of the minority group."[26]

Lastly, In *Bartlett v. Strickland*, the Supreme Court provided a "bright line" distinction between majority-minority districts and other minority "crossover" or "influence districts. The Court "concluded that §2 does not require state officials to draw election district lines to allow a racial minority that would make up less than 50 percent of the voting-age population in the redrawn district to join with crossover voters to elect the minority's candidate of choice."[27] However, the Court made clear that States had the flexibility to implement crossover districts, where no other prohibition exists. In the opinion of the Court, Justice Kennedy stated as follows:

> "Much like §5, §2 allows States to choose their own method of complying with the Voting Rights Act, and we have said that may include drawing crossover districts…When we address the mandate of §2, however, we must note it is not concerned with maximizing minority voting strength…and, as a statutory matter, §2 does not mandate creating or preserving crossover districts. Our holding also should not be interpreted to entrench majority-minority districts by statutory command, for that, too, could pose constitutional concerns…States that wish to draw crossover districts are free to do so where no other prohibition exists. Majority-minority districts are only required if all three *Gingles* factors are met and if §2 applies based on a totality of the circumstances. In areas with substantial crossover voting it is unlikely that the plaintiffs would be able to establish the third *Gingles* precondition—bloc voting by majority voters." [28]

Section 5 of the Voting Rights Act

Section 5 of the Voting Rights Act of 1965, as amended, was an independent mandate separate and distinct from the requirements of Section 2. "The intent of Section 5 was to prevent states that had a history of racially discriminatory electoral practices from developing new and innovative means to continue to effectively disenfranchise Black voters."[29]

Section 5 required states that comprise or include "covered jurisdictions" to obtain federal preclearance of any new enactment of or amendment to a "voting qualification o prerequisite to voting, or standard, practice, or procedure with respect to voting."[30] This included districting plans.

Five Florida counties—Collier, Hardee, Hendry, Hillsborough, and Monroe—had been designated as covered jurisdictions.[31]

Preclearance may have been secured either by initiating a declaratory judgment action in the District Court for the District of Columbia or, as is the case in almost all instances, submitting the new enactment or amendment to the United States Attorney General (United States Department of Justice).[32] Preclearance must have been granted if the qualification, prerequisite, standard, practice, or procedure "does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color."[33]

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[26] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Page 62.
[27] *Bartlett v. Strickland,* No. 07-689 (U.S. Mar. 9, 2009).
[28] *Bartlett v. Strickland,* No. 07-689 (U.S. Mar. 9, 2009).
[29] *Redistricting Law 2010.* National Conference of State Legislatures. November 2009. Page 78.
[30] 42 U.S.C. Section 1973c.
[31] Some states were covered in their entirety. In other states only certain counties were covered.
[32] 42 U.S.C. Section 1973c.
[33] 42 U.S.C. Section 1973c

The purpose of Section 5 was to "insure that no voting procedure changes would be made that would lead to retrogression[34] in the position of racial minorities with respect to their effective exercise of the electoral franchise."[35] Whether a districting plan was retrogressive in effect requires an examination of "the entire statewide plan as a whole."[36]

The Department of Justice required that submissions for preclearance include numerous quantitative and qualitative pieces of data to satisfy the Section 5 review. "The Department of Justice, through the U.S. Attorney General, has 60 days in which to interpose an objection to a preclearance submission. The Department of Justice can request additional information within the period of review and following receipt of the additional information, the Department of Justice has an additional 60 days to review the additional information. A change, either approved or not objected to, could be implemented by the submitting jurisdiction. Without preclearance, proposed changes were not legally enforceable and cannot be implemented."[37]

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

Majority-Minority and Minority Access Districts in Florida

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

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

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

Prior to the legal challenges in the 1990s, the Florida Legislature established districts that generally included minority populations of less than 30 percent of the total population of the districts. For example, Table 3 illustrates that the 1982 plan for the Florida House of Representatives included 27

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[34] A decrease in the absolute number of representatives which a minority group has a fair chance to elect.
[35] *Beer v. United States*, 425 U.S. 130, 141 (1976).
[36] *Georgia v. Ashcroft*, 539 U.S. 461, 479 (2003).
[37] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 96.

districts in which African-Americans comprised 20 percent of more of the total population. In the majority of those districts, 15 of 27, African-Americans represented 20 to 29 percent of the total population. None of the 15 districts elected an African-American to the Florida House of Representatives.

Table 3. 1982 House Plan
Only Districts with Greater Than 20% African-American Population[38]

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

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

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[38] It is preferred to use voting age population, rather than total population. However, for this analysis the 1982 voting age population data is not available. Therefore total population is used for the sake of comparison.

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Table 4. 2002 House Plan
Only Districts with Greater Than 20% African-American Population[39]

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

Equal Protection – Racial Gerrymandering

Racial gerrymandering is "the deliberate and arbitrary distortion of district boundaries...for (racial) purposes."[40] Racial gerrymandering claims are justiciable under equal protection.[41] In the wake of *Shaw v. Reno*, the Court rendered several opinions that attempted to harmonize the balance between "competing constitutional guarantees that: 1) no state shall purposefully discriminate against any individual on the basis of race; and 2) members of a minority group shall be free from discrimination in the electoral process."[42]

To make a *prima facie* showing of impermissible racial gerrymandering, the burden rests with the plaintiff to "show, either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose, that race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district."[43] Thus, the "plaintiff must prove that the legislature subordinated traditional race-neutral districting principles…to racial considerations."[44] If the plaintiff meets this burden, "the State must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest,"[45] i.e. "narrowly tailored" to achieve that singular compelling state interest.

Florida Constitution, Article III, Section 16

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

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[39] It is preferred to use voting age population, rather than total population. However, since the 1982 voting age population data is not available for Table 2, total population is again used in Table 3 for the sake of comparison.
[40] *Shaw v. Reno*, 509 U.S. 630, 640 (1993)
[41] *Shaw v. Reno*, 509 U.S. 630, 642 (1993)
[42] *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 72.
[43] *Miller v. Johnson*, 515 U.S. 900, 916 (1995).
[44] *Miller v. Johnson*, 515 U.S. 900, 916 (1995).
[45] *Miller v. Johnson*, 515 U.S. 920 (1995).

The Florida Constitution is silent with respect to process for congressional redistricting. Article 1 Section 4 of the United States Constitution grants to each state legislature the exclusive authority to apportion seats designated to that state by providing the legislative bodies with the authority to determine the times place and manner of holding elections for senators and representatives. Consistent therewith, Florida has adopted its congressional apportionment plans by legislation subject to gubernatorial approval.[46] Congressional apportionment plans are not subject to automatic review by the Florida Supreme Court.

Florida Constitution, Article III, Section 20

As approved by Florida voters in the November 2010 General Election, Article III, Section 20 of the Florida Constitution establishes the following standards for congressional redistricting:

> "In establishing congressional district boundaries:
>
> (a)   No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.
>
> (b)   Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
>
> (c)   The order in which the standards within subsections (a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection."

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

To the extent that compliance with second-tier standards conflicts with first-tier standards or federal law, the second-tier standards do not apply.[47] The order in which the standards are set forth within either tier does not establish any priority of one standard over another within the same tier.[48]

The first tier provides that no apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent. Redistricting decisions unconnected with an intent to favor or disfavor a political party and incumbent do not violate this provision of the Florida Constitution, even if their effect is to favor or disfavor a political party or incumbent.[49]

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[46] *See generally* Section 8.0001, et seq., Florida Statutes (2007).
[47] Article III, Sections 20(b) and 21(b), Florida Constitution.
[48] Article III, Sections 20(c) and 21(c), Florida Constitution.
[49] In *Hartung v. Bradbury*, 33 P.3d 972, 987 (Or. 2001), the court held that "the mere fact that a particular reapportionment may result in a shift in political control of some legislative districts (assuming that every registered voter votes along party lines)," does not show that a redistricting plan was drawn with an improper intent. It is well recognized that political consequences are inseparable from the redistricting process. In *Vieth v. Jubelirer*, 541 U.S. 267, 343 (2004) (Souter, J., dissenting) ("The choice to draw a district line one way, not another, always carries some consequence for politics, save in a mythical State with voters of every political identity distributed in an absolutely gray uniformity.").

The first tier of the new standards also provides the following protections for racial and language minorities:

- Districts shall not be drawn with the intent or result of denying the equal opportunity of racial or language minorities to participate in the political process.

- Districts shall not be drawn with the intent or result of abridging the equal opportunity of racial or language minorities to participate in the political process.

- Districts shall not be drawn with the intent or result of diminishing the ability of racial or language minorities to elect representatives of their choice.

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

The first tier also requires that districts consist of contiguous territory. In the context of state legislative districts, the Florida Supreme Court has held that a district is contiguous if no part of the district is isolated from the rest of the district by another district.[50] In a contiguous district, a person can travel from any point within the district to any other point without departing from the district.[51] A district is not contiguous if its parts touch only at a common corner, such as a right angle.[52] The Court has also concluded that the presence in a district of a body of water without a connecting bridge, even if it requires land travel outside the district in order to reach other parts of the district, does not violate contiguity.[53]

The second tier of these standards requires that districts be compact.[54] Compactness "refers to the shape of the district."[55] The Florida Supreme Court has confirmed that the primary test for compactness is a visual examination of the general shape of the district.[56] "Compact districts should not have an unusual shape, a bizarre design, or an unnecessary appendage unless it is necessary to comply with some other requirement."[57]

In addition to a visual inspection, quantitative measures of compactness can assist courts in assessing compactness.[58] The Florida Supreme Court relied on two common, quantitative measures of compactness: the Reock and Convex Hull methods.[59] The Reock method divides the area of the district by the area of the smallest circle that can surround the district. The result is a number from zero to one. A Reock score of one indicates that a district covers 100% of the area of the surrounding circle—in other words, that the district fills the entire circle and therefore *is* a circle. A Reock score of 0.50 indicates that a district covers 50% of the area of the surrounding circle. A higher score indicates superior compactness, on the assumption that a district that occupies more of its surrounding circle is more compact than one that occupies less.

The Convex Hull method performs the same calculation, with one difference. Rather than surround the district with a circle, the Convex Hull method surrounds it with a convex polygon—a figure constructed

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[50] *In re Senate Joint Resolution 2G, Special Apportionment Session 1992*, 597 So. 2d 276, 279 (Fla. 1992) (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d 1040, 1051 (Fla. 1982)).
[51] *Id.*
[52] *Id.* (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1051).
[53] *Id.* at 280.
[54] Article III, Sections 20(b) and 21(b), Florida Constitution.
[55] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 685 (Fla. 2012).
[56] *Id.* at 634 ("[A] review of compactness begins by looking at the shape of a district.").
[57] *Id.*
[58] *Id.*
[59] *Id.* at 635.

of straight lines that do not turn inward (the shape created by a hypothetical rubber band placed around a district). The Convex Hull method then divides the area of the district by the area of the surrounding convex polygon. The score indicates, on a zero-to-one scale, the percentage of the area of the polygon that the area of the district covers.

The second tier of these standards also requires that "districts shall, where feasible, utilize existing political and geographical boundaries."[60] "Political boundaries" refers to county and municipal lines.[61] The protection for counties and municipalities is consistent with the purpose of the standards to respect existing community lines. "Geographical boundaries" refers to boundaries that are "easily ascertainable and commonly understood, such as rivers, railways, interstates, and state roads."[62]

It should also be noted that these second tier standards are often overlapping. Purely mathematical measures of compactness often fail to account for county, city and other geographic boundaries, and so federal and state courts almost universally account for these boundaries into consideration when measuring compactness. Courts essentially take two views:

1) That county, city, and other geographic boundaries are accepted measures of compactness;[63] or

2) That county, city and other geographic boundaries are viable reasons to deviate from compactness.[64]

Either way, county, city, and other geographic boundaries are primary considerations when evaluating compactness.[65]

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[60] Article III, Sections 20(b) and 21(b), Florida Constitution.

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

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

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

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

[65] *See id.*

Plan File Name: H000C9065					
Plan Population Fundamentals					
Total Population Assigned:	18,801,310 of 18,801,310				
Ideal District Population::	696,344				
District Population Remainder:	22				
District Population Range:	696,344 to 696,345				
District Deviation Range:	(0) To 1				
Deviation:	(0) To 0.00 Total 0.00%				

Plan Type: Congress - 27 Districts	
Plan Geography Fundamentals:	
Census Blocks Assigned:	484,481 out of 484,481
Number Non-Contiguous Sections:	1 (normally one)
County or District Split :	18 Split of 67 used
City or District Split :	24 Split of 411 used
VTD's Split :	364 Split of 9,436 used

Number of Districts by Race Language					
	20%+	30%+	40%+	50%+	60%+
2002 Black VAP	5	3	3	2	0
New Black VAP	4	3	3	2	0
2002 Hisp VAP	7	4	3	3	3
New Hisp VAP	8	6	3	3	3

Plan Name:	H000C9065		Number of Districts	27	

Spatial Measurements - Map Based

	Base Shapes			Circle - Dispersion					Convex Hull - Indentation							
	Perimeter	Area	P/A	Perimeter	Area	P/A	Pc/P	A/Ac	Perimeter	Area	P/A	Pc/P	A/Ac	Width	Height	W+H
C9065-Map	7,691	65,757	11.69%	6,868	202,428	3.39%	89.29%	43.20%	5,579	92,484	6.03%	72.53%	76.36%	1,824	1,533	3,358
2002 Map	10,064	65,757	15.30%	7,681	241,801	3.17%	76.31%	30.42%	6,041	104,959	5.75%	60.02%	62.94%	1,898	1,830	3,729
C9065-Simple	7,690	65,758	11.69%				89.31%	32.48%				72.54%	71.10%			
2002 Map	10,066	65,757	15.30%				76.30%	27.19%				60.01%	62.65%			

	Straight line in miles apart				Miles to drive by fastest route				Minutes to drive by fastest route			
	Pop	VAP	VAP Black	VAP Hispanic	Pop	VAP	VAP Black	VAP Hispanic	Pop	VAP	VAP Black	VAP Hispanic
C9065-Map	25	25	27	18	32	32	33	24	41	41	41	33
2002 Map	29	29	30	22	38	38	38	29	48	48	46	38

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

District ID	Pop Dev	TPOP10	%AllBlkVAP10	%AllHispVAP10
1	1	696345	13.19172	5.16741
2	1	696345	12.58619	5.428631
3	1	696345	15.49193	8.130165
4	1	696345	9.083194	6.816736
5	1	696345	45.11974	6.712765
6	1	696345	9.663259	10.41696
7	1	696345	10.52022	20.59956
8	0	696344	9.124648	8.938972
9	0	696344	13.05246	35.12703
10	1	696345	27.08656	24.16532
11	0	696344	6.638673	8.803264
12	1	696345	3.911027	10.15976
13	1	696345	11.33039	8.399715
14	1	696345	18.57328	27.20031
15	1	696345	13.64771	18.57599
16	1	696345	7.320936	15.33608
17	1	696345	6.778159	14.02107
18	0	696344	11.06876	14.12032
19	1	696345	6.466457	17.87218
20	1	696345	50.00797	18.76914
21	1	696345	11.28511	21.56804
22	1	696345	10.01695	18.17432
23	1	696345	10.97607	37.59071
24	1	696345	54.9152	31.77462
25	0	696344	7.912145	70.16489
26	1	696345	8.217257	70.53458
27	1	696345	9.480186	71.99966

District-by-District Descriptions for the Proposed Congressional Map

Congressional District 1, which is equal in population to other districts; includes all of Escambia, Okaloosa, Santa Rosa and Walton Counties and portions of Holmes County; includes all of the municipalities of Century, Cinco Bayou, Crestview, De Funiak Springs, Destin, Esto, Fort Walton Beach, Freeport, Gulf Breeze, Jay, Laurel Hill, Mary Esther, Milton, Niceville, Noma, Paxton, Pensacola, Ponce de Leon, Shalimar, Valparaiso, and Westville; follows the boundaries of the state on the western and northern sides of the district and the Gulf of Mexico on the south; has a Reock compactness score of .37 and a Convex Hull compactness score of .82.

Congressional District 2, which is equal in population to other districts; includes all of Bay, Calhoun, Dixie, Franklin, Gilchrist, Gulf, Jackson, Lafayette, Levy, Liberty, Suwannee, Taylor, Wakulla and Washington counties and portions of Columbia, Holmes, Jefferson, Leon and Marion Counties; includes all of the municipalities of Alford, Altha, Apalachicola, Bascom, Bell, Blountstown, Bonifay, Branford, Bristol, Bronson, Callaway, Campbellton, Carrabelle, Caryville, Cedar Key, Chiefland, Chipley, Cottondale, Cross City, Dunnellon, Ebro, Fanning Springs, Fort White, Graceville, Grand Ridge, Greenwood, Horseshoe Beach, Inglis, Jacob City, Live Oak, Lynn Haven, Malone, Marianna, Mayo, Mexico Beach, Otter Creek, Panama City, Panama City Beach, Parker, Perry, Port St. Joe, St. Marks, Sneads, Sopchoppy, Springfield, Trenton, Vernon, Wausau, Wewahitchka and Yankeetown; follows county boundaries and Highway 73 to the west, county boundaries, Leon and Columbia County roadways to the north, county and municipal boundaries to the east and the state boundary to the south; has a Reock compactness score of .27 and a Convex Hull compactness score of .62.

Congressional District 3, which is equal in population to other districts; includes all of Alachua, Bradford, Clay, Putnam and Union counties and portions of Marion County; includes all of the municipalities of Alachua, Archer, Brooker, Crescent City, Gainesville, Green Cove Springs, Hampton, Hawthorne, High Springs, Interlachen, Keystone Heights, La Crosse, Lake Butler, Lawtey, McIntosh, Micanopy, Newberry, Ocala, Orange Park, Palatka, Penney Farms, Pomona Park, Raiford, Reddick, Starke, Waldo, Welaka and Worthington Springs; follows county boundaries to the west, north and east and US 27, State Road 40 and municipal boundaries to the south; has a Reock compactness score of .71 and a Convex Hull compactness score of .89.

Congressional District 4, which is equal in population to other districts; includes all of Nassau County and portions of Duval and St. Johns Counties; includes all of the municipalities of Atlantic Beach, Baldwin, Callahan, Fernandina Beach, Hilliard, Jacksonville Beach, Neptune Beach, St. Augustine and St. Augustine Beach; follows the state boundary, county boundaries and portions of Jacksonville to the west, the state boundary to the north, the Atlantic Ocean to the east and State Road 305 to the south; has a Reock compactness score of .37 and a Convex Hull compactness score of .72.

Congressional District 5, which is equal in population to other districts; includes all of Baker, Gadsden, Hamilton and Madison Counties and portions of Columbia, Duval, Jefferson and Leon Counties; includes all of the municipalities of Chattahoochee, Glen St. Mary, Greensboro, Greenville, Gretna, Havana, Jasper, Jennings, Lee, Macclenny, Madison, Midway, Monticello, Quincy and White Springs; follows county boundaries to the west, the state boundary and portions of Jacksonville to the north, portions of Jacksonville and US 17 to the east and county boundaries and portions of Columbia and Leon Counties to the south; has a Reock compactness score of .12 and a Convex Hull compactness score of .71.

Congressional District 6, which is equal in population to other districts; includes all of Flagler and Volusia Counties and portions of Lake and St. Johns Counties; includes all of the municipalities of Beverly Beach, Bunnell, Daytona Beach, Daytona Beach Shores, DeBary, DeLand, Deltona, Edgewater, Eustis, Flagler Beach, Hastings, Holly Hill, Lake Helen, Marineland, Mount Dora, New Smyrna Beach, Oak Hill, Orange City, Ormond Beach, Palm Coast, Pierson, Ponce Inlet, Port Orange, South Daytona and Umatilla, follows county and municipal boundaries to the west, portions of St. Johns County to the north, the Atlantic Ocean to the east

and county boundaries to the south; has a Reock compactness score of .44 and a Convex Hull compactness score of .77.

Congressional District 7, which is equal in population to other districts; includes all of Seminole County and portions of Orange County; includes all of the municipalities of Altamonte Springs, Casselberry, Lake Mary, Longwood, Maitland, Oviedo, Sanford, Winter Park and Winter Springs; follows county and municipal boundaries and Orange Ave in Orange County to the west, Pershing Ave, the East-West Expressway and State Road 50 in Orange County to the south, and County boundaries to the east and north; has a Reock compactness score of .60 and a Convex Hull compactness score of .81.

Congressional District 8, which is equal in population to other districts; includes all of Brevard and Indian River Counties and portions of Orange County, includes all of the municipalities of Cape Canaveral, Cocoa, Cocoa Beach, Fellsmere, Grant-Valkaria, Indiatlantic, Indian Harbour Beach, Indian River Shores, Malabar, Melbourne, Melbourne Beach, Melbourne Village, Orchid, Palm Bay, Palm Shores, Rockledge, Satellite Beach, Sebastian, Titusville, Vero Beach, and West Melbourne; follows county boundaries and Dallas Boulevard and waterways in Orange County to the west, county boundaries to the north and south and the Atlantic Ocean to the east; has a Reock compactness score of .34 and a Convex Hull score of .76.

Congressional District 9, which is equal in population to other districts; includes all of Osceola County and portions of Orange and Polk Counties; includes all of the municipalities of Davenport, Dundee, Eagle Lake, Frostproof, Haines City, Highland Park, Hillcrest Heights, Kissimmee, Lake Alfred, Lake Hamilton, Lake Wales, St. Cloud and Winter Haven; follows portions of Polk County, municipal boundaries, and railways to the west, county boundaries, Lake Underhill Road and the East-West Expressway in Orange County to the north, county boundaries and waterways to the east and county boundaries to the south; has a Reock compactness score of .69 and a Convex Hull compactness score of .88.

Congressional District 10, which is equal in population to other districts, is included all within Orange County; includes all of the municipalities of Apopka, Bay Lake, Belle Isle, Eatonville, Edgewood, Lake Buena Vista, Oakland, Ocoee, Windermere and Winter Garden, follows county boundaries to the west, and south, county and municipal boundaries State Road 414 and Pershing Avenue in Orange County to the north and Jeff Fuqua Blvd, State Road 436, Orange Avenue and Interstate 4 to the east; has a Reock compactness score of .49 and a Convex Hull compactness score of .89.

Congressional District 11, which is equal in population to other districts; includes all of Citrus, Hernando and Sumter Counties and portions of Lake and Marion Counties; includes all of the municipalities of Astatula, Belleview, Brooksville, Bushnell, Center Hill, Coleman, Crystal River, Fruitland Park, Howey-in-the-Hills, Inverness, Lady Lake, Leesburg, Mascotte, Minneola, Monteverde, Tavares, Webster, Weeki Wachee and Wildwood, follows the Gulf of Mexico on the west, county boundaries and State Road 40 to the north, county and municipal boundaries to the east and county and municipal boundaries to the south; has a Reock compactness score of .52 and a Convex Hull compactness score of .80.

Congressional District 12, which is equal in population to other districts; includes all of Pasco County and portions of Hillsborough and Pinellas Counties; includes all of the municipalities of Dade City, Dunedin, New Port Richey, Oldsmar, Port Richey, Safety Harbor, St. Leo, San Antonio, Tarpon Springs, Zephyrhills; follows the Gulf of Mexico to the west, county boundaries to the north and east and State Roads 576, 592 and 685A to the south, has a Reock compactness score of .38 and a Convex Hull compactness score of .79.

Congressional District 13, which is equal in population to other districts; is included all within Pinellas County; includes all of the municipalities of Belleair, Belleair Beach, Belleair Bluffs, Belleair Shore, Gulfport, Indian Rocks Beach, Indian Shores, Kenneth City, Largo, Madeira Beach, North Redington Beach, Pinellas Park, Redington Beach, Redington Shores, St. Pete Beach, St. Petersburg, Seminole, South Pasendena and Treasure Island; follows the Gulf of Mexico to the west, county boundaries to the south and east and municipal

boundaries and Enterprise Road in Pinellas County to the north; has a Reock compactness score of .57 and a Convex Hull compactness score of .90.

Congressional District 14, which is equal in population to other districts; is included all within Hillsborough County, includes all of the municipality of Tampa and follows county boundaries to the west, county boundaries and State Roads 582 and 685 A to the north, State Roads 579, 583, 676A, railways and other portions of Hillsborough County to the east and municipal boundaries to the south; has a Reock compactness score of .48 and a Convex Hull compactness score of .82.

Congressional District 15, which is equal in population to other districts; includes portions of Hillsborough, Lake and Polk Counties; includes all of the municipalities of Clermont, Lakeland, Plant City, Polk City and Temple Terrace; follows county and municipal boundaries, State Road 579 and other roadways in Hillsborough County to the east, county and municipal boundaries and the Florida Turnpike to the north, county boundaries, Interstate 4 and Polk Parkway to the east and the Alafia River to the south; has a Reock compactness score of .35 and a Convex Hull score of .78.

Congressional District 16, which is equal in population to other districts; includes all of Manatee County and portions of Hillsborough and Sarasota Counties, includes all of the municipalities of Anna Maria, Bradenton, Bradenton Beach, Holmes Beach, Longboat Key, Palmetto and Sarasota, follows county boundaries and the Gulf of Mexico to the west, county boundaries and State Road 72 to the south, county boundaries to the east and the Alafia River to the north, has a Reock compactness score of .64 and a Convex Hull score of .90.

Congressional District 17, which is equal in population to other districts; includes all of Charlotte, DeSoto, Glades, Hardee, Highlands and Okeechobee Counties of portions of Lee, Polk and Sarasota Counties, includes all of the municipalities of Arcadia, Avon Park, Bartow, Bowling Green, Fort Meade, Lake Placid, Moore Haven, Mulberry, North Port, Okeechobee, Punta Gorda, Sebring, Venice, Wauchula and Zolfo Springs, follows county boundaries and the Gulf of Mexico to the west, county boundaries and portions of Polk County to the north, county boundaries railways to the east and county and municipal boundaries and State Road 80A and 884 to the south; has a Reock compactness score of .57 and a Convex Hull compactness score of .79.

Congressional District 18, which is equal in population to other districts; includes all of Martin and St. Lucie Counties and portions of Palm Beach County; includes all of the municipalities of Fort Pierce, Juno Beach, Jupiter, Jupiter Inlet Colony, Jupiter Island, North Palm Beach, Ocean Breeze Park, Palm Beach Gardens, Palm Beach Shores, Port St. Lucie, St. Lucie Village, Sewall's Point, Stuart, and Tequesta; is traversed by Interstate 95 and the Florida Turnpike; has a Reock compactness score of .50 and a Convex Hull compactness score of .82.

Congressional District 19, which is equal in population to other districts; includes portions of Collier and Lee Counties; includes all of the municipalities of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Marco Island, Naples and Sanibel; is traversed by Interstate 75 and the Tamiami Trail; has a Reock compactness score of .25 and a Convex Hull compactness score of .70.

Congressional District 20, which is equal in population to other districts; complies with Section 2 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; includes portions of Broward and Palm Beach Counties, includes all of the municipalities of Belle Glade, Cloud Lake, Glen Ridge, Haverhill, Lake Park, Lauderdale Lakes, Lauderhill, Loxahotchee Groves, Mangonia Park, North Lauderdale, Pahokee, South Bay and Tamarac, follows county boundaries to the west, county and municipal boundaries, Okeechobee Boulevard, Belvedere Road and State Road 814 to the north, the Loxahatchee National Wildlife Refuge, municipal boundaries, Interstate 95 and North A Street in Palm Beach County and State Road 811 and Interstate 95 in Broward County to the east and county and municipal boundaries to the south; has a Reock score of .48 and a Convex Hull score of .76.

Congressional District 21, which is equal in population to other districts; is included all within Palm Beach County; includes all of the municipalities of Atlantis, Briny Breezes, Delray Beach, Golf, Greenacres, Gulf Stream, Hypoluxo, Lake Clarke Shores, Manalapan, Ocean Ridge, Palm Beach, Palm Springs, South Palm Beach and Wellington, follows the Loxahatchee National Wildlife Refuge to the west, municipal boundaries and State Road 80 to the north, the Atlantic Ocean and State Road 808 to the east and municipal boundaries and waterways to the south; has a Reock compactness score of .37 and a Convex Hull compactness score of .64.

Congressional District 22, which is equal in population to other districts; includes portions of Broward and Palm Beach Counties; includes all of the municipalities of Boca Raton, Coconut Creek, Coral Springs, Highland Beach, Hillsboro Beach, Lauderdale-by-the-Sea, Lazy Lake, Lighthouse Point, Parkland, Sea Ranch Lakes and Wilton Manors; follows county and municipal boundaries to the west, county and municipal boundaries to the north, the Atlantic Ocean to the east and municipal boundaries and Interstate 595 to the south; has a Reock compactness score of .38 and a Convex Hull score of .67.

Congressional District 23, which is equal in population to other districts; includes portions of Broward and Miami-Dade Counties; includes all of the municipalities of Aventura, Bal Harbour, Bay Harbor Islands, Cooper City, Dania Beach, Davie, Golden Beach, Hallandale Beach, Hollywood, Indian Creek, Miami Beach, North Bay Village, Southwest Ranches, Sunny Isles Beach, Surfside and Weston; follows municipal boundaries to the west, Interstates 75 and 595 and municipal boundaries to the north, the Atlantic Ocean to the east and municipal boundaries and State Road 823 to the south; has a Reock compactness score of .27 and a Convex Hull compactness score of .64.

Congressional District 24, which is equal in population to other districts; complies with Section 2 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties urban neighborhoods of similar language, cultural, and socioeconomic characteristics in Miami-Dade and south Broward Counties; includes portions of Broward and Miami-Dade Counties; includes all of the municipalities of Biscayne Park, El Portal, Miami Gardens, Miami Shores, North Miami, North Miami Beach, Opa-locka, Pembroke Park and West Park; is traversed by Interstate 95 and the Florida Turnpike; has a Reock compactness score of .38 and a Convex Hull compactness score of .73.

Congressional District 25, which is equal in population to other districts; complies with Section 2 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties urban neighborhoods of similar language, cultural and socioeconomic characteristics in Broward, Collier, Hendry and Miami-Dade Counties; includes all of Hendry County and portions of Broward, Collier and Miami-Dade Counties; includes all of the municipalities of Clewiston, Doral, Everglades, Hialeah Gardens, LaBelle, Medley, Miami Lakes and Sweetwater; follows county boundaries, State Road 865 and US Highway 41 to the west, county and municipal boundaries and Interstate 75 to the north, municipal boundaries West 4th Avenue in Miami-Dade County to the east and county boundaries and Us Highway 41 to the south; has a Reock compactness score of .48 and a Convex Hull compactness score of .73.

Congressional District 26, which is equal in population to other districts; complies with Section 2 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties urban neighborhoods of similar language, cultural and socioeconomic characteristics in Miami-Dade and Monroe Counties; includes all of Monroe County and portions of Miami-Dade County; includes all of the municipalities of Florida City, Homestead, Islamorada, Village of Islands, Key Colony Beach, Key West, Layton and Marathon; is traversed by the Gulf of Mexico to the west and south, the Atlantic Ocean, South Dixie Highway and SW 87th Avenue in Miami-Dade County to the east and county boundaries and US Highway 41 to the north; has a Reock compactness score of .18 and a Convex Hull Score of .46.

Congressional District 27, which is equal in population to other districts; complies with Section 2 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties urban neighborhoods of similar language, cultural and socioeconomic characteristics in Miami-Dade County; is all included in Miami-Dade County; includes all of the municipalities of Coral Gables, Cutler Bay, Key Biscayne, Miami Springs, Palmetto Bay, Pinecrest, South Miami, Virginia Gardens and West Miami, follows South Dixie Highway and SW 87th Avenue in Miami-Dade County and railways to the west, West 41st Street, Airport Expressway and NW 20th Street in Miami-Dade County to the north, the Atlantic Ocean to the east and county boundaries and Card Sound Road in Miami-Dade County to the south; has a Reock compactness score of .46 and a Convex Hull compactness score of .82.

B. SECTION DIRECTORY:

Section 1   Provides the definitions of the census geography utilized in apportionment.

Section 2   Provides the geographical description of the apportionment of the 27 Congressional districts.

Section 3   Provides for the reenactment of Section 8.0111, Florida Statutes pertaining to the inclusion of unlisted territory in contiguous districts.

Section 4   Provides for the reenactment of Section 8.0112, Florida Statutes pertaining to districts with noncontiguous territory.

Section 5   Provides for the reenactment of Section 8.02, Florida Statutes pertaining to new counties.

Section 6   Provides for the reenactment of Section 8.031, Florida Statutes pertaining to the election of representatives to Congress.

Section 7   Provides for the reenactment of Section 8.05, Florida Statutes pertaining to members of government agencies appointed pursuant to former district boundaries unaffected by new district boundaries.

Section 8   Provides a severability clause in the event that any portion of this bill is held invalid.

Section 9   Provides that Section 8.0002, Florida Statutes, as amended by this act, apply with respect to the primary and general elections held in 2016 and thereafter.

Section 10   Provides for the repeal of sections 8.08, 8.081, 8.082, 8.083, 8.084, 8.085, 8.086, 8.087, 8.088, Florida Statutes, upon this act becoming law.

Section 11   Provides for the repeal of Section 8.07, Florida Statutes.

Section 12   Provides for an effective date for sections 9, 10 and 12 of the act of becoming law and an effective date of the remainder of the act of upon the expiration of the terms of the representatives to the United States House of Representatives serving on the date that this act becomes law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

There does not appear to be any anticipated cost on the Department of State related to the redrawing of maps.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The reapportionment will have an indeterminate fiscal impact on Florida's 67 Supervisor of Elections offices. Local supervisors will incur the cost of data-processing and labor to change voter records to reflect new districts if they are impacted by this remedial map. As precincts are aligned to new districts, postage and printing will be required to provide each active voter whose precinct has changed with mail notification. Temporary staffing may be hired to assist with mapping, data verification, and voter inquiries.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

   None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES