HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HJR 7501 PCB SRS 22-01 Joint Resolution of Apportionment
SPONSOR(S): Redistricting Committee, State Legislative Redistricting Subcommittee, Byrd
TIED BILLS: **IDEN./SIM. BILLS:**

FINAL HOUSE FLOOR ACTION: 77 **Y's** 39 **N's** **GOVERNOR'S ACTION:** N/A

SUMMARY ANALYSIS

CS/HJR 7501 passed the House on February 2, 2022, as CS/SJR 100 as amended. The Senate concurred in the House amendment to the Senate bill and subsequently passed the bill as amended on February 3, 2022. The Florida Supreme Court (FSC) received the petition by the Attorney General on February 9, 2022 beginning the 30-day review period, as required by the Florida Constitution. During this time, no adversary briefs were filed and the FSC waived oral arguments. After 22 days of review, on March 3, 2022 the conclusion was reached by the FSC declaring all State House and State Senate districts valid.

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. Upon receipt of Florida's 2020 Census data, population figures revealed an unequal distribution of growth amongst the State's legislative districts. Therefore, districts were adjusted to correct population differences. The joint resolution reapportions the resident population of Florida into 120 State House districts and 40 State Senate districts, as required by state and federal law.

The House map contained in the joint resolution, H000H8013, when compared to the benchmark (existing) 120 State House districts, increases the overall district population deviation range from 3.97% to 4.75%; reduces the number of city splits from 75 to 53; increases the number of county splits from 30 to 31; and improves the three statewide averages of mathematical compactness scores.

The Senate map contained in the joint resolution, S027S8058, when compared to the benchmark (existing) 40 State Senate districts, decreases the number of counties split from 17 to 16; decreases the number of cities split from 55 to 48; improves the overall district population deviation range from 1.99% to 1.92%; and improves the three statewide averages of mathematical compactness scores.

The joint resolution ensures districts were not drawn with the intent to favor or disfavor a political party or incumbent; that districts were drawn to ensure the equal opportunity of racial or language minorities to participate in the political process and their ability to elect representatives of their choice; and that districts are contiguous.

The districts contained within the joint resolution were deemed valid by the Florida Supreme Court on March 3, 2022. The state legislative districts prescribed herein apply to the qualification, nomination, and election for the office of the Florida House of Representatives and State Senate beginning in the primary and general elections in 2022 and thereafter.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

The 2020 Census

According to Article I, Section 2 of the U.S. Constitution, the U.S. Census Bureau is required to do an "actual enumeration" of all people living in the United States every 10 years.[1] While the census results in many work products and data sets, the two most relevant to redistricting include the Apportionment Counts and Public Law 94-171 redistricting data (commonly referred to as the "P.L. Data") for each state. The redistricting dataset contains summary statistics on population, demographics and housing per census block. The included population data is categorized by total population and total population for individuals 18 years and older, both by race and Hispanic or Latino origin.

For the first time in its 40 years of modern data collection and distribution, the U.S. Census Bureau missed its statutory deadlines for delivering Apportionment Counts and the redistricting data to the states.[2] These delays were a result of wildfires, hurricanes, civil unrest, and the COVID-19 pandemic experienced during 2020.

The actual release date of each state's Apportionment Count was on April 26, 2021, close to four months behind its statutory deadline of December 31, 2020. And the official release date for the redistricting data was August 12, 2021, missing its statutory deadline of March 31, 2021 by close to six months. In an effort to get redistricting data released to the states as efficiently as possible, the data was first released in a "legacy file" format on August 12 while the official data release, deemed to be a more "user-friendly" format, occurred on September 30, 2021.

Although the U.S. Census Bureau faced unprecedented hurdles and timeline delays, Florida's enumeration was completed at a 99.9 percent rate.[3] Florida reached the same rate of completion as the national average, and this success was aided by traditional paper methods, in addition to the census being offered online for the first time in history.

Results of the 2020 Census

According to the 2020 Census, 21,538,187 people resided in Florida on April 1, 2020, which represents a population growth of 2,736,877 in Florida residents between the 2010 to 2020 censuses. This increase in population also resulted in Florida gaining a congressional district, bringing the total to 28 districts.

After the 2010 Census, the ideal population for each district in Florida was:

- Congressional: 696,345, based on 27 districts
- State Senate: 470,033, based on 40 districts
- State House: 156,678, based on 120 districts

[1] U.S. Const. art. 1, §2.
[2] 13 U.S.C. § 141 (1976).
[3] *2020 Census Response Rate Update: 99.98% Complete Nationwide.* U.S. Census Bureau (Oct. 19, 2020), 2020 Census Response Rate Update: 99.98% Complete Nationwide (last visited Jan. 14, 2022).

After the 2020 Census, the ideal population for each district in Florida was:

- Congressional: 769,221, based on 28 districts
- State Senate: 538,455, based on 40 districts
- State House: 179,485, based on 120 districts

As in previous decades, the 2020 Census revealed an unequal increase and shift in 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 nearly as equal in population as practicable.

Table 1 below shows the changes in population for each of Florida's current State House districts and their subsequent deviation from the new ideal population of 179,485 residents.

Table 1. Florida House Districts Change in Population from 2010 to 2020

HD	2010 Pop.	2020 Pop.	Change	%Change	Over-Under Population	Over-Under Population %
1	156,303	173,738	17,435	11.15%	-5,747	-3.20%
2	155,932	164,247	8,315	5.33%	-15,238	-8.49%
3	158,797	200,554	41,757	26.30%	21,069	11.74%
4	158,781	183,034	24,253	15.27%	3,549	1.98%
5	159,198	178,785	19,587	12.30%	-700	-0.39%
6	159,266	164,026	4,760	2.99%	-15,459	-8.61%
7	156,188	153,589	-2,599	-1.66%	-25,896	-14.43%
8	155,921	158,775	2,854	1.83%	-20,710	-11.54%
9	156,370	168,189	11,819	7.56%	-11,296	-6.29%
10	156,423	161,371	4,948	3.16%	-18,114	-10.09%
11	156,023	183,285	27,262	17.47%	3,800	2.12%
12	156,867	179,332	22,465	14.32%	-153	-0.09%
13	156,504	173,073	16,569	10.59%	-6,412	-3.57%
14	155,895	179,268	23,373	14.99%	-217	-0.12%
15	155,797	174,081	18,284	11.74%	-5,404	-3.01%
16	156,491	196,880	40,389	25.81%	17,395	9.69%
17	157,926	233,994	76,068	48.17%	54,509	30.37%
18	154,544	177,702	23,158	14.98%	-1,783	-0.99%
19	154,740	158,314	3,574	2.31%	-21,171	-11.80%
20	156,856	168,327	11,471	7.31%	-11,158	-6.22%
21	156,918	178,899	21,981	14.01%	-586	-0.33%
22	154,726	178,682	23,956	15.48%	-803	-0.45%
23	155,606	174,384	18,778	12.07%	-5,101	-2.84%
24	157,896	186,404	28,508	18.05%	6,919	3.85%
25	155,274	173,106	17,832	11.48%	-6,379	-3.55%
26	154,120	179,126	25,006	16.23%	-359	-0.20%
27	155,112	169,716	14,604	9.42%	-9,769	-5.44%
28	158,813	177,835	19,022	11.98%	-1,650	-0.92%
29	159,162	177,803	18,641	11.71%	-1,682	-0.94%
30	156,153	172,802	16,649	10.66%	-6,683	-3.72%
31	158,462	189,677	31,215	19.70%	10,192	5.68%
32	155,664	213,960	58,296	37.45%	34,475	19.21%
33	156,488	202,728	46,240	29.55%	23,243	12.95%
34	157,143	172,829	15,686	9.98%	-6,656	-3.71%
35	156,871	175,529	18,658	11.89%	-3,956	-2.20%
36	154,847	172,035	17,188	11.10%	-7,450	-4.15%

37	154,993	199,186	44,193	28.51%	19,701	10.98%
38	154,857	190,670	35,813	23.13%	11,185	6.23%
39	154,817	207,578	52,761	34.08%	28,093	15.65%
40	155,028	172,934	17,906	11.55%	-6,551	-3.65%
41	155,727	207,346	51,619	33.15%	27,861	15.52%
42	154,915	211,860	56,945	36.76%	32,375	18.04%
43	157,986	212,279	54,293	34.37%	32,794	18.27%
44	157,485	237,174	79,689	50.60%	57,689	32.14%
45	156,253	182,043	25,790	16.51%	2,558	1.43%
46	156,157	181,820	25,663	16.43%	2,335	1.30%
47	158,274	179,005	20,731	13.10%	-480	-0.27%
48	156,456	193,368	36,912	23.59%	13,883	7.73%
49	159,069	188,979	29,910	18.80%	9,494	5.29%
50	158,877	214,107	55,230	34.76%	34,622	19.29%
51	159,406	165,453	6,047	3.79%	-14,032	-7.82%
52	159,438	182,885	23,447	14.71%	3,400	1.89%
53	159,628	187,131	27,503	17.23%	7,646	4.26%
54	156,053	179,790	23,737	15.21%	305	0.17%
55	155,882	157,883	2,001	1.28%	-21,602	-12.04%
56	154,900	161,008	6,108	3.94%	-18,477	-10.29%
57	157,418	234,597	77,179	49.03%	55,112	30.71%
58	158,568	175,465	16,897	10.66%	-4,020	-2.24%
59	158,232	185,352	27,120	17.14%	5,867	3.27%
60	158,517	189,032	30,515	19.25%	9,547	5.32%
61	159,521	176,048	16,527	10.36%	-3,437	-1.91%
62	158,453	170,895	12,442	7.85%	-8,590	-4.79%
63	158,227	186,860	28,633	18.10%	7,375	4.11%
64	157,763	172,414	14,651	9.29%	-7,071	-3.94%
65	157,869	165,826	7,957	5.04%	-13,659	-7.61%
66	158,786	164,428	5,642	3.55%	-15,057	-8.39%
67	158,424	166,737	8,313	5.25%	-12,748	-7.10%
68	158,551	170,184	11,633	7.34%	-9,301	-5.18%
69	158,702	163,038	4,336	2.73%	-16,447	-9.16%
70	154,044	173,157	19,113	12.41%	-6,328	-3.53%
71	158,594	171,683	13,089	8.25%	-7,802	-4.35%
72	159,167	171,725	12,558	7.89%	-7,760	-4.32%
73	159,249	221,894	62,645	39.34%	42,409	23.63%
74	157,964	193,250	35,286	22.34%	13,765	7.67%
75	159,978	186,847	26,869	16.80%	7,362	4.10%
76	153,745	180,111	26,366	17.15%	626	0.35%
77	157,482	197,482	40,000	25.40%	17,997	10.03%
78	153,781	193,526	39,745	25.85%	14,041	7.82%
79	153,746	189,703	35,957	23.39%	10,218	5.69%
80	155,637	188,858	33,221	21.35%	9,373	5.22%
81	156,038	176,468	20,430	13.09%	-3,017	-1.68%
82	156,533	169,041	12,508	7.99%	-10,444	-5.82%
83	156,370	188,480	32,110	20.53%	8,995	5.01%
84	156,530	178,666	22,136	14.14%	-819	-0.46%
85	158,442	180,551	22,109	13.95%	1,066	0.59%
86	157,949	178,360	20,411	12.92%	-1,125	-0.63%
87	156,640	176,207	19,567	12.49%	-3,278	-1.83%
88	156,720	181,550	24,830	15.84%	2,065	1.15%
89	155,172	178,167	22,995	14.82%	-1,318	-0.73%

90	154,984	175,380	20,396	13.16%	-4,105	-2.29%
91	156,622	172,098	15,476	9.88%	-7,387	-4.12%
92	154,926	178,118	23,192	14.97%	-1,367	-0.76%
93	157,815	170,619	12,804	8.11%	-8,866	-4.94%
94	156,361	170,424	14,063	8.99%	-9,061	-5.05%
95	154,882	173,211	18,329	11.83%	-6,274	-3.50%
96	155,095	179,711	24,616	15.87%	226	0.13%
97	155,698	176,823	21,125	13.57%	-2,662	-1.48%
98	155,182	169,406	14,224	9.17%	-10,079	-5.62%
99	155,731	179,496	23,765	15.26%	11	0.01%
100	154,811	169,563	14,752	9.53%	-9,922	-5.53%
101	154,888	166,158	11,270	7.28%	-13,327	-7.43%
102	157,283	175,693	18,410	11.71%	-3,792	-2.11%
103	156,504	182,386	25,882	16.54%	2,901	1.62%
104	155,234	163,760	8,526	5.49%	-15,725	-8.76%
105	157,369	176,959	19,590	12.45%	-2,526	-1.41%
106	155,388	164,757	9,369	6.03%	-14,728	-8.21%
107	156,958	167,902	10,944	6.97%	-11,583	-6.45%
108	156,848	158,656	1,808	1.15%	-20,829	-11.60%
109	154,121	174,616	20,495	13.30%	-4,869	-2.71%
110	154,817	155,096	279	0.18%	-24,389	-13.59%
111	156,697	154,240	-2,457	-1.57%	-25,245	-14.07%
112	154,895	178,897	24,002	15.50%	-588	-0.33%
113	156,568	159,963	3,395	2.17%	-19,522	-10.88%
114	158,069	163,850	5,781	3.66%	-15,635	-8.71%
115	156,215	168,110	11,895	7.61%	-11,375	-6.34%
116	155,722	165,053	9,331	5.99%	-14,432	-8.04%
117	156,881	198,993	42,112	26.84%	19,508	10.87%
118	156,562	162,358	5,796	3.70%	-17,127	-9.54%
119	156,170	165,661	9,491	6.08%	-13,824	-7.70%
120	154,924	185,050	30,126	19.45%	5,565	3.10%

The law governing the reapportionment and redistricting of congressional and state legislative districts invokes the U.S. Constitution, the Florida Constitution, federal statutes, and a variety of state and federal case law. Therefore, all redistricting plans must comply with all requirements of the U.S. Constitution, the federal Voting Rights Act, the Florida Constitution, and applicable court decisions.

U.S. Constitution

The U.S. Constitution requires the reapportionment of the U.S. House of Representatives every 10 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 U.S. 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.

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 addition to state specific requirements, states are obligated to redistrict based on the principle interpreted by the Court as "one-person, one-vote."[6] In *Reynolds*, the U.S. Supreme Court held that the 14th 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."[7]

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.[8]

In practice, congressional redistricting 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."[9]

For state legislative districts, the courts have permitted a greater population deviation amongst districts. The populations of state legislative districts must be "substantially equal."[10] 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 least populous and most populous district is less than 10 percent.[11] 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,"[12] including "the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts, or the recognition of natural or historical boundary lines."[13]

However, states should not interpret this 10 percent standard to be a safe haven.[14] Additionally, nothing in the U.S. Constitution or case law prevents states from imposing stricter standards for population equality.

Florida's benchmark maps from the 2012 redistricting cycle had population deviation ranges of 3.97% for its State House districts, 1.99% for it State Senate districts,[15] and plus or minus one person for Congressional districts.[16] The State House districts for the 2022 redistricting cycle have a population deviation range of 4.75%.

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[4] *Kirkpatrick v. Preisler,* 394 U.S. 526, 531 (1969).
[5] *Id.*
[6] *Baker v. Carr*, 369 U.S. 186 (1962).
[7] *Reynolds v. Sims,* 377 U.S. 533, 568 (1964).
[8] *Reynolds v. Sims,* 377 U.S. at 584.
[9] *Kirkpatrick v. Preisler,* 394 U.S. at 531.
[10] *Reynolds v. Sims,* 377 U.S. at 568.
[11] *Chapman v. Meier,* 420 U.S. 1 (1975); *Connor v. Finch,* 431 U.S. 407, 418 (1977).
[12] *Reynolds,* 377 U.S. at 579.
[13] *Swann v. Adams,* 385 U.S. 440, 444 (1967).
[14] *Marylanders for Fair Representation Inc. vs. Schafer*, 849 F. Supp. 1022, 1032 (D. Md. 1994).
[15] Florida House of Representatives, Staff Analysis of 2012 Senate Joint Resolution 1176, p. 21 and 40 (March 9, 2012).
[16] Florida House of Representatives, Staff Analysis of 2012 Senate Bill 1174, p. 17 (March 9, 2012).

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 U.S. Constitution. In addition, the VRA enforces the protections of the 14th Amendment to the U.S. Constitution by ensuring minority voters an equal opportunity to participate in the political process and to elect candidates of their choice.

The Voting Rights Act – Section 2

Common challenges to congressional and state legislative districts generally arise 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, or in contravention of the guarantees" provided to language minorities.[17] This provision prohibits "vote-dilution," which was further defined in the *Gingles* case. The purpose of Section 2 is to ensure that minority voters have an equal opportunity along with other members of the electorate to participate in the political process and elect representatives of their choice.[18]

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

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

2. The minority group is politically cohesive, and

3. White voters 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 participate in 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 *Bartlett v. Strickland*, the Supreme Court provided a "bright line" distinction between majority-minority districts and other minority districts. The Court "concluded that Section 2 does not require states to "draw election-district lines to allow a racial minority to join with other voters to elect the minority's candidate of choice, even where the minority is less than 50 percent of the voting-age population in in the district to be drawn."[24] However, the Court made clear that, where no other prohibition exists, states retain flexibility

[17] 52 U.S.C. § 10301(a).
[18] 52 U.S.C. § 10301(b); *Voinovich v. Quilter*, 507 U.S. 146, 155 (1993).
[19] *Thornburg vs. Gingles,* 478 U.S. 30 (1986).
[20] *Johnson v. De Grandy*, 512 U.S. 997, 1011-12 (1994).
[21] 52 U.S.C. § 10301(b); *Gingles*, 478 U.S. at 46.
[22] Senate Report Number 417, 97th Congress, Session 2 (1982).
[23] *Id.*
[24] *Bartlett v. Strickland,* 556 U.S. 1, 6 (2009).

to implement crossover districts—districts in which minority voters are not a majority of the voting-age population, but, at least potentially, are large enough to elect the candidates of their choice with help from voters who are members of the majority, and who cross over to support the minority's preferred candidate. 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." [25]

The Voting Rights Act – Section 5

Section 5 of the VRA is no longer in effect, as further described below. This section is provided for historical context.

Section 5 of the Voting Rights Act was an independent mandate separate and distinct from the requirements of Section 2. As interpreted by the Supreme Court, the purpose of Section 5 was the means "designed by Congress to banish the blight of racial discrimination in voting, which had infected the electoral process."[26] These preclearance measures were intended to protect against retrogression. Section 5 originally applied to six whole states; additional states, as well as cities and counties, were later added to the pre-clearance requirements. In subsequent years, some states implemented their own retrogression standards to protect against retrogression similar to Florida's constitutional standards found in Article. III, Section(s) 20 and 21.

Section 5 required states that were included in "covered jurisdictions" to obtain federal preclearance of any new enactment of or amendment to a "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting."[27] This included redistricting plans.

Five Florida counties – Collier, Hardee, Hendry, Hillsborough, and Monroe – had been designated as covered jurisdictions under Section 5 pre-clearance process.[28] These five Florida counties were added to the Voting Rights Act in 1975 to provide protections for language minorities. However, in 2013, the U.S. Supreme Court declared in *Shelby County v. Holder* that the "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 15th Amendment.[29] The Court further stated that Congress could update the coverage formula with new legislation, but Congress has since failed to do so. After *Shelby,* the preclearance process established by Section 5 of the VRA was no longer in effect nationwide. However, the *Shelby* decision did not affect the validity of the statewide diminishment standards in Florida's Constitution, which protect the ability of racial and language minorities in Florida to elect the representatives of their choice.

Equal Protection – Racial Gerrymandering

[25] *Id.*

[26] *South Carolina v. Katzenbach*, 383 U.S. 301, 308 (1966).

[27] 52 U.S.C. § 10304.

[28] Some states were covered in their entirety. In other states only certain counties or cities were covered.

[29] *Shelby County v. Holder,* 570 U.S. 529 (2013)

Racial gerrymandering is "the deliberate and arbitrary distortion of district boundaries...for (racial) purposes."[30] Racial gerrymandering claims are justiciable under equal protection.[31] In the wake of *Shaw v. Reno*, the Court rendered several opinions that attempted to harmonize the balance between "competing constitutional guarantees that: one, no state shall purposefully discriminate against any individual on the basis of race; and two, members of a minority group shall be free from discrimination in the electoral process."[32]

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."[33] Thus, the "plaintiff must prove that the legislature subordinated traditional race-neutral districting principles…to racial considerations."[34] If the plaintiff meets this burden, "the State must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest."[35] The U.S. Supreme Court assumed in *Bethune-Hill vs. Virginia State Board of Elections* that complying with the requirements set forth in the VRA can be considered a compelling state interest.[36]

Equal Protection – Partisan Gerrymandering

Partisan gerrymandering is the practice of "drawing electoral district lines to intentionally benefit one political party over others."[37] As determined in the 2019 U.S. Supreme Court case of *Rucho vs. Common Cause*, partisan gerrymandering claims are nonjusticiable under the United States Constitution and are considered to be "political questions" outside the scope of judicial review.[38] The Court went further in *Rucho,* stating that the fundamental difficulty in formulating a standard for adjudicating partisan gerrymandering claims is "determining what is fair" and that there is "extreme difficulty on settling on a clear, manageable and politically neutral test."[39]

[30] *Shaw v. Reno*, 509 U.S. 630, 640 (1993)
[31] *Shaw v. Reno*, 509 U.S. at 642.
[32] *Shaw v. Reno, Id* at 630*; U.S. v. Hays,* 515 U.S. 737 (1995); *Miller v. Johnson*, 515 U.S. 900 (1995); *Bush v. Vera*, 517 U.S. 952 (1996); *Shaw v. Hunt (Shaw II),* 517 U.S. 899 (1996); *Lawyer v. Dept. of Justice*, 521 U.S. 567 (1997); *Hunt v. Cromartie,* 526 U.S. 541 (1999); *Easley v. Cromartie*, 532 U.S. 234 (2001).
[33] *Miller v. Johnson*, 515 U.S. 900, 916 (1995).
[34] *Id.*
[35] *Miller v. Johnson*, 515 U.S. at 920.
[36] *Bethune-Hill v. VA. State Board of Elections.,* 137 S. Ct. 788 (2017).
[37] *Redistricting Law 2020*. National Conference of State Legislatures. November 2019. Page 99.
[38] *Rucho v. Common Cause*, No. 18-422, slip op. at 30.
[39] *Id.*

Florida Statutes – Chapters 8 and 10

Under Florida law, chapters 8 and 10 provide the structure for apportionment of Congressional and State Senate and House districts, respectively. These sections provide the basis for how Florida will use official census data and census blocks to draw districts. Census Blocks are the smallest geographical unit or area for the collection and tabulation of population data.[40]

Florida Constitution – Article III, Section 16

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

The Florida Constitution requires the legislature, by joint resolution, to reapportion the state into not less than 30 nor more than 40 consecutively numbered senate districts and into not less than 80 and no more than 120 consecutively numbered representative districts.[41] Redistricting must occur in the second year after each decennial census.[42] Florida is currently apportioned into 40 single-member senate districts[43] and 120 single-member representative districts.[44]

The Florida Constitution is silent with respect to process for congressional redistricting. Article I, Section 4 of the U.S. 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 there with, Florida has adopted its congressional apportionment plans by legislation subject to gubernatorial approval.[45] Congressional apportionment plans are not subject to automatic review by the Florida Supreme Court.

Florida Constitution - Article III, Sections 20 and 21

Article III, Sections 20 and 21 of the Florida Constitution establish the following standards for congressional and state legislative redistricting, respectively:

> In establishing congressional and state legislative 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.

[40] U.S. Census Bureau, (2011, July 11). *What are census blocks?*, https://www.census.gov/newsroom/blogs/random-samplings/2011/07/what-are-census-blocks.html. (last visited Jan.4, 2022).
[41] Art. III, s. 16(a), Fla. Const.
[42] *Id.*
[43] Fla. HJR 1987 (2002).
[44] Fla. HJR 25-E (2003).
[45] *See generally §*8.0001, et seq., F. S. (2007).

(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 and incumbency 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.

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.[46]

The Florida Supreme Court stated that these new requirements prohibit what had previously been an acceptable practice, "such as favoring incumbents and the political party in power." The Court went on to say that "Florida's constitution prohibits intent, not effect and applies to both the plan as a whole and to each district individually." Further, the Florida Supreme Court stated that the "protection of racial and language minorities against discrimination" is a tier one requirement, meaning that voters placed this as a "top priority" that the legislature must comply with during redistricting.[47]

To the extent that compliance with second-tier standards conflicts with first-tier standards, the second-tier standards do not apply.[48] The order in which the standards are set forth within either tier does not establish any priority of one standard over another within the same tier.[49]

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

- 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.

- Districts shall not be drawn to diminish the ability of racial or language minorities to elect representatives of their choice.

The Florida Supreme Court has held that these standards are essentially a restatement of Sections 2 and 5 of the Voting Rights Act, respectively.[50] The Court has construed the non-diminishment standard as imposing a statewide non-retrogression standard on all sixty-seven counties in Florida. These protections have a wider geographical reach than the non-retrogression protections found in Section 5 of the VRA, which covered only five counties in Florida. Further, the state performs a "functional analysis" to ensure compliance with the non-diminishment standard. This functional analysis is conducted by analyzing Voting Age Population, Voter Turnout, Voter Registration, and Election Results for a given district. The analysis is used to determine a minority population's ability to elect the representatives of its choice.[51] The Florida Supreme Court emphasized that "mere access to political data cannot presumptively demonstrate prohibited intent because such data is a necessary component of evaluating whether a minority group has the ability to elect representatives of their choice."[52]

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[46] 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.").

[47] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d at 665.

[48] Art. III, s. 20(b) and 21(b), Fla. Const.

[49] Art. III, s. 20(c) and 21(c), Fla. Const.

[50] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d at 619, 625.

[51] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d at 627.

[52] *Id.*

The map drawing application for the 2022 redistricting cycle includes the following data points for General and Primary Election cycles from 2012-2020:

- Voter Registration by Party
- Voter Registration by Race or Ethnicity
- Voter Registration by Race or Ethnicity and Party
- Voter Registration by Party and Race or Ethnicity
- Voter Turnout by Party
- Voter Turnout by Party and Race or Ethnicity
- Voter Turnout by Race or Ethnicity and Party
- General Elections Results by Candidate
- Primary Elections Results by Candidate

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.[53] In a contiguous district, a person can travel from any point within the district to any other point without departing from the district.[54] A district is not contiguous if its parts touch only at a common corner, such as a right angle.[55] 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.[56]

The second tier of these standards requires that districts be compact.[57] Compactness "refers to the shape of the district."[58] The Florida Supreme Court has confirmed that the primary test for compactness is a visual examination of the general shape of the district.[59] "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."[60] The Florida Supreme Court recognized specific tests to measure quantitively, mathematical compactness: the Reock, Convex Hull, and Polsby-Popper tests.[61]

The second tier of these standards also requires that "districts shall, where feasible, utilize existing political and geographical boundaries."[62] "Political boundaries" refers to county and municipal lines.[63] 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."[64] The Florida Supreme Court stated that the tier two requirements are meant to restrict the legislature's discretion in drawing irregularly shaped districts." The Court further stated that these standards "may undercut or defeat any assertion of improper intent."[65]

Florida Constitution – Article X, Section 8

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[53] *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)).
[54] *Id.*
[55] *Id*. (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1051).
[56] *Id*. at 280.
[57] Art. III, s. 20(b) and 21(b), Fla. Const.
[58] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d at 685.
[59] *Id*. at 634 ("[A] review of compactness begins by looking at the shape of a district.").
[60] *Id*.
[61] *League of Women Voters of Fla. V. Detzner,* 179 So. 3d 258, 283, 289 (Fla. 2015).
[62] Art. III, s. 20(b) and 21(b), Fla. Const.
[63] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d at 636-37.
[64] *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.").
[65] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d at 618.

This section of the Florida Constitution states that each decennial census taken by the U.S. government shall be the official census of the state of Florida.[66]

Effect of Changes: Redistricting Plan CS/SJR 100

State House District Breakdown CS/SJR 100 (H000H8013)

STATEWIDE SNAPSHOT						
Total State Population:	21,538,187		Total Counties:	67	Reock Avg.	Median Reock
Ideal District Population:	179,485		Counties Split:	31	0.45	0.46
Mean Deviation:	2,850	1.59%	Counties Kept Whole:	36	Convex Hull Avg.	Median Convex Hull
Max Deviation:	4,252	2.37%	Total Cities:	412	0.82	0.83
Min Deviation:	-4,269	-2.38%	Cities Split:	53	Polsby Popper Avg.	Median Polsby Popper
Overall Deviation Range:	8,521	4.75%	Cities Kept Whole:	359	0.45	0.45

District	Population			Voting Age Population		Compactness		
	Total Population	Deviation from Ideal	% Deviation	BVAP %	HVAP %	Reock	Convex Hull	Polsby Popper
1	178,511	-974	-0.54	21.12	5.39	0.37	0.64	0.24
2	180,797	1,312	0.73	16.87	6.01	0.40	0.86	0.44
3	178,528	-957	-0.53	7.69	5.42	0.53	0.82	0.41
4	183,737	4,252	2.37	11.20	9.71	0.53	0.93	0.61
5	181,243	1,758	0.98	12.93	5.06	0.52	0.82	0.41
6	175,216	-4,269	-2.38	10.62	6.85	0.33	0.80	0.45
7	182,734	3,249	1.81	15.26	6.14	0.36	0.67	0.24
8	175,555	-3,930	-2.19	50.08	8.79	0.38	0.72	0.23
9	182,853	3,368	1.88	18.08	6.32	0.34	0.88	0.33
10	180,867	1,382	0.77	16.75	5.89	0.56	0.91	0.42
11	177,922	-1,563	-0.87	14.44	10.20	0.48	0.93	0.58
12	181,072	1,587	0.88	21.62	12.88	0.50	0.75	0.43
13	183,002	3,517	1.96	48.51	6.63	0.73	0.93	0.68
14	176,278	-3,207	-1.79	50.41	10.16	0.48	0.85	0.59
15	182,272	2,787	1.55	18.69	6.33	0.47	0.74	0.30
16	180,047	562	0.31	12.40	10.32	0.52	0.86	0.59
17	183,248	3,763	2.10	14.56	12.30	0.57	0.92	0.64
18	180,300	815	0.45	4.52	7.72	0.52	0.79	0.46
19	175,457	-4,028	-2.24	9.28	8.16	0.38	0.75	0.40
20	175,874	-3,611	-2.01	9.70	7.14	0.57	0.85	0.44
21	176,405	-3,080	-1.72	29.03	12.96	0.41	0.83	0.33
22	183,529	4,044	2.25	8.51	10.05	0.53	0.79	0.38
23	176,178	-3,307	-1.84	3.33	5.82	0.36	0.70	0.37
24	175,595	-3,890	-2.17	9.95	16.05	0.43	0.77	0.36
25	176,494	-2,991	-1.67	11.28	20.56	0.57	0.95	0.59
26	177,279	-2,206	-1.23	11.16	10.13	0.58	0.92	0.53
27	183,145	3,660	2.04	6.71	12.42	0.52	0.76	0.36
28	178,466	-1,019	-0.57	16.67	6.91	0.56	0.79	0.43
29	176,556	-2,929	-1.63	11.66	25.07	0.56	0.80	0.40
30	181,596	2,111	1.18	6.18	5.27	0.40	0.85	0.37

[66] Art. X, s. 8, Fla. Const.

District	Population			Voting Age Population		Compactness		
	Total Population	Deviation from Ideal	% Deviation	BVAP %	HVAP %	Reock	Convex Hull	Polsby Popper
31	179,252	-233	-0.13	7.99	7.78	0.50	0.82	0.44
32	178,737	-748	-0.42	6.71	9.29	0.40	0.82	0.42
33	183,186	3,701	2.06	16.07	13.96	0.48	0.83	0.43
34	178,835	-650	-0.36	7.19	10.03	0.55	0.91	0.59
35	176,404	-3,081	-1.72	11.84	31.86	0.42	0.84	0.26
36	175,313	-4,172	-2.32	16.5	19.84	0.37	0.73	0.32
37	175,353	-4,132	-2.30	11.54	25.33	0.37	0.78	0.37
38	175,442	-4,043	-2.25	12.29	24.37	0.37	0.79	0.36
39	175,326	-4,159	-2.32	17.93	22.97	0.49	0.89	0.49
40	175,326	-4,159	-2.32	48.03	18.49	0.53	0.92	0.56
41	176,364	-3,121	-1.74	44.26	29.46	0.45	0.87	0.58
42	180,528	1,043	0.58	10.16	19.14	0.36	0.78	0.33
43	175,629	-3,856	-2.15	12.82	57.69	0.55	0.72	0.37
44	175,329	-4,156	-2.32	10.96	43.38	0.40	0.79	0.42
45	175,973	-3,512	-1.96	8.48	20.43	0.47	0.93	0.52
46	176,200	-3,285	-1.83	16.94	58.99	0.44	0.81	0.48
47	176,233	-3,252	-1.81	11.95	58.48	0.54	0.77	0.36
48	183,593	4,108	2.29	18.52	23.21	0.40	0.84	0.27
49	178,192	-1,293	-0.72	12.4	20.43	0.53	0.92	0.48
50	180,902	1,417	0.79	16.29	18.76	0.50	0.83	0.39
51	182,359	2,874	1.60	12.74	29.36	0.46	0.77	0.30
52	182,726	3,241	1.81	6.73	6.14	0.45	0.70	0.34
53	175,358	-4,127	-2.30	4.63	13.04	0.54	0.88	0.64
54	176,277	-3,208	-1.79	10.68	18.3	0.45	0.89	0.59
55	175,430	-4,055	-2.26	5.69	13.99	0.47	0.92	0.65
56	176,367	-3,118	-1.74	5.11	12.78	0.51	0.94	0.69
57	177,343	-2,142	-1.19	3.55	7.45	0.43	0.87	0.47
58	175,888	-3,597	-2.00	8.37	12.65	0.39	0.80	0.37
59	178,235	-1,250	-0.70	6.67	9.62	0.56	0.87	0.44
60	175,492	-3,993	-2.22	7.65	10.03	0.54	0.87	0.50

District	Population			Voting Age Population		Compactness		
	Total Population	Deviation from Ideal	% Deviation	BVAP %	HVAP %	Reock	Convex Hull	Polsby Popper
61	175,321	-4,164	-2.32	4.70	8.29	0.52	0.88	0.59
62	176,028	-3,457	-1.93	39.87	20.73	0.26	0.66	0.28
63	175,559	-3,926	-2.19	44.70	24.06	0.49	0.78	0.47
64	175,706	-3,779	-2.11	11.73	56.66	0.58	0.86	0.59
65	176,912	-2,573	-1.43	7.40	17.79	0.33	0.69	0.38
66	175,639	-3,846	-2.14	8.21	24.25	0.47	0.90	0.61
67	177,964	-1,521	-0.85	20.06	21.36	0.46	0.76	0.46
68	175,705	-3,780	-2.11	10.54	25.75	0.61	0.96	0.62
69	175,349	-4,136	-2.30	16.14	22.17	0.48	0.82	0.45
70	175,478	-4,007	-2.23	12.98	19.24	0.39	0.83	0.47
71	175,460	-4,025	-2.24	10.90	17.41	0.44	0.89	0.57
72	176,500	-2,985	-1.66	5.29	13.20	0.48	0.80	0.48
73	183,473	3,988	2.22	4.49	8.36	0.39	0.90	0.55
74	183,447	3,962	2.21	4.73	10.38	0.37	0.80	0.45
75	183,275	3,790	2.11	3.84	5.67	0.46	0.91	0.63
76	181,871	2,386	1.33	5.55	11.50	0.58	0.93	0.62
77	183,022	3,537	1.97	13.47	31.32	0.61	0.88	0.45
78	183,124	3,639	2.03	12.43	18.03	0.45	0.81	0.40
79	183,355	3,870	2.16	4.75	21.42	0.55	0.88	0.49
80	183,411	3,926	2.19	1.38	9.36	0.35	0.79	0.43
81	182,510	3,025	1.69	4.29	15.37	0.45	0.90	0.62
82	183,534	4,049	2.26	10.12	43.96	0.47	0.88	0.55
83	178,332	-1,153	-0.64	9.83	21.09	0.53	0.84	0.57
84	183,408	3,923	2.19	20.51	16.09	0.50	0.88	0.60
85	182,082	2,597	1.45	15.72	17.22	0.55	0.91	0.50
86	179,269	-216	-0.12	5.00	14.05	0.31	0.77	0.37
87	182,880	3,395	1.89	7.53	15.84	0.26	0.76	0.26
88	175,984	-3,501	-1.95	50.05	23.16	0.30	0.57	0.12
89	177,515	-1,970	-1.10	16.64	51.51	0.55	0.89	0.54
90	179,439	-46	-0.03	24.05	13.29	0.61	0.91	0.60

District	Population			Voting Age Population		Compactness		
	Total Population	Deviation from Ideal	% Deviation	BVAP %	HVAP %	Reock	Convex Hull	Polsby Popper
91	180,714	1,229	0.68	6.08	14.65	0.50	0.92	0.60
92	179,284	-201	-0.11	7.50	12.67	0.30	0.75	0.38
93	180,537	1,052	0.59	15.33	24.97	0.45	0.88	0.51
94	178,736	-749	-0.42	20.34	20.04	0.60	0.94	0.55
95	181,346	1,861	1.04	22.08	23.93	0.39	0.78	0.45
96	180,503	1,018	0.57	25.31	30.92	0.52	0.91	0.57
97	181,456	1,971	1.10	57.94	21.59	0.55	0.88	0.51
98	183,663	4,178	2.33	34.96	23.13	0.30	0.72	0.35
99	180,790	1,305	0.73	52.02	17.95	0.45	0.83	0.43
100	182,865	3,380	1.88	8.31	16.74	0.37	0.89	0.51
101	179,020	-465	-0.26	13.65	34.45	0.41	0.80	0.47
102	183,490	4,005	2.23	12.84	34.89	0.57	0.86	0.50
103	182,670	3,185	1.77	14.37	51.58	0.44	0.87	0.57
104	176,085	-3,400	-1.89	41.18	45.31	0.45	0.70	0.35
105	183,727	4,242	2.36	38.15	39.77	0.53	0.94	0.65
106	180,735	1,250	0.70	4.80	46.76	0.40	0.91	0.39
107	183,505	4,020	2.24	50.37	36.16	0.34	0.75	0.29
108	181,345	1,860	1.04	50.69	35.42	0.48	0.85	0.45
109	183,366	3,881	2.16	40.06	58.37	0.25	0.73	0.33
110	178,199	-1,286	-0.72	6.50	88.91	0.42	0.79	0.47
111	182,977	3,492	1.95	3.15	90.11	0.59	0.88	0.56
112	179,362	-123	-0.07	3.58	93.99	0.42	0.79	0.42
113	182,742	3,257	1.81	4.55	71.94	0.55	0.77	0.39
114	181,962	2,477	1.38	5.79	74.50	0.35	0.73	0.35
115	183,386	3,901	2.17	6.77	65.86	0.28	0.72	0.30
116	182,984	3,499	1.95	3.32	87.41	0.35	0.88	0.51
117	182,260	2,775	1.55	28.93	65.06	0.15	0.45	0.17
118	183,694	4,209	2.35	5.60	85.74	0.22	0.79	0.33
119	183,655	4,170	2.32	5.37	85.20	0.28	0.92	0.47
120	183,229	3,744	2.09	11.60	44.89	0.22	0.54	0.20

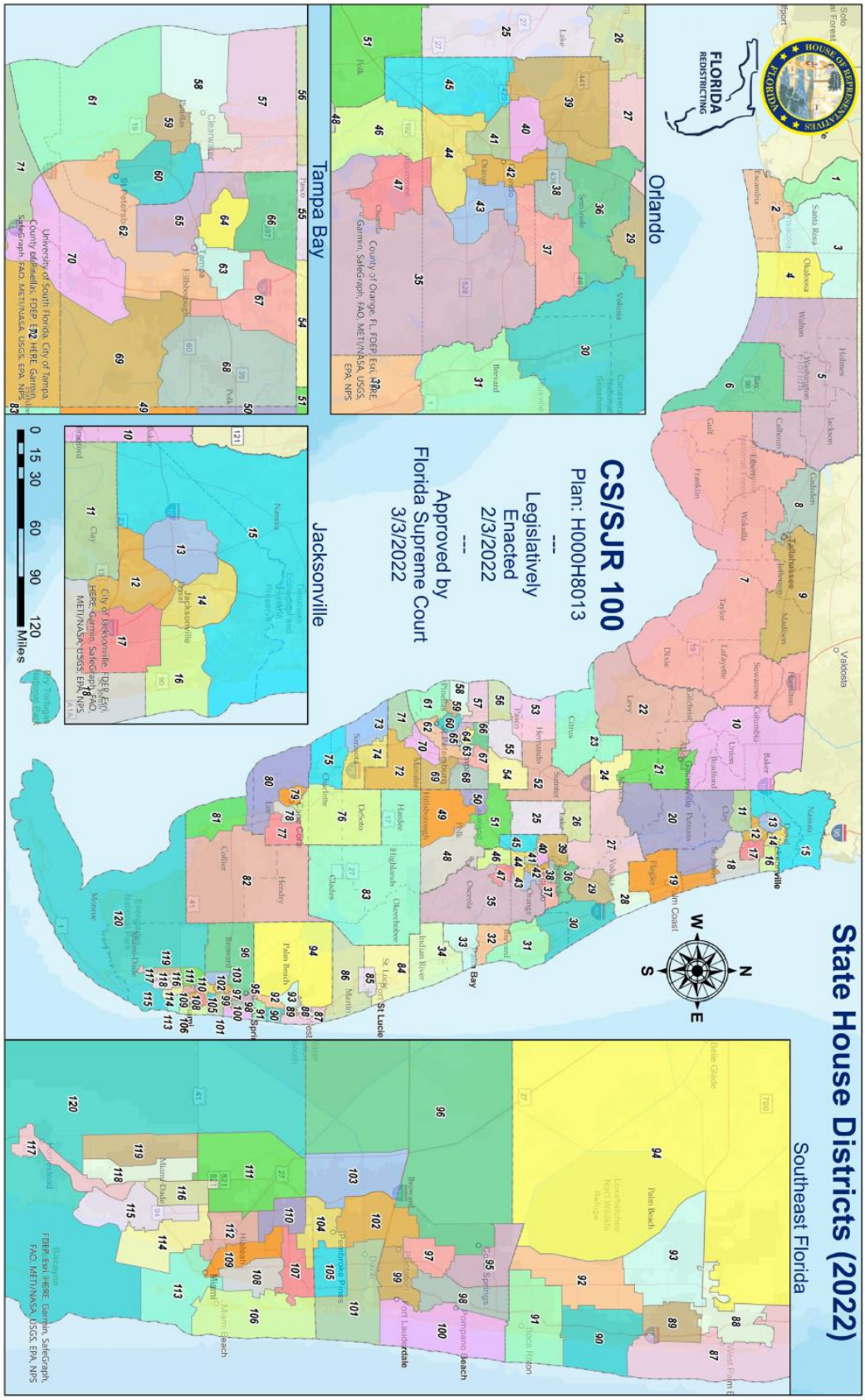
State Senate District Breakdown CS/SJR 100 (S027S8058)[67]

District lines and City and County Boundaries	In Plan S027S8058
Number of Counties	67
Counties with only one district	51
Districts with only one county	16
Counties split into more than one district	16
Counties with all population in a single district	51
Aggregate number of county splits	48
Aggregate number of splits with population	48
Number of Cities	412
Cities with only one district	364
Cities split into more than one district	48
Cities with all population in only one district	373
Aggregate number of city splits	103
Aggregate number of splits with population	94

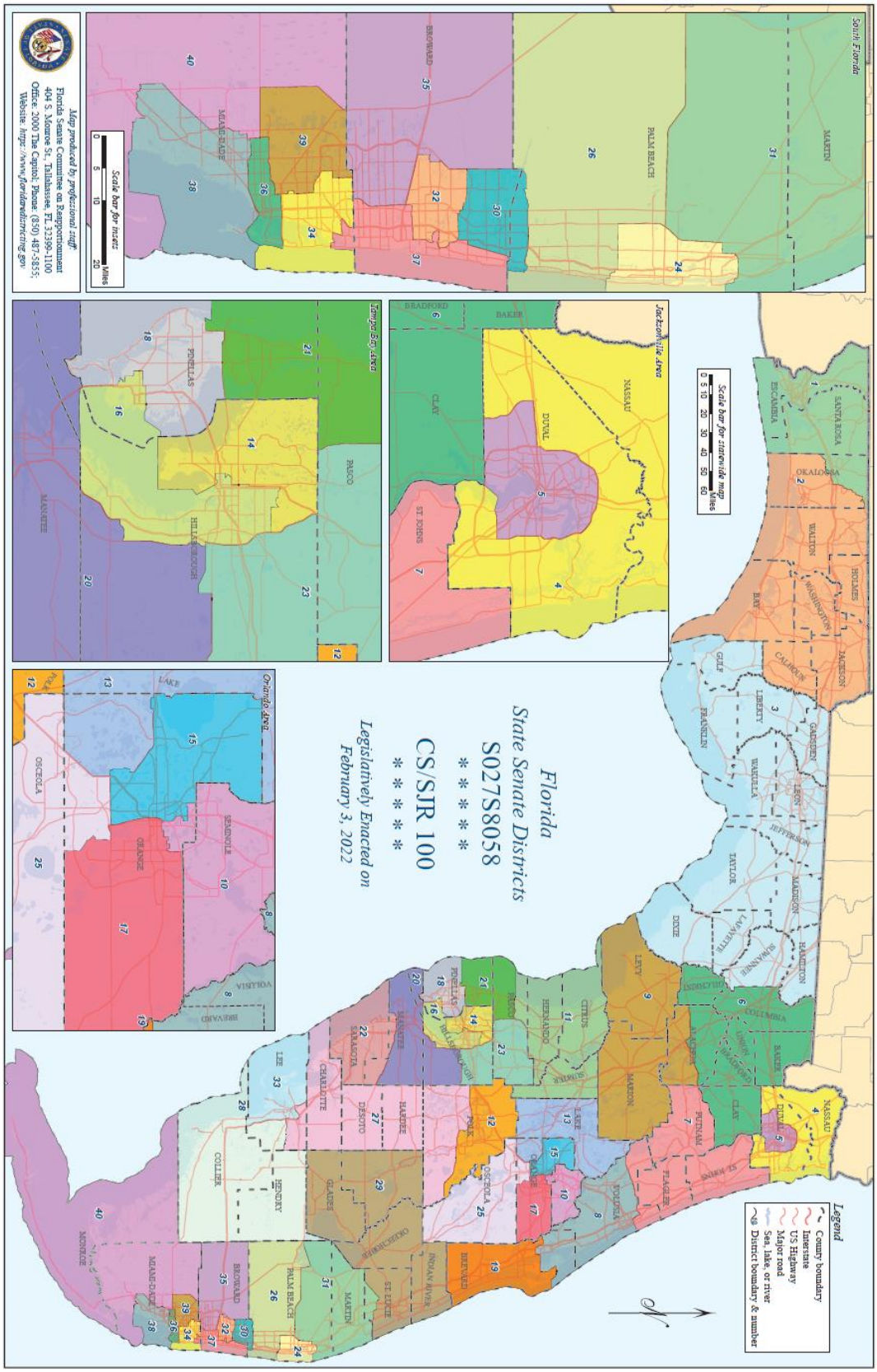
Dist.	Deviation		Voting Age Population:		Area	Perim.	Convex	Polsby-	Reock	Counties:		Cities:		Political and Geographic Boundaries:					
	Total	%	Black	Hisp.	(sq.mi.)	(mi.)	Hull	Popper	Ratio	Whole	Parts	Whole	Parts	City	County	Road	Water	Rail	Non-Pol/Geo
	10,362	1.92%	15.54%	24.99%	1,785.1	198.3	0.82	0.46	0.46	51	48	364	103	15%	59%	24%	38%	2%	4%
1	808	0.15%	15.63%	5.69%	2,692	297	0.81	0.38	0.42	2	1	6	1	4%	82%	9%	55%	0%	0%
2	314	0.06%	11.28%	7.12%	6,413	423	0.78	0.45	0.50	6	1	40	1	3%	87%	6%	61%	0%	0%
3	2,687	0.50%	27.43%	7.06%	10,909	574	0.80	0.42	0.44	13	0	27	0	2%	100%	0%	58%	0%	0%
4	4,053	0.75%	13.54%	9.18%	1,396	270	0.74	0.24	0.52	1	1	7	1	28%	77%	21%	45%	0%	0%
5	4,956	0.92%	41.62%	10.43%	248	69	0.87	0.66	0.60	0	1	0	1	14%	14%	80%	10%	0%	0%
6	366	0.07%	14.64%	8.79%	3,433	335	0.83	0.38	0.50	6	1	21	3	14%	87%	13%	20%	0%	0%
7	3,151	0.59%	7.81%	7.85%	2,533	282	0.79	0.40	0.49	3	1	14	2	15%	85%	12%	53%	0%	0%
8	4,721	0.88%	11.48%	13.21%	1,486	231	0.83	0.35	0.37	0	2	13	2	12%	62%	22%	64%	6%	0%
9	-1,469	-0.27%	13.85%	12.39%	3,728	327	0.89	0.44	0.44	2	1	15	3	7%	87%	13%	45%	0%	0%
10	-3,020	-0.56%	12.53%	20.15%	366	109	0.81	0.39	0.50	1	1	7	3	20%	83%	7%	57%	0%	2%
11	84	0.02%	4.88%	8.19%	2,403	278	0.75	0.39	0.39	3	1	9	0	9%	88%	11%	48%	0%	0%
12	-1,981	-0.37%	16.13%	24.29%	999	208	0.78	0.29	0.32	0	1	7	4	6%	70%	27%	24%	1%	2%
13	-1,821	-0.34%	9.89%	15.73%	1,290	226	0.72	0.32	0.36	1	1	17	3	12%	89%	10%	34%	0%	2%
14	-2,463	-0.46%	9.42%	32.62%	281	89	0.78	0.44	0.47	0	1	0	1	45%	48%	19%	41%	1%	7%
15	-4,248	-0.79%	37.48%	25.35%	288	89	0.82	0.46	0.45	0	1	2	7	15%	53%	27%	25%	6%	6%
16	-3,007	-0.56%	33.20%	21.78%	351	111	0.69	0.36	0.36	0	2	0	3	19%	6%	39%	31%	1%	18%
17	-4,667	-0.87%	11.80%	38.03%	489	112	0.94	0.49	0.52	0	1	0	3	12%	74%	7%	27%	5%	7%
18	4,267	0.79%	6.40%	9.70%	453	104	0.86	0.53	0.63	0	1	17	3	24%	52%	16%	71%	0%	8%
19	-958	-0.18%	10.08%	10.15%	1,189	194	0.77	0.40	0.42	0	1	15	0	4%	77%	9%	52%	7%	0%
20	-3,388	-0.63%	10.97%	17.22%	1,265	194	0.72	0.42	0.41	0	2	5	1	1%	53%	33%	33%	0%	9%
21	-3,250	-0.60%	5.22%	10.61%	655	114	0.89	0.64	0.55	0	2	6	2	12%	45%	28%	54%	0%	1%
22	-4,979	-0.92%	4.33%	9.59%	1,143	147	0.92	0.67	0.49	1	1	3	1	19%	73%	24%	46%	0%	2%
23	-2,318	-0.43%	11.89%	21.41%	854	140	0.86	0.55	0.56	0	2	5	2	5%	58%	46%	3%	0%	7%
24	5,080	0.94%	25.10%	32.22%	197	63	0.91	0.63	0.53	0	1	18	2	22%	30%	33%	46%	0%	14%
25	-5,143	-0.96%	12.77%	52.56%	1,578	233	0.84	0.37	0.43	1	1	2	2	5%	89%	9%	29%	0%	2%
26	1,687	0.31%	15.81%	14.53%	1,320	176	0.88	0.54	0.45	0	1	10	2	11%	48%	30%	24%	0%	8%
27	-3,910	-0.73%	9.05%	16.04%	3,427	365	0.60	0.32	0.40	3	2	11	5	10%	73%	19%	21%	1%	4%
28	-960	-0.18%	7.68%	26.59%	4,027	326	0.83	0.48	0.48	2	1	5	3	2%	89%	6%	43%	0%	3%
29	-2,706	-0.50%	13.34%	15.46%	4,203	307	0.83	0.56	0.49	4	1	12	1	2%	92%	2%	31%	4%	1%
30	973	0.18%	21.29%	22.81%	122	50	0.91	0.60	0.53	0	2	4	3	52%	7%	39%	14%	0%	16%
31	2,445	0.45%	11.02%	15.57%	1,674	182	0.90	0.63	0.60	1	2	12	4	8%	47%	31%	48%	6%	5%
32	3,596	0.67%	46.15%	23.13%	88	48	0.88	0.48	0.59	0	1	6	3	59%	0%	41%	0%	3%	3%
33	420	0.08%	6.26%	17.18%	1,092	142	0.94	0.68	0.46	0	1	3	3	5%	71%	29%	60%	0%	0%
34	-4,884	-0.91%	50.07%	37.96%	144	69	0.81	0.37	0.46	0	1	9	6	24%	37%	38%	47%	0%	4%
35	3,795	0.70%	20.79%	45.26%	955	136	0.94	0.65	0.54	0	1	4	4	20%	76%	16%	0%	0%	1%
36	2,230	0.41%	6.23%	78.49%	60	42	0.82	0.43	0.28	0	1	1	4	12%	0%	64%	27%	1%	9%
37	4,163	0.77%	15.12%	29.79%	186	87	0.79	0.31	0.29	0	2	12	9	26%	42%	39%	44%	2%	0%
38	5,219	0.97%	13.01%	66.39%	343	91	0.85	0.52	0.43	0	1	5	2	13%	17%	18%	51%	15%	6%
39	-3,933	-0.73%	5.40%	90.13%	170	58	0.90	0.63	0.58	0	1	7	3	30%	17%	72%	4%	0%	5%
40	4,077	0.76%	8.23%	71.50%	6,953	637	0.54	0.22	0.22	1	1	7	0	1%	88%	5%	80%	2%	0%

[67] Data and Map Produced by Florida Senate Committee on Reapportionment.

State House Map CS/SJR 100 (H000H8013)



State Senate Map CS/SJR 100 (S027S8058)[68]



[68] *Id.*

B. SECTION DIRECTORY:

Section 1 Provides that the 2020 Census is the official census of the state for the purposes of this joint resolution; Lists and defines the geography utilized for the purposes of this joint resolution in accordance with Public Law 94-171.

Section 2 Provides for the geographical description of the apportionment of the 120 State House districts.

Section 3 Provides for the geographical description of the apportionment of the 40 State Senate districts.

Section 4 Provides for the apportionment of any territory not specified for inclusion in any district.

Section 5 Provides for the apportionment of any noncontiguous territory.

Section 6 Provides that the districts created by this joint resolution constitute and form the representative and senatorial districts of the State.

Section 7 Provides for the format of electronic maps to serve as the official maps of representative and senatorial districts.

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

Section 9 Provides that this joint resolution applies with respect to the qualification, nomination, and election of members of the Florida Legislature in the primary and general elections held in 2022 and thereafter.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

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 proposed 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.