



Select Committee on Redistricting

Friday, August 8, 2014

10:15 AM

404 HOB

Addendum A

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Select Committee on Redistricting

Start Date and Time: Friday, August 08, 2014 10:15 am
End Date and Time: Friday, August 08, 2014 06:00 pm
Location: Sumner Hall (404 HOB)
Duration: 7.75 hrs

Consideration of the following proposed committee bill(s):

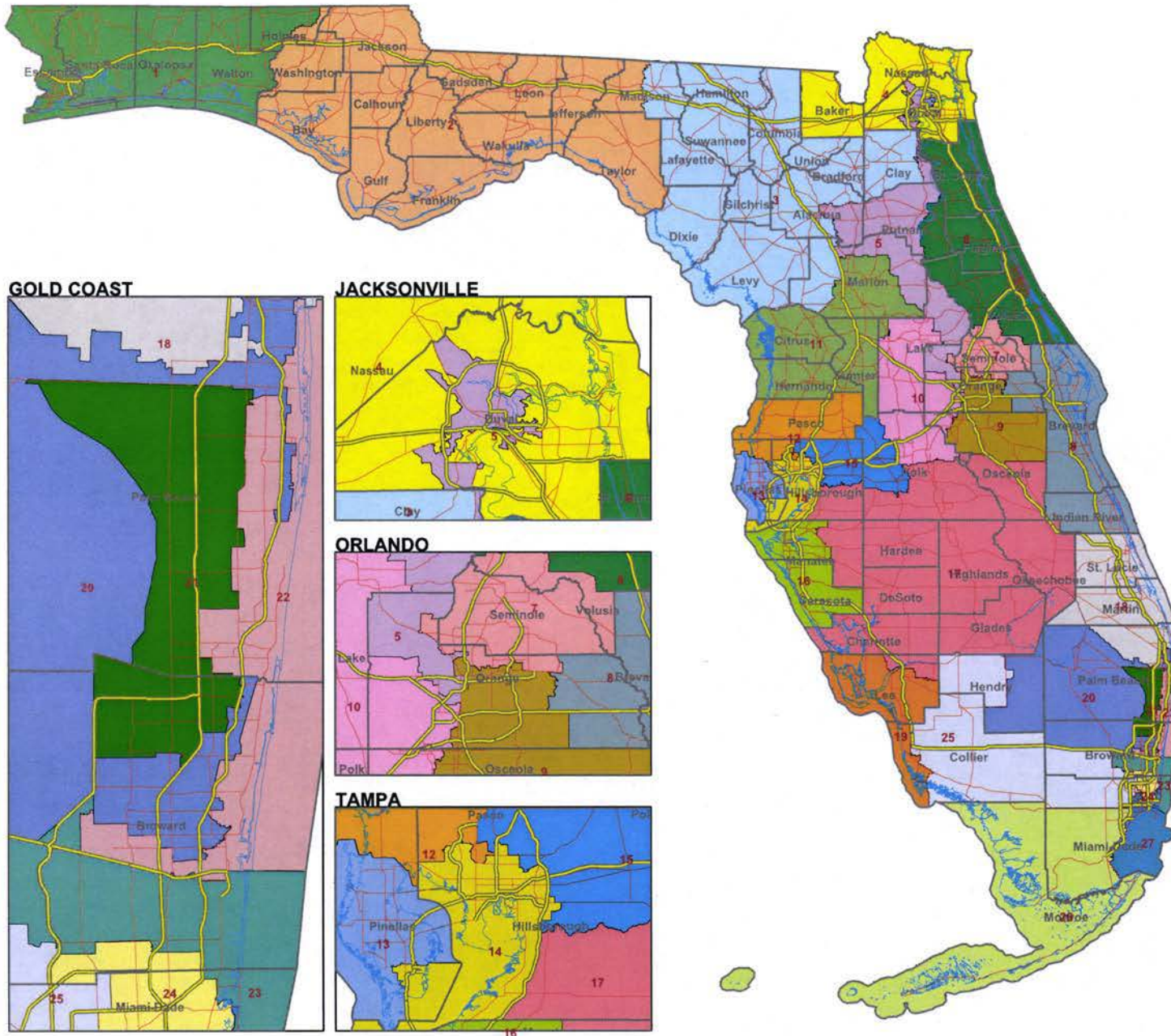
PCB SCOR 14A-01 -- Establishment of Congressional Districts

NOTICE FINALIZED on 08/07/2014 21:15 by Jones.Missy

H000C9057



Florida House of Representatives
 Redistricting Committee
 402 S. Monroe Street
 House Office Building
 Tallahassee, FL 32399
www.floridaredistricting.org



Legend

- 7 District Number
- District Boundary
- County Boundary
- Interstate Highway
- Major Highway
- Shoreline

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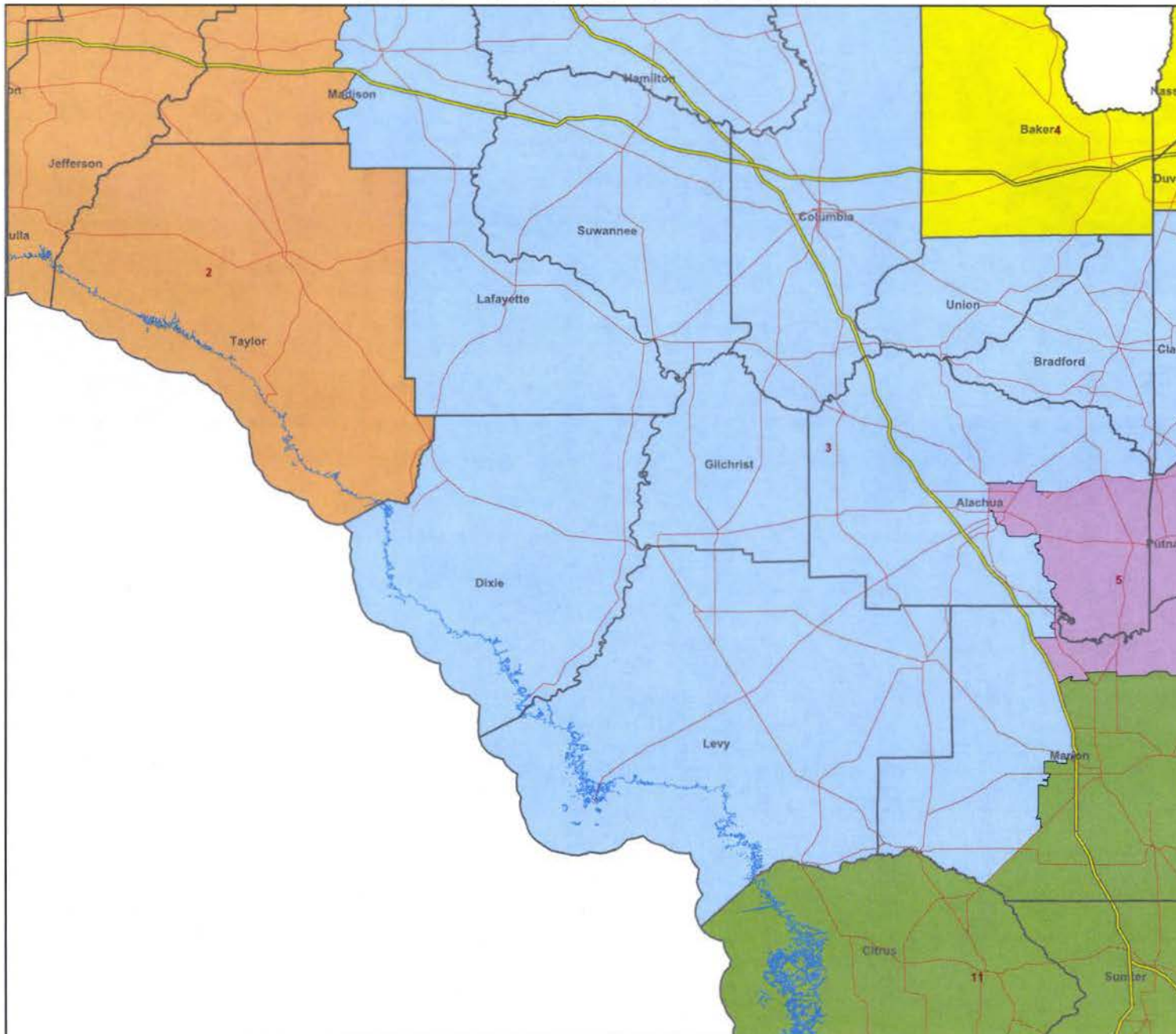


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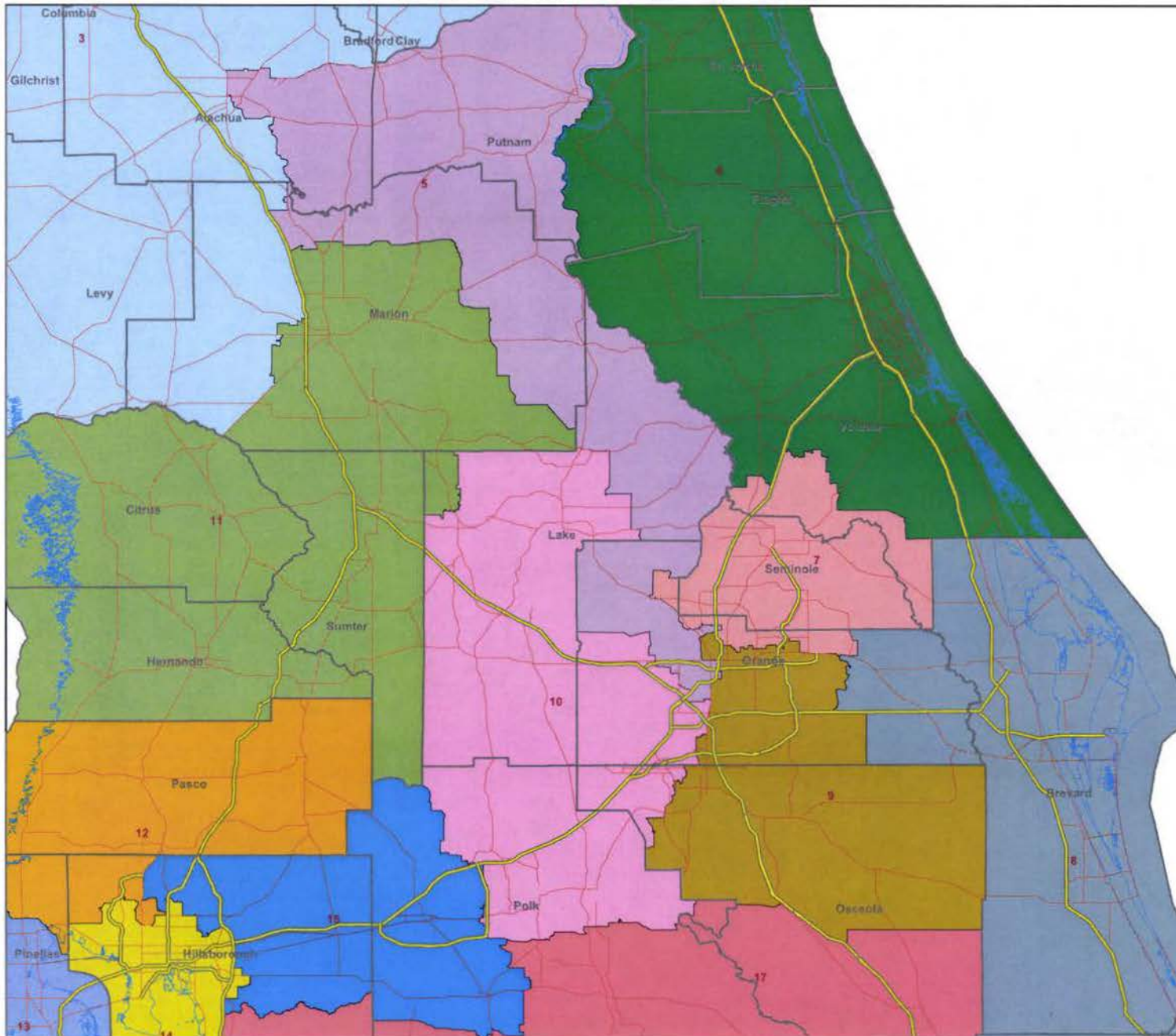


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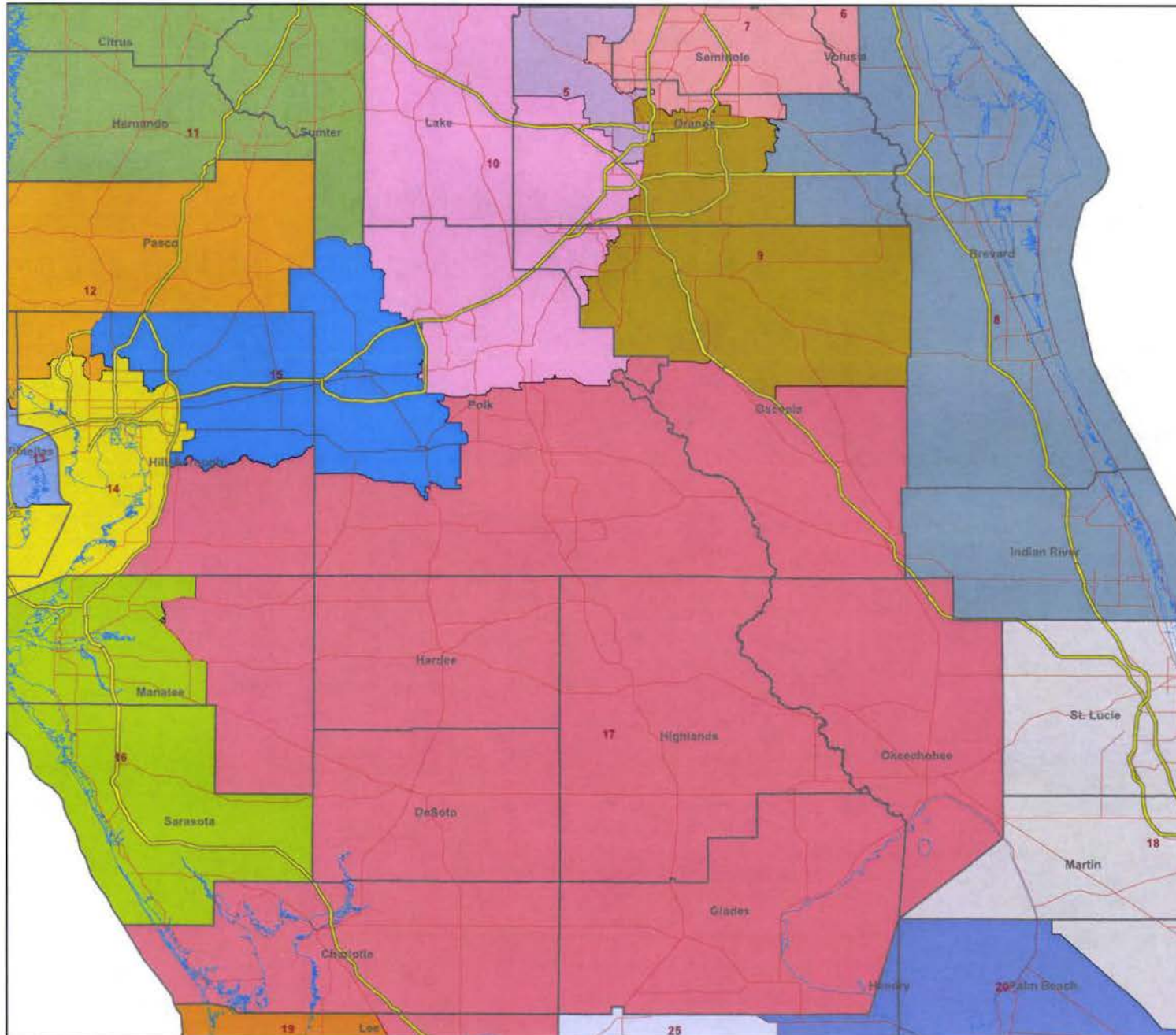


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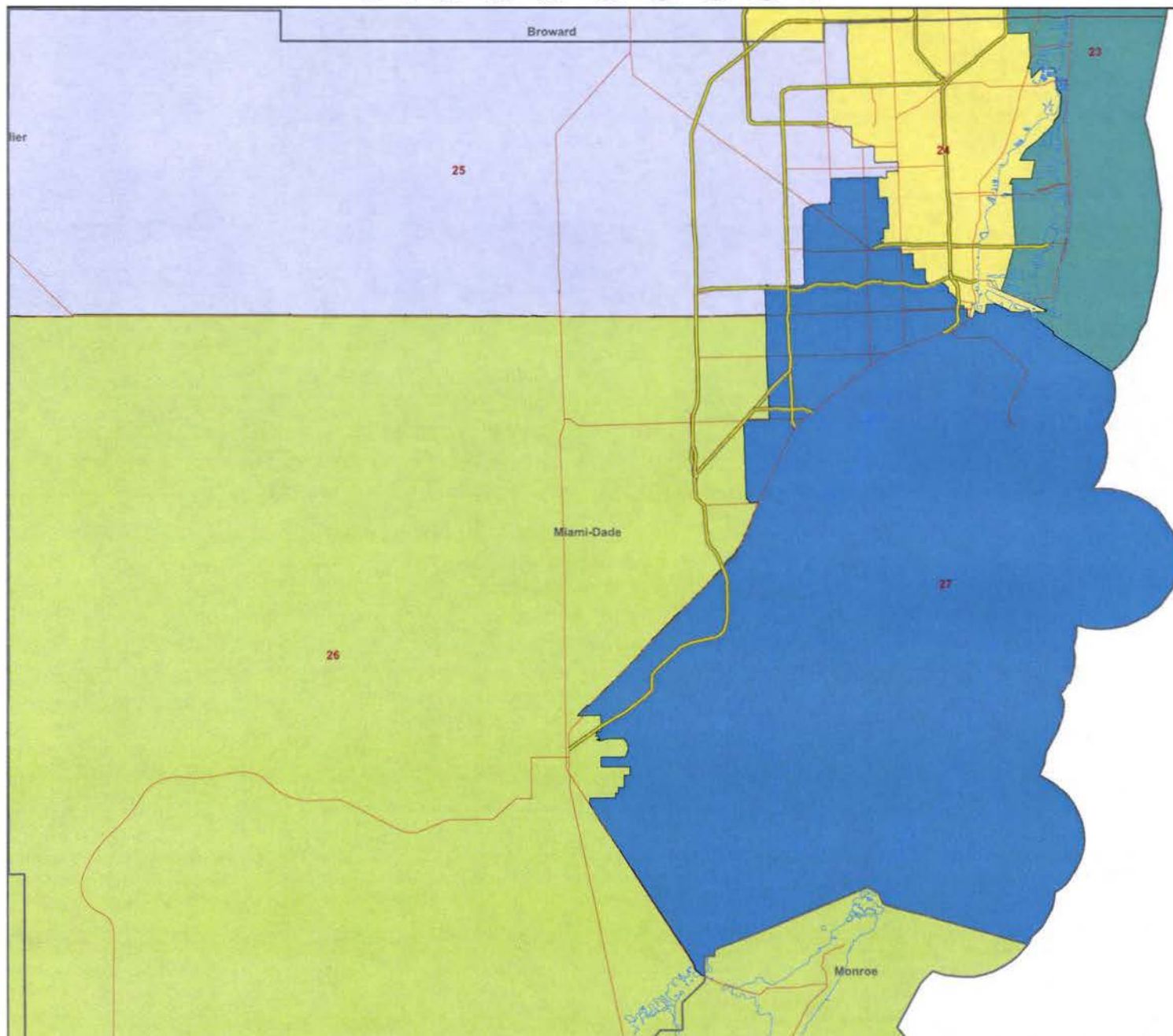


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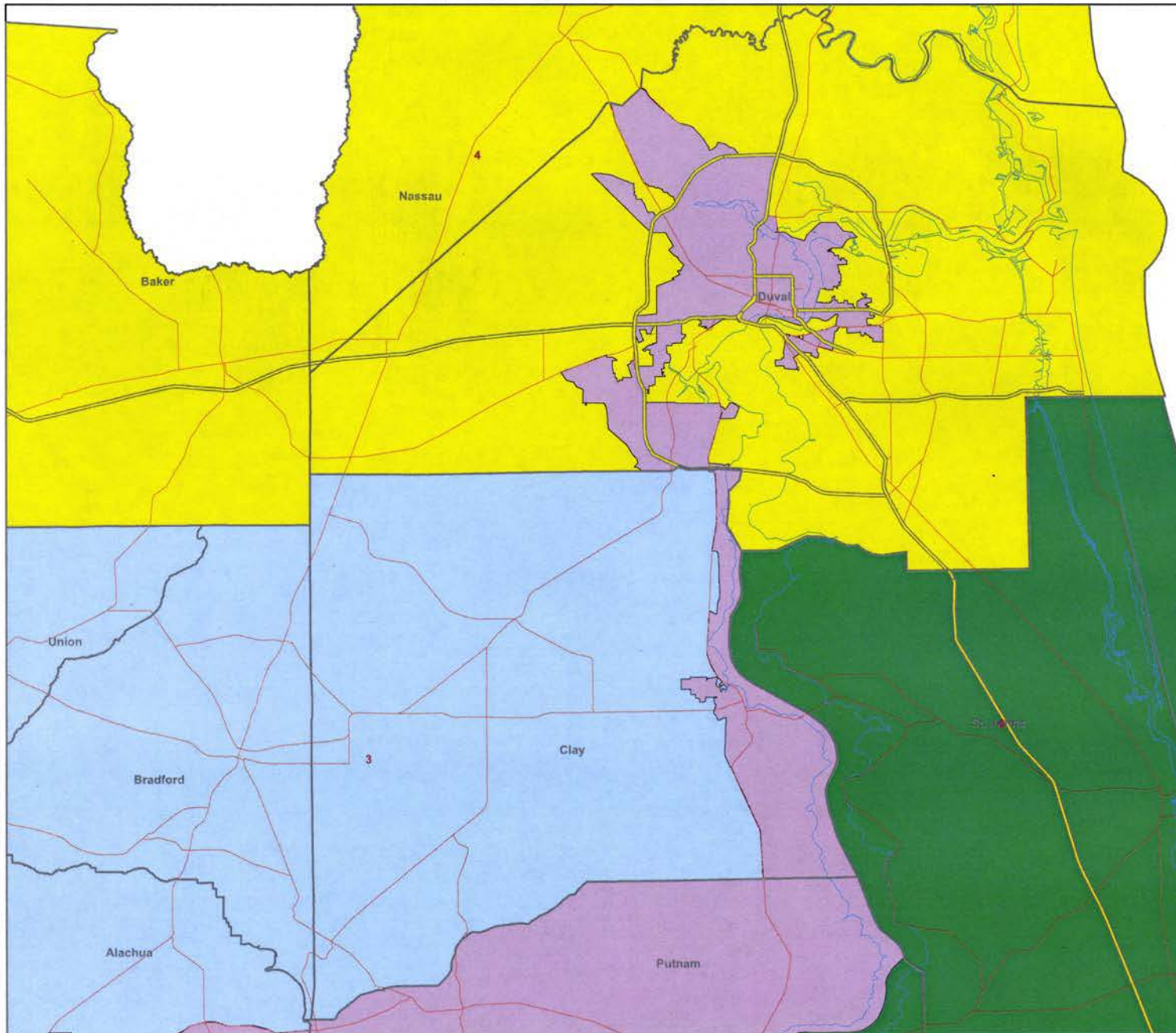


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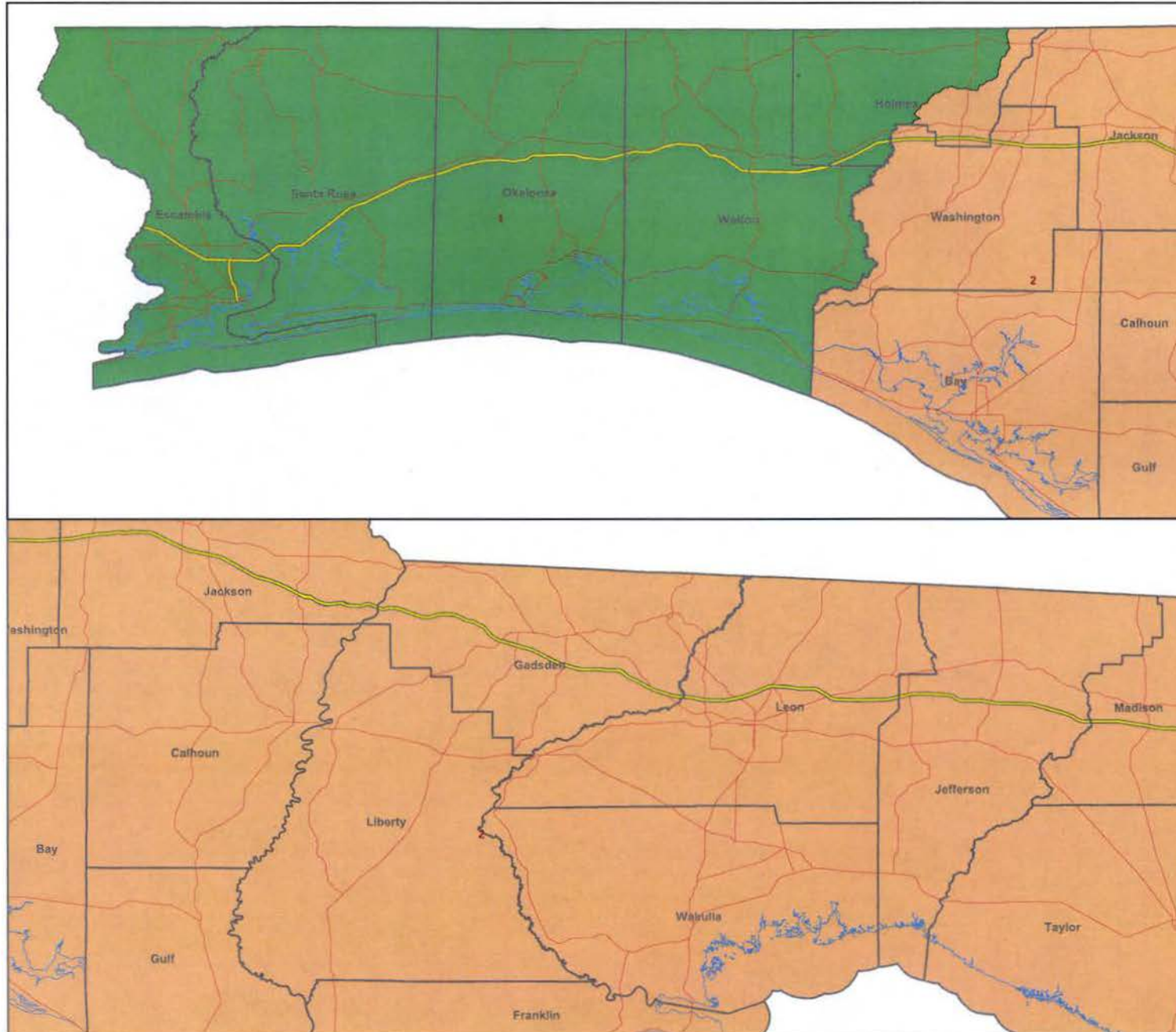
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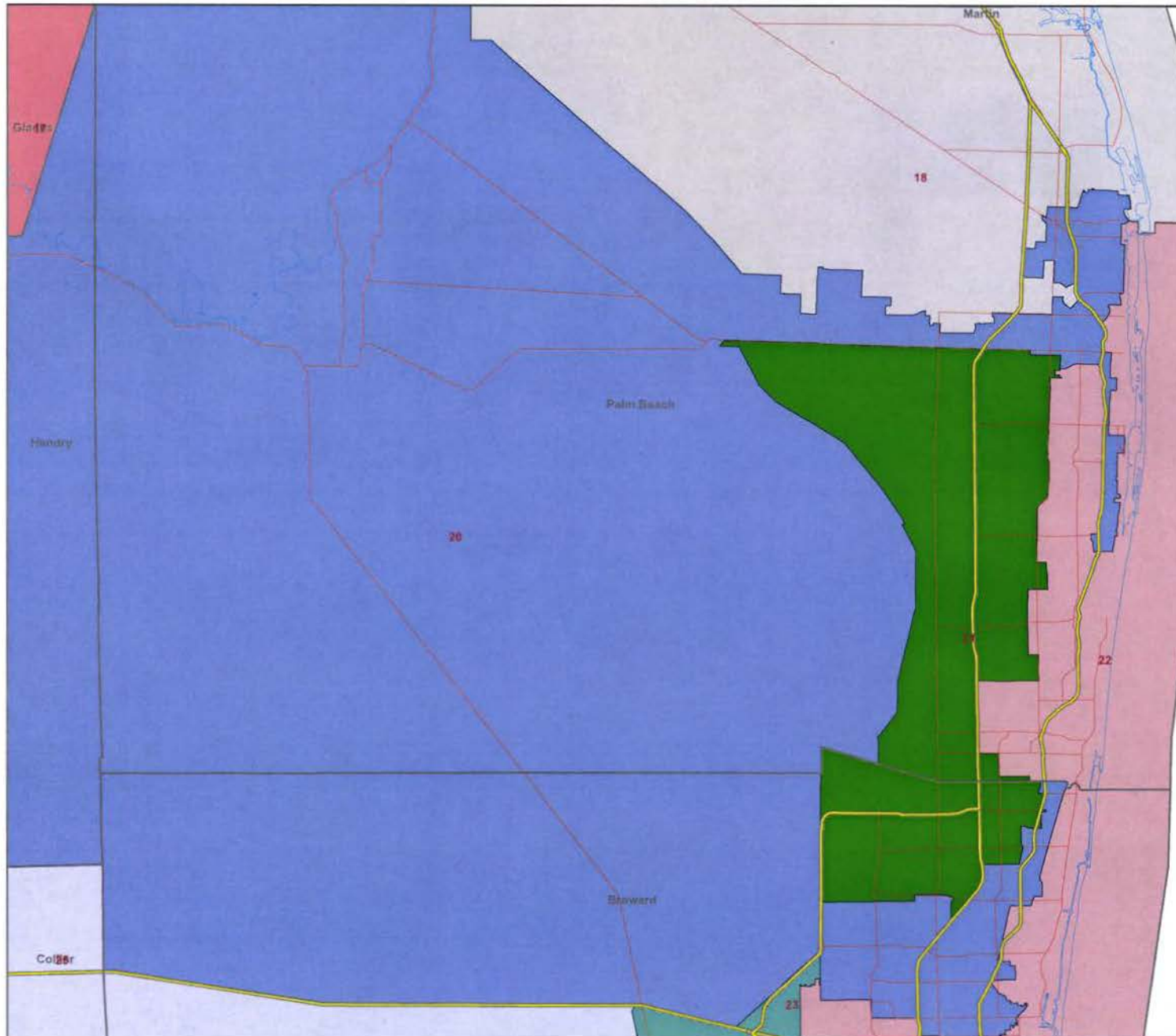


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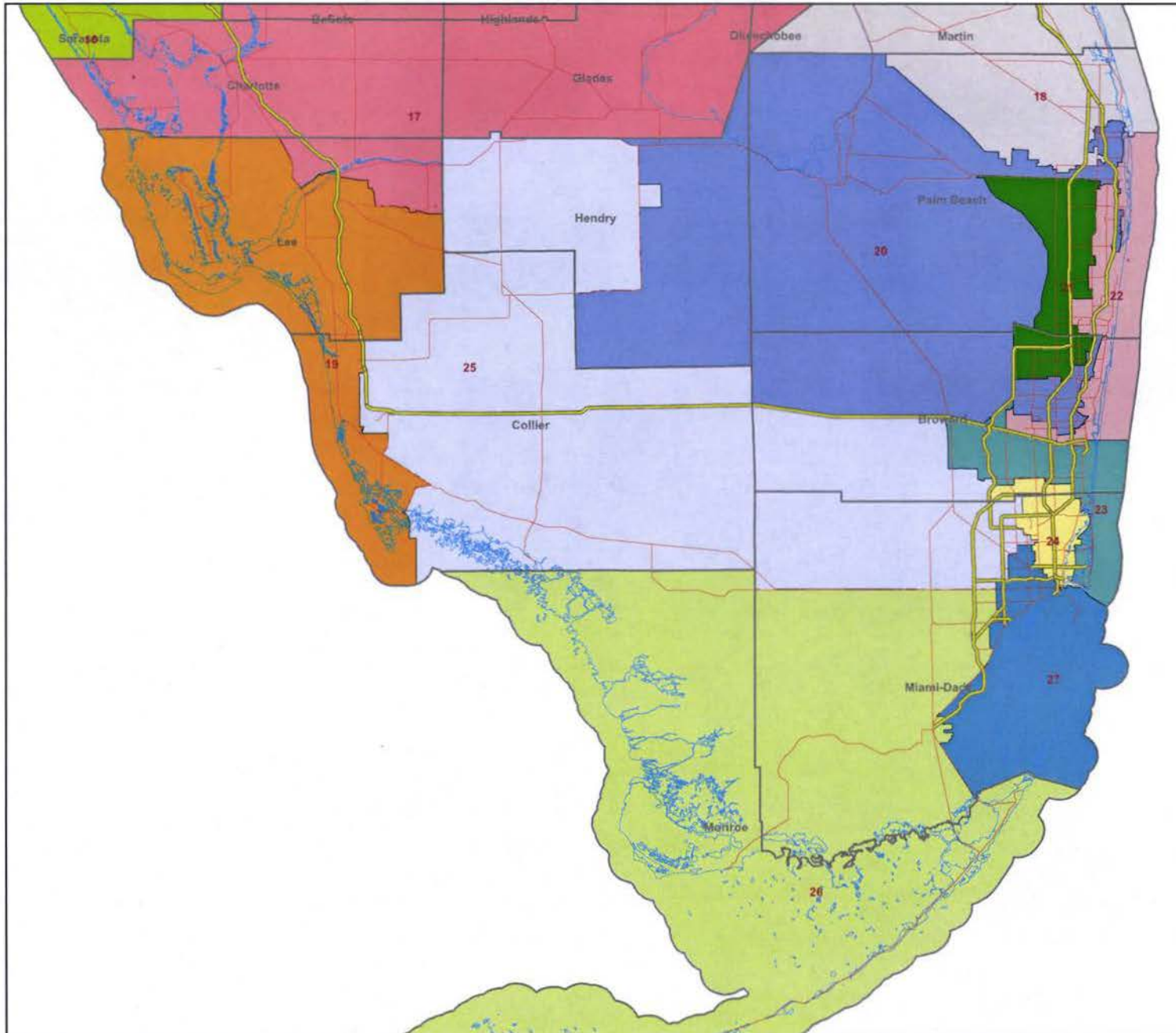


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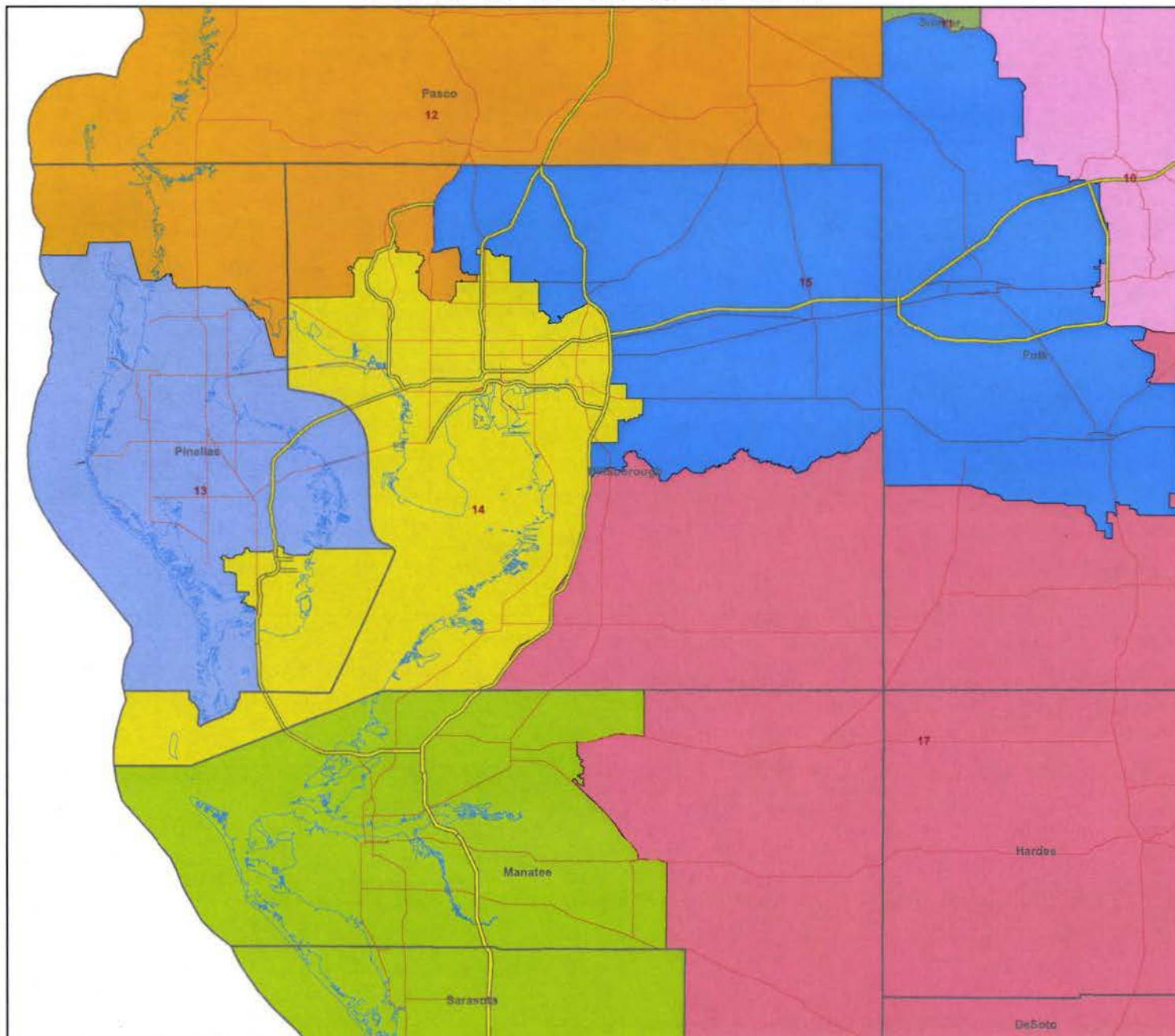


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House Select Committee on Redistricting

8-8-2014

PCB SCOR 14A-01 - H00C9057

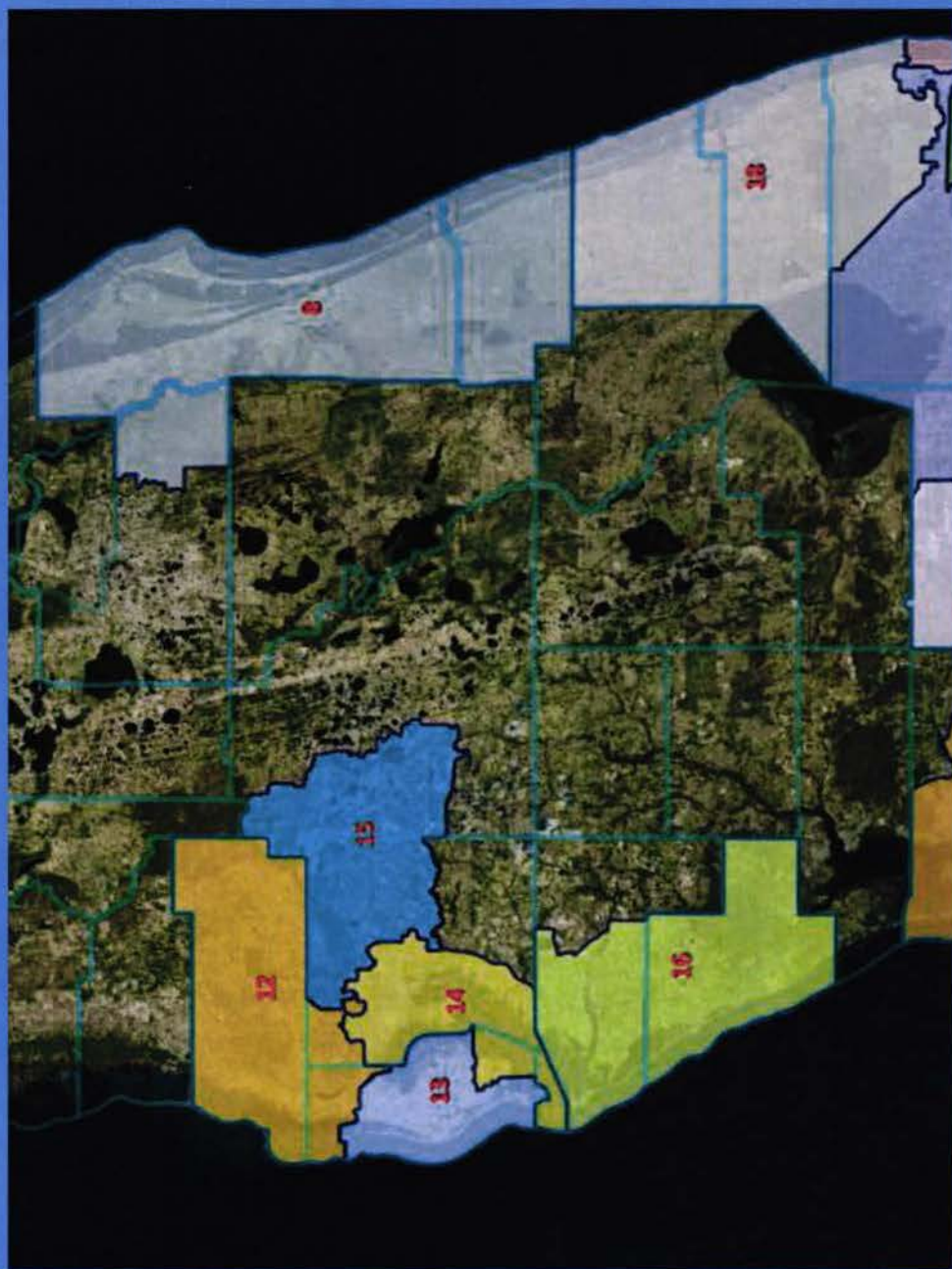
Overall Changes

- Only 7 impacted Districts
- Maintained County splits at 21
- City Splits increased from 27 to 28
- CD 5 – Compactness was improved both visually and mathematically (Reock Score of .13 versus .09, Convex Hull score of .42 versus .29)
- CD 5 - Maintains the ability to elect with a BVAP of 48.11%
- CD 10 - Compactness was improved both visually and mathematically (Reock Score of .42 versus .39, Convex Hull score of .83 versus .73)

Districts Unchanged by H000C9057



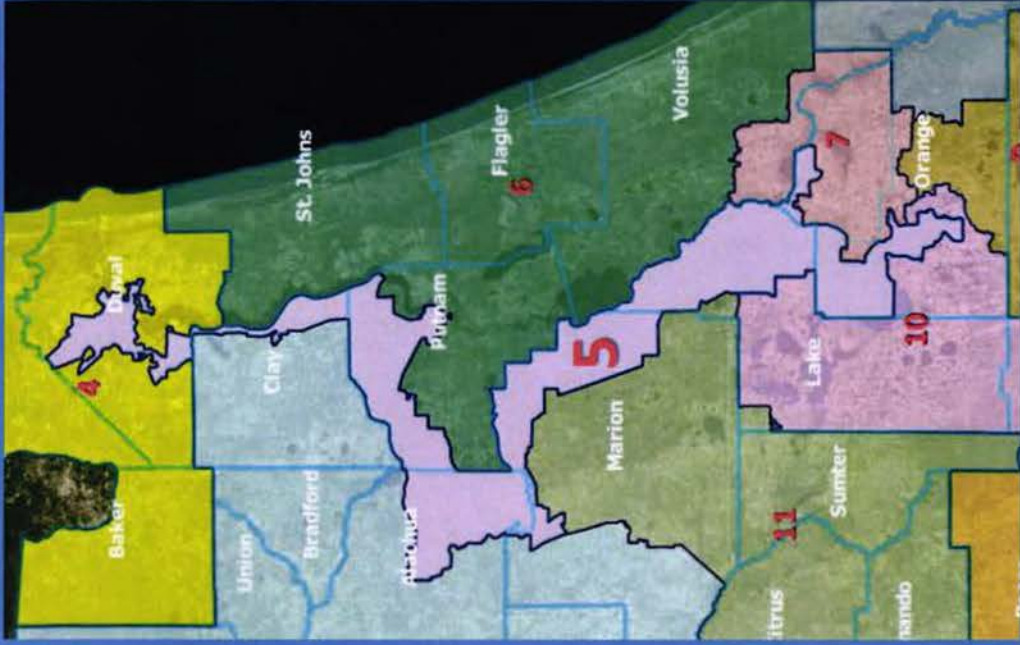




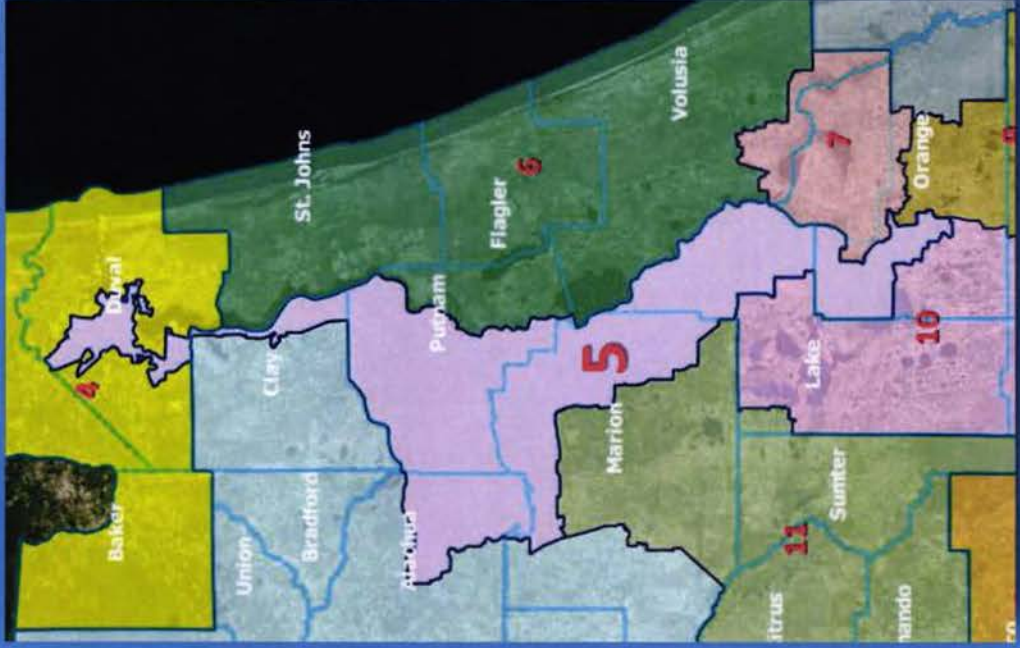


CD 5

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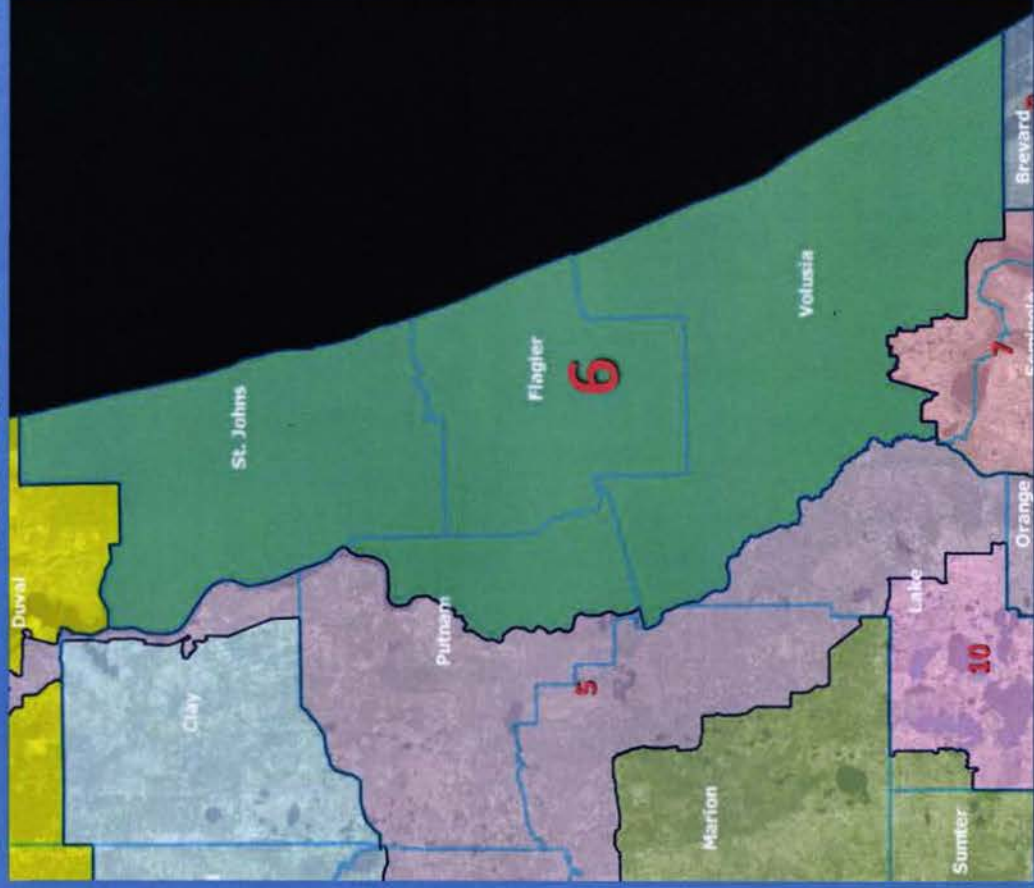
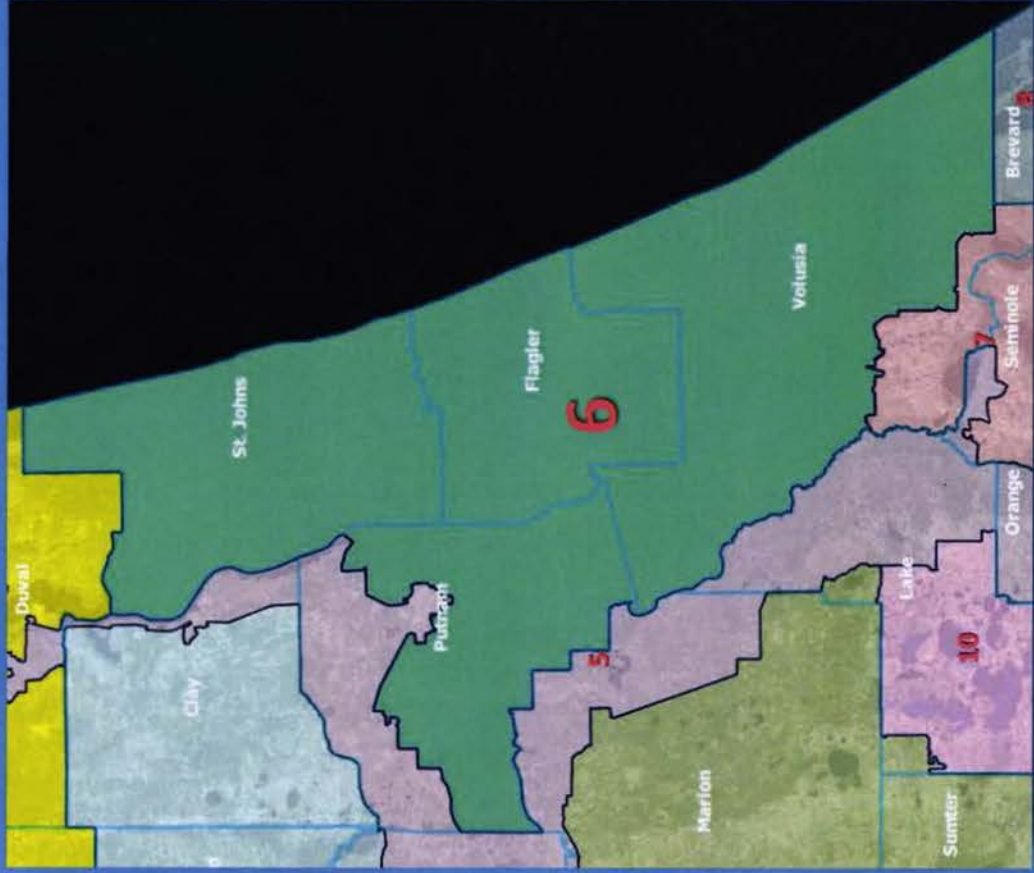
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CD 6

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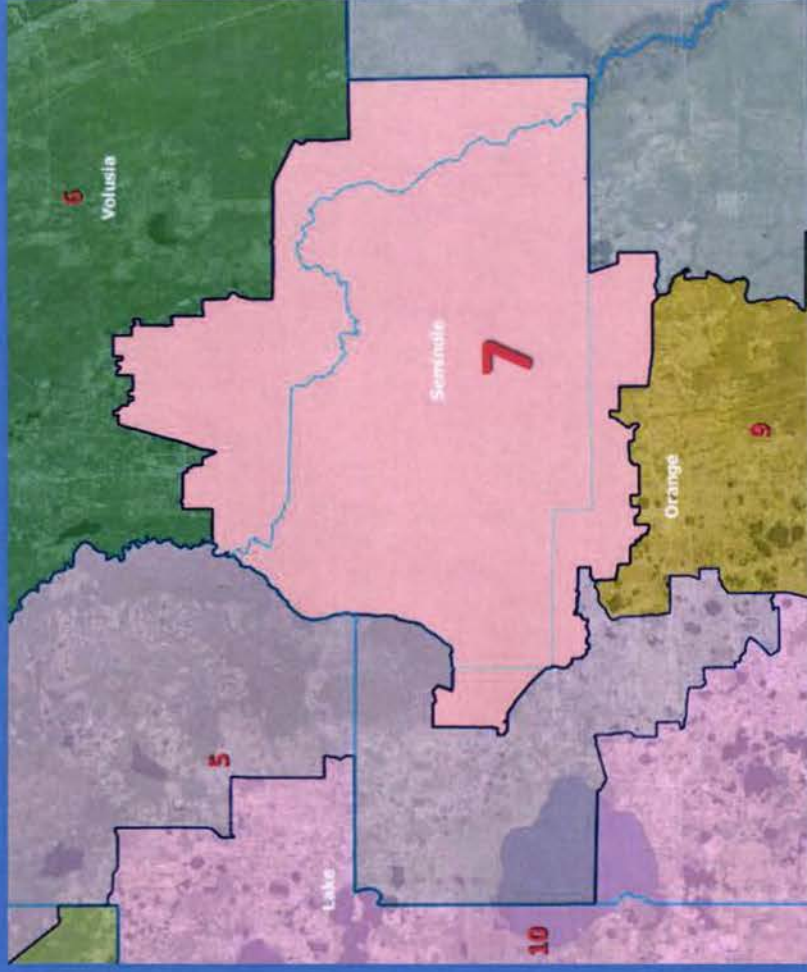
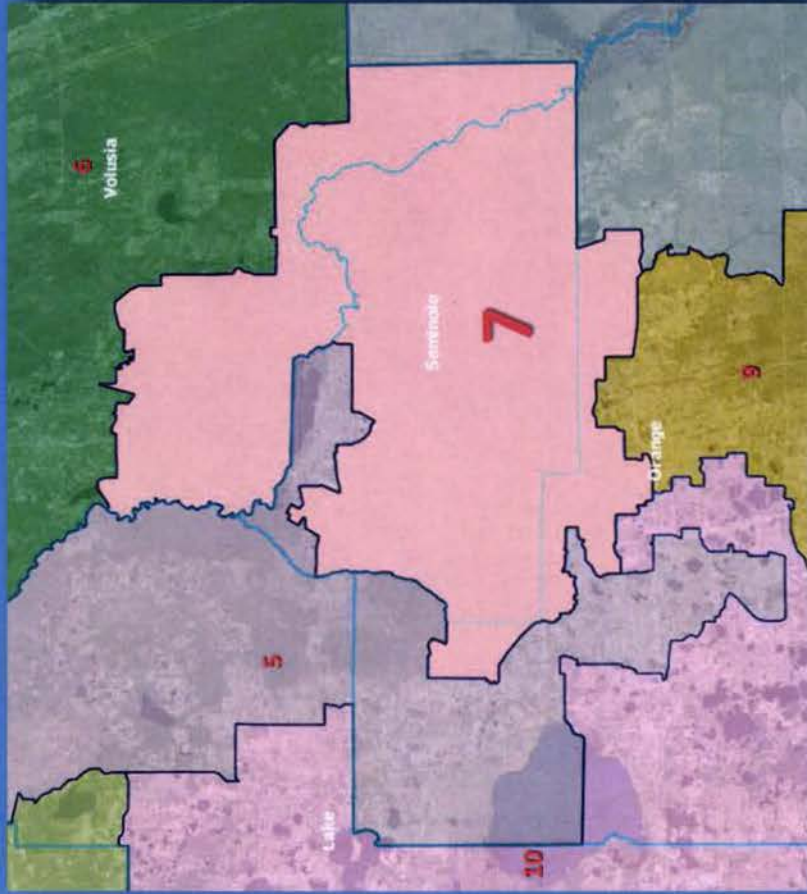
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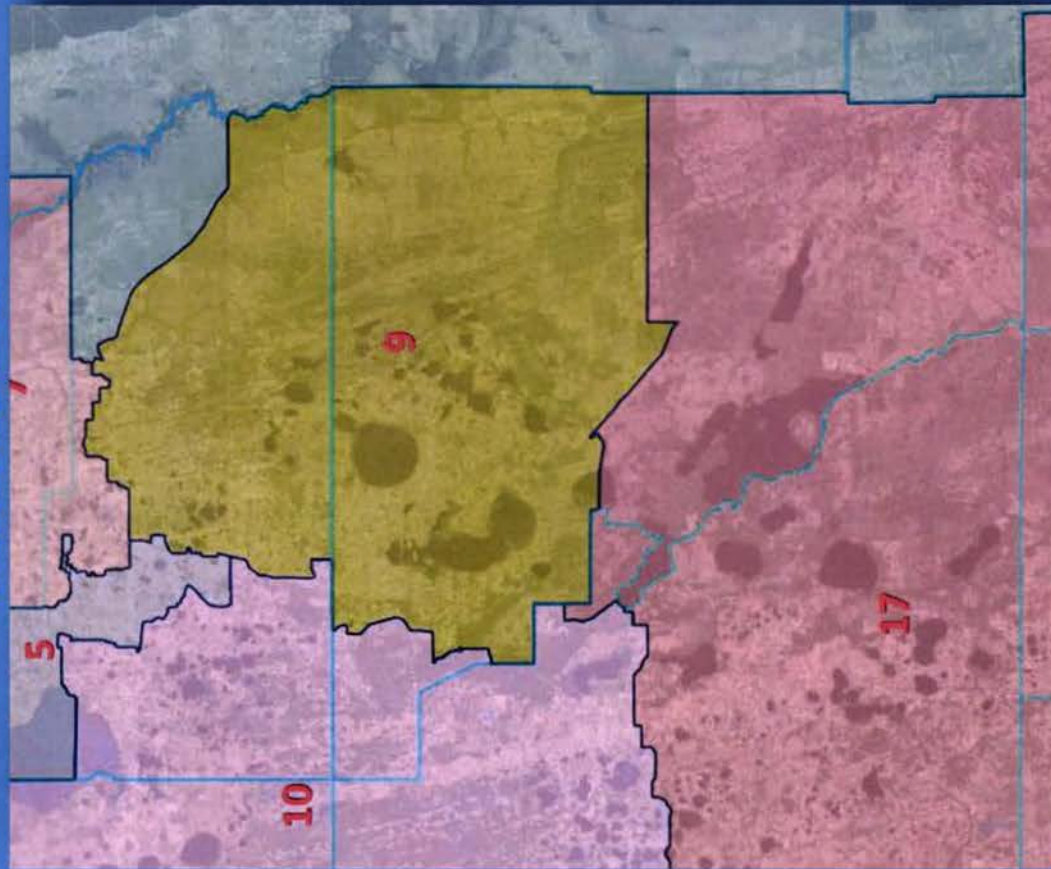
CD 7

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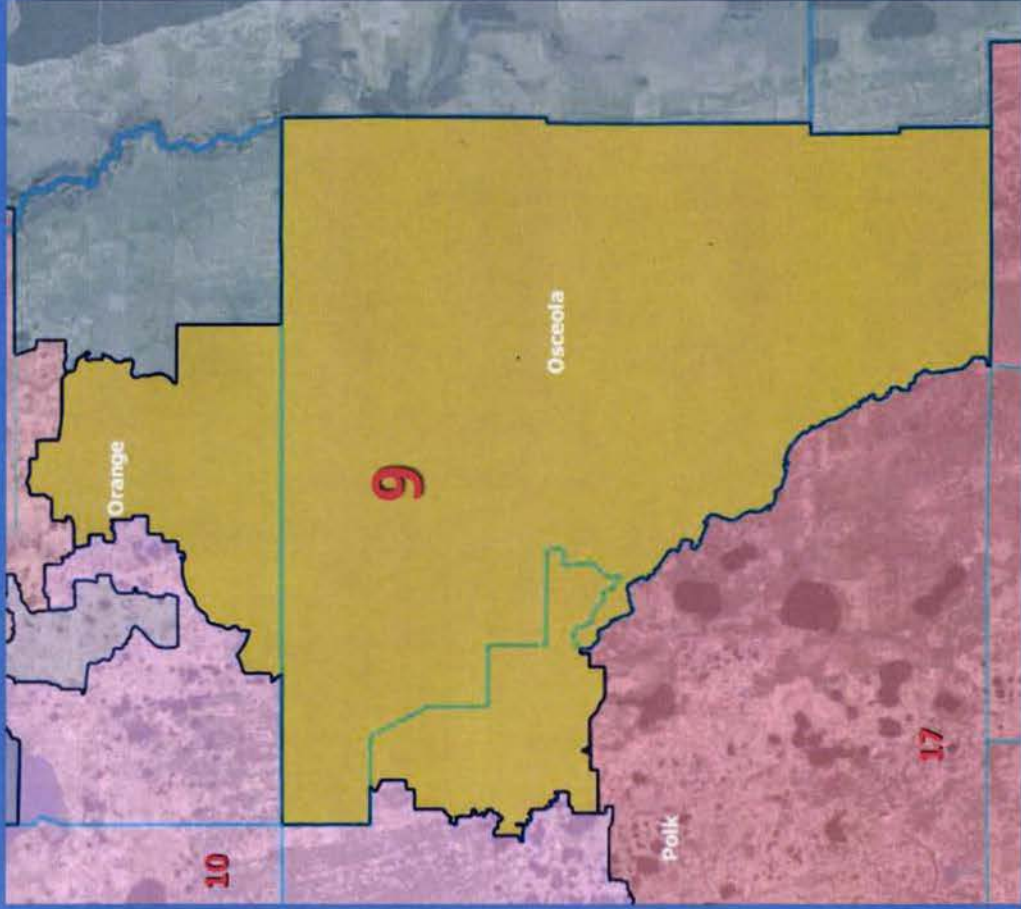


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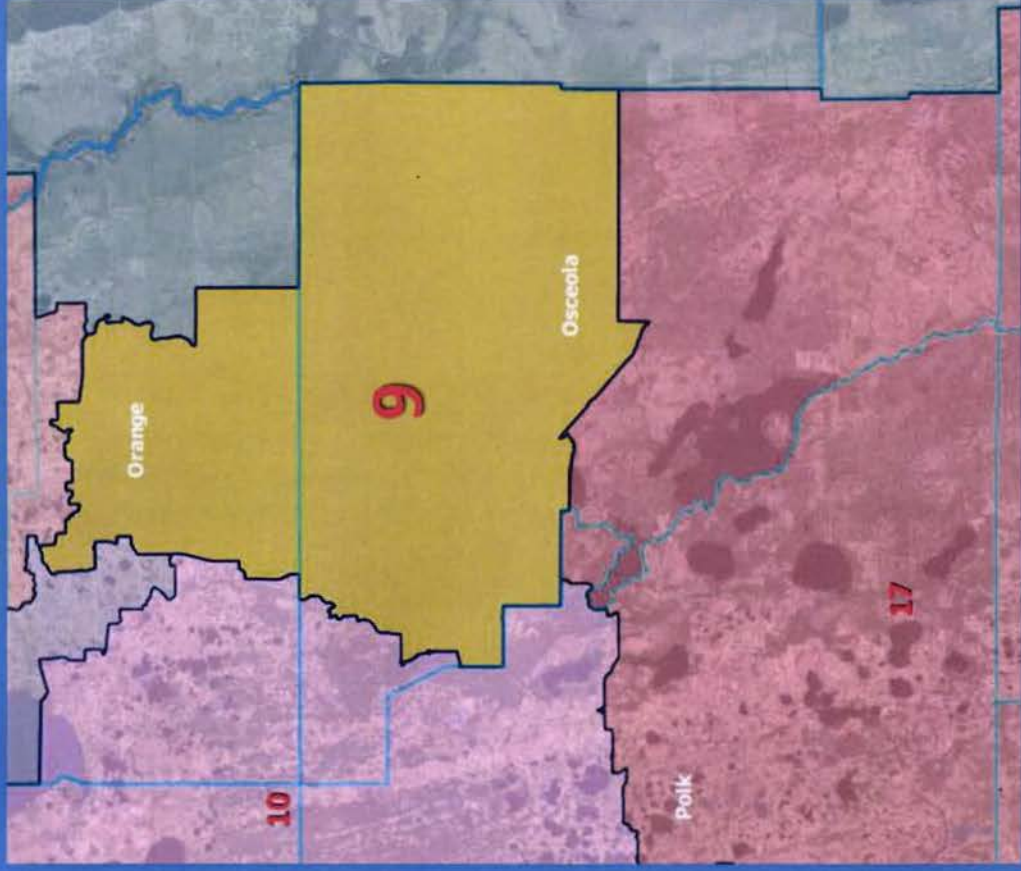


CD 9

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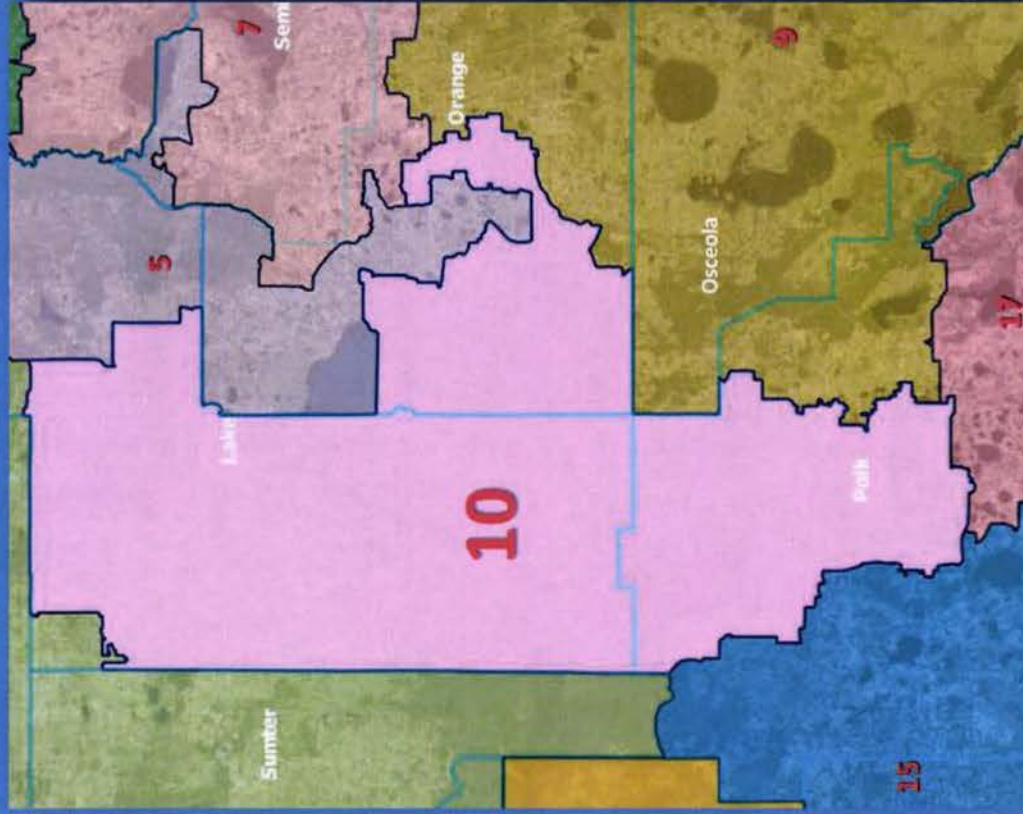


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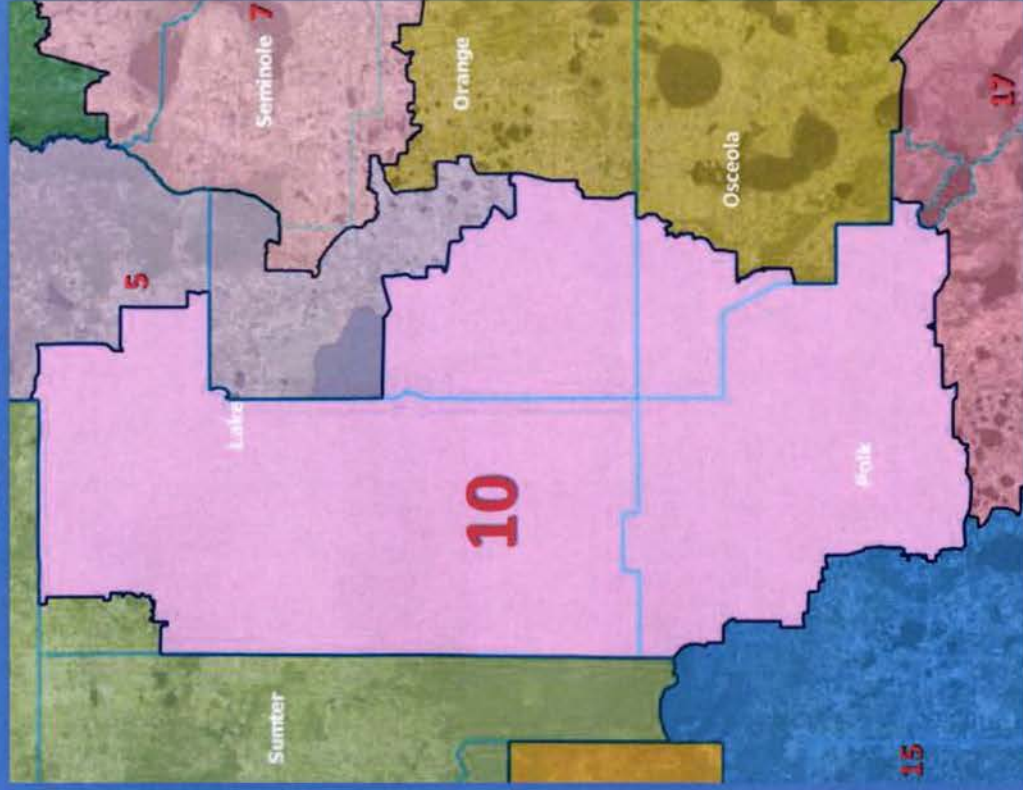


CD 10

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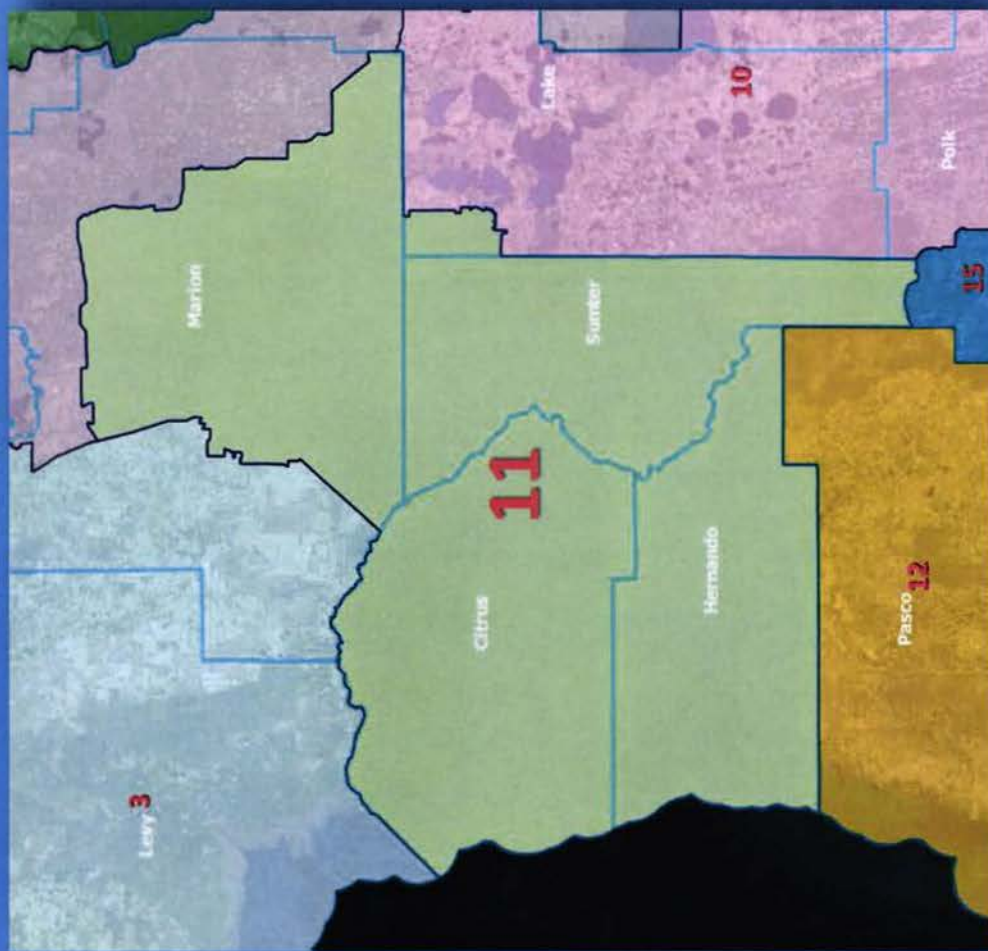
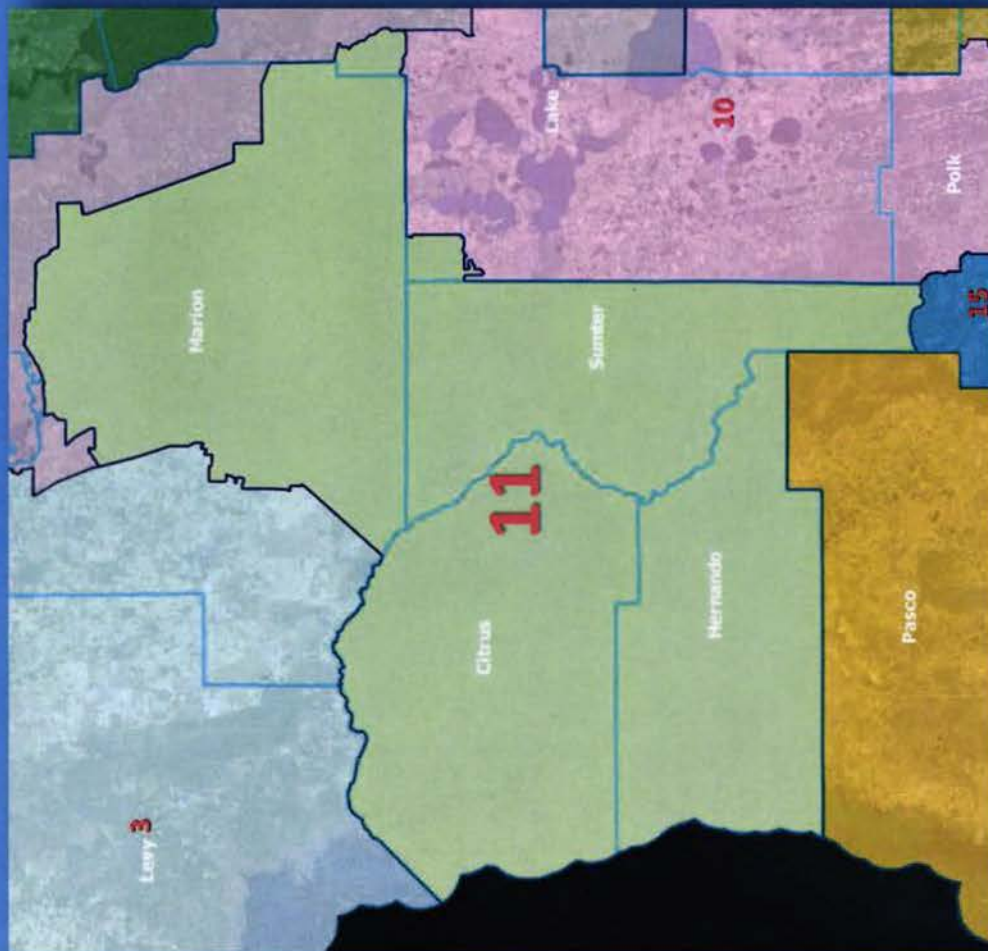
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CD 11

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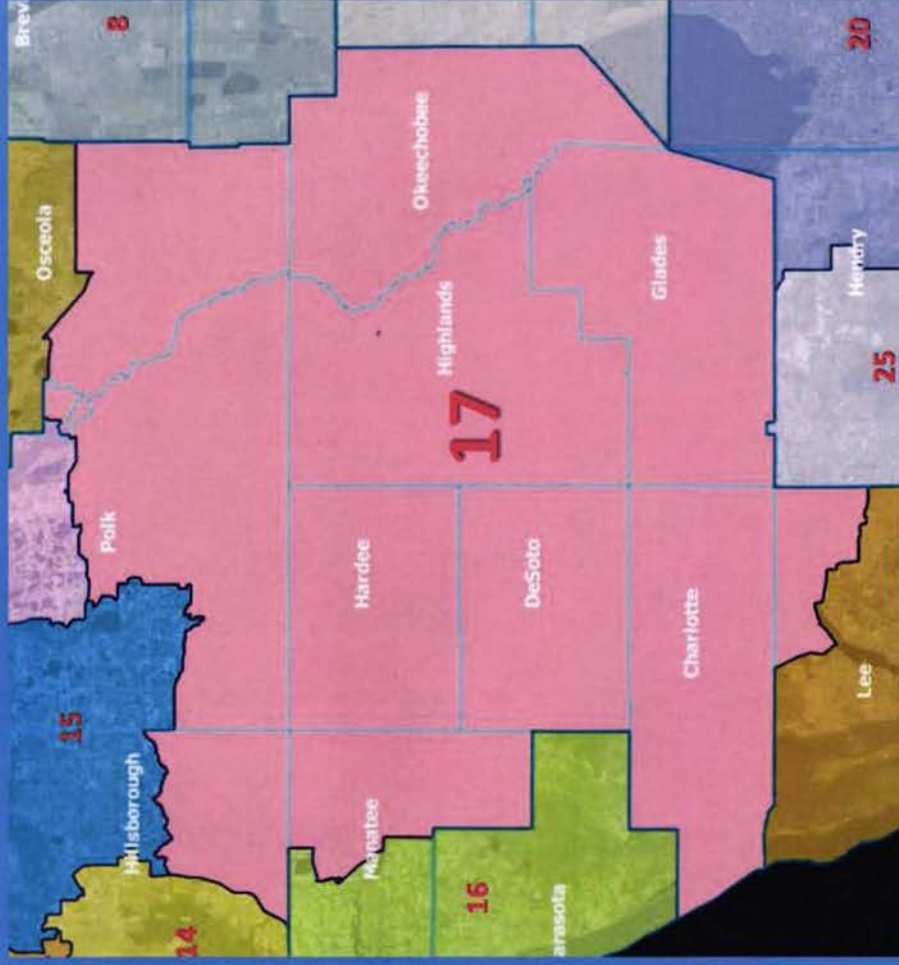
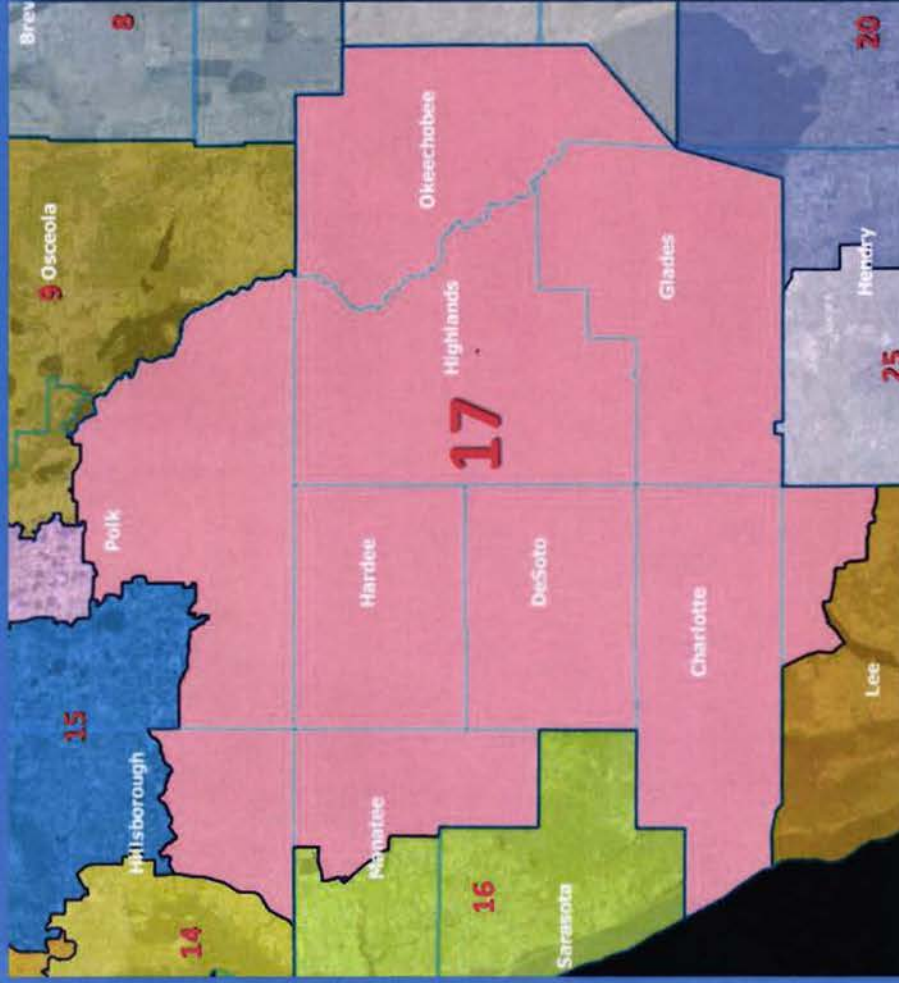
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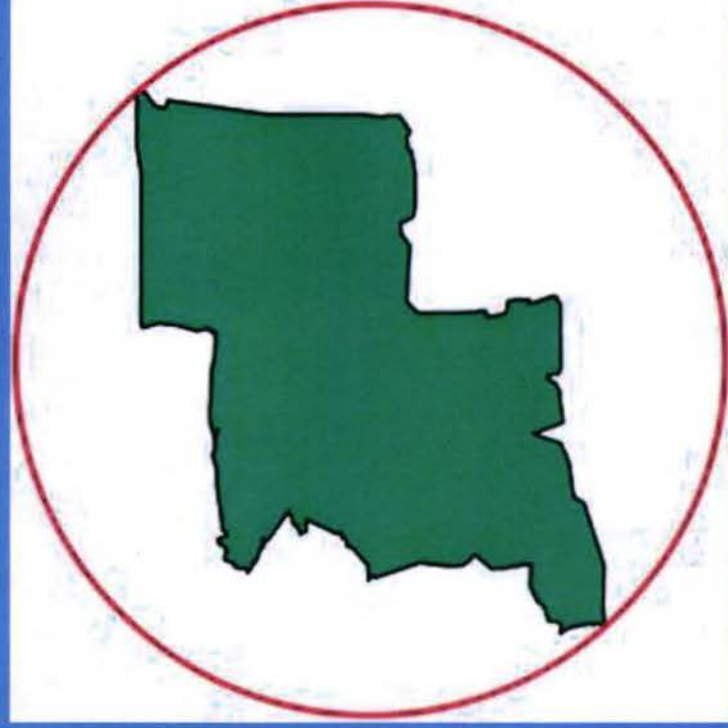
CD 17

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What is Compactness?

Reock



Convex Hull



H00C9057 – Compactness Comparison

	CD 5			CD 6		CD 7		CD 9		CD 10		CD 11		CD 17	
	Reock	Convex Hull	BVAP	Reock	Convex Hull	Reock	Convex Hull	Reock	Convex Hull	Reock	Convex Hull	Reock	Convex Hull	Reock	Convex Hull
9057	0.13	0.42	48.11%	0.29	0.78	0.60	0.69	0.50	0.81	0.42	0.83	0.50	0.73	0.64	0.83
9047	0.09	0.29	50.05%	0.33	0.72	0.60	0.77	0.48	0.80	0.66	0.73	0.49	0.71	0.67	0.81
9043	0.10	0.35	48.03%	0.32	0.70	0.67	0.86	0.66	0.70	0.42	0.83	0.51	0.71	0.64	0.73

Splits	Cities	Counties	Impacted CDs	Impacted Counties
9057	21	28	7	8
9047	21	27	NA	NA
9043	22	39	25	47

H00C9057 – Proposed District 5

Functional Analysis Chart

H000C9057 CD 5			Benchmark - 2002 CD 3
Black VAP	48.11%		49.87%
2012 PRES DEM	68.69%		70.82%
2010 GOV DEM	63.45%		65.51%
2008 PRES DEM	68.37%		70.63%
2006 GOV DEM	56.67%		58.74%
2010 DEM REG	60.04%		61.59%
2010 DEM REG - Black	65.28%		66.41%
2010 Black REG - DEM	86.87%		87.06%
2010 DEM Turnout	60.61%		62.49%
2010 DEM Turnout - Black	66.19%		67.18%
2010 Black Turnout - DEM	92.00%		92.25%
2010 DEM PRI - Black	63.67%		64.97%



H000C9057

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SCOR 14A-01 Establishment of Congressional Districts
SPONSOR(S): Select Committee on Redistricting
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Select Committee on Redistricting		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 Florida's Second Judicial Circuit in Leon County. Those challenges were eventually combined into one case, *Romo v. Detzner*. On July 10, 2014, the Court issued an order rejecting challenges to eight districts (Districts 13, 14, 15, 21, 22, 25, 26 and 27) but finding Districts 5 and 10 invalid. On August 1, 2014, the Court issued an order requiring the Legislature to submit a remedial map no later than noon on August 15, 2014. In that same order, the Court directed the Secretary of State and Supervisors of Elections to collaborate and propose a special election schedule and comments or suggestions regarding the conduct of such an election no later than noon on August 15, 2014. Oral Argument to objections to the remedial map and/or proposed election schedule, if any, will be heard on August 20, 2014.

Redistricting Plan H000C9057:

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

- Maintain the number of counties split at 21;
- Increase the number of cities split to 28 from 27 ;
- 20 Congressional districts remain identical to the enacted Congressional map;
- The 7 impacted districts are 5, 6, 7, 9, 10, 11 and 17;
- Removed Sanford from CD 5;
- The compactness and shape of CD 5 was improved both visually and mathematically (Reock Score of .13 versus .09, Convex Hull score of .42 versus .29);
- Maintains the ability to elect for minority communities in Northeast and Central Florida in CD 5 with a BVAP of 48.11% (Compared to 49.9% BVAP in the Benchmark district);
- The Compactness of CD 10 was improved both visually and mathematically (Reock Score of .42 versus .39, Convex Hull score of .83 versus .73);
- Significantly improved the overall visual and mathematical compactness of the impacted districts, when compared to the currently enacted plan and, where feasible, better followed 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 Final Judgment of July 10, the Court found:

"...I find the Congressional Redistricting plan adopted by the Legislature to be constitutionally invalid. Specifically, Districts 5 and 10 were drawn in contravention of Article III Section of the Florida Constitution. They will need to be withdrawn, as will any other districts affected thereby. All additional challenges to the plan are rejected."

On August 1, 2014, the Court ordered the Legislature to submit a remedial map no later than noon on August 15, 2014:

"It is necessary to get a revised map in place and for me to consider additional evidence as to the legal and logistical obstacles to holding delayed elections for affected districts in 2014. Time is of the essence. The Legislature has shown following the Supreme Court's order in Apportionment I that it is capable of adopting and submitting a remedial map very quickly when time is of the essence."

In that same order, the Court directed the Secretary of State and Supervisors of Elections to collaborate to propose a special election schedule and comments or suggestions regarding the conduct of such an election no later than noon on August 15, 2014:

"The Secretary of State and the Supervisor of Elections are in the best position to propose a special election date and concomitant schedule for consideration under a revised map, and to articulate any obstacles to an orderly election under such a schedule."

Oral Argument to objections to the remedial map and/or proposed election schedule, if any, will be heard on August 20, 2014.

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 exclusive 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

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).

Nevertheless, any significant deviation (even within the 10 percent overall deviation margin) must be "based on legitimate considerations incident to the effectuation of a rational state policy,"⁹ including "the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts, or the recognition of natural or historical boundary lines."¹⁰

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

After Florida last redistricted in 2002, Florida's population deviation ranges were 2.79% for its State House districts, 0.03% for its State Senate districts, and 0.00% for its Congressional districts.¹³

The Voting Rights Act

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

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

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.

⁹ *Reynolds*, 377 U.S. at 579.

¹⁰ *Swann v. Adams*, 385 U.S. 440, 444 (1967).

¹¹ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 36.

¹² *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 39.

¹³ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Pages 47-48.

¹⁴ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 51.

¹⁵ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 51.

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."¹⁶ The purpose of Section 2 is to ensure that minority voters have an equal opportunity along with other members of the electorate to influence the political process and elect representatives of their choice.¹⁷

In general, Section 2 challenges have been brought against districting schemes that either disperse members of minority communities into districts where they constitute an ineffective minority—known as "cracking"¹⁸—or which concentrate minority voters into districts where they constitute excessive majorities—known as "packing"—thus diminishing minority influence in neighboring districts. In prior decades, it was also common that Section 2 challenges would be brought against multimember districts, in which "the voting strength of a minority group can be lessened by placing it in a larger multimember or at-large district where the majority can elect a number of its preferred candidates and the minority group cannot elect any of its preferred candidates."¹⁹

The Supreme Court set forth the criteria of a vote-dilution claim in *Thornburg v. Gingles*.²⁰ A plaintiff must show:

1. A minority group must be sufficiently large and geographically compact to constitute a majority in a single-member district;
2. The minority group must be politically cohesive; and
3. White voters must vote sufficiently as a bloc to enable them usually to defeat the candidate preferred by the minority group.

The three "*Gingles* factors" are necessary, but not sufficient, to show a violation of Section 2.²¹ To determine whether minority voters have been denied an equal opportunity to influence the political process and elect representatives of their choice, a court must examine the totality of the circumstances.²²

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

¹⁶ 42 U.S.C. Section 1973(a) (2006).

¹⁷ 42 U.S.C. Section 1973(b); *Voinovich v. Quilter*, 507 U.S. 146, 155 (1993).

¹⁸ Also frequently referred to as "fracturing."

¹⁹ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 54.

²⁰ 478 U.S. 30 (1986).

²¹ *Johnson v. De Grandy*, 512 U.S. 997, 1011-1012 (1994).

²² 42 U.S.C. Section 1973(b); *Thornburg vs. Gingles*, 478 U.S. 46 (1986).

²³ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 57.

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

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.²⁵ Rather, the Court considers the totality of the circumstances. In “examining the totality of the circumstances, the Court found that, since Hispanics and Blacks could elect representatives of their choice in proportion to their share of the voting age population and since there was no other evidence of either minority group having less opportunity than other members of the electorate to participate in the political process, there was no violation of Section 2.”²⁶

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

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.”²⁸ 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.”²⁹

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.”³⁰

²⁴ Senate Report Number 417, 97th Congress, Session 2 (1982).

²⁵ *Johnson v. De Grandy*, 512 U.S. 997, 1017 (1994).

²⁶ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 61-62.

²⁷ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 62.

²⁸ *Bartlett v. Strickland*, No. 07-689 (U.S. Mar. 9, 2009).

²⁹ *Bartlett v. Strickland*, No. 07-689 (U.S. Mar. 9, 2009).

³⁰ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 78.

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 or prerequisite to voting, or standard, practice, or procedure with respect to voting.”³¹ This included districting plans.

Five Florida counties—Collier, Hardee, Hendry, Hillsborough, and Monroe—had been designated as covered jurisdictions.³²

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).³³ 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.”³⁴

The purpose of Section 5 was to “insure that no voting procedure changes would be made that would lead to retrogression³⁵ in the position of racial minorities with respect to their effective exercise of the electoral franchise.”³⁶ Whether a districting plan was retrogressive in effect requires an examination of “the entire statewide plan as a whole.”³⁷

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.”³⁸

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

³¹ 42 U.S.C. Section 1973c.

³² Some states were covered in their entirety. In other states only certain counties were covered.

³³ 42 U.S.C. Section 1973c.

³⁴ 42 U.S.C. Section 1973c

³⁵ A decrease in the absolute number of representatives which a minority group has a fair chance to elect.

³⁶ *Beer v. United States*, 425 U.S. 130, 141 (1976).

³⁷ *Georgia v. Ashcroft*, 539 U.S. 461, 479 (2003).

³⁸ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 96.

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

Prior to the legal challenges in the 1990s, the Florida Legislature established districts that generally included minority populations of less than 30 percent of the total population of the districts. For example, Table 3 illustrates that the 1982 plan for the Florida House of Representatives included 27 districts in which African-Americans comprised 20 percent or 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 Population³⁹

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

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

Table 4. 2002 House Plan
Only Districts with Greater Than 20% African-American Population⁴⁰

³⁹ 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.

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.”⁴¹ Racial gerrymandering claims are justiciable under equal protection.⁴² 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.”⁴³

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.”⁴⁴ Thus, the “plaintiff must prove that the legislature subordinated traditional race-neutral districting principles...to racial considerations.”⁴⁵ If the plaintiff meets this burden, “the State must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest,”⁴⁶ 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.

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

⁴⁰ 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.

⁴¹ *Shaw v. Reno*, 509 U.S. 630, 640 (1993).

⁴² *Shaw v. Reno*, 509 U.S. 630, 642 (1993).

⁴³ *Redistricting Law 2010*. National Conference of State Legislatures. November 2009. Page 72.

⁴⁴ *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

⁴⁵ *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

⁴⁶ *Miller v. Johnson*, 515 U.S. 920 (1995).

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.⁴⁷ Congressional apportionment plans are not subject to automatic review by the Florida Supreme Court.

Florida Constitution, Article III, Sections 20 and 21

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

"In establishing congressional district boundaries:

(a) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection."

As approved by Florida voters in the November 2010 General Election, Article III, Section 21 of the Florida Constitution establishes the following standards for state legislative apportionment:

"In establishing legislative district boundaries:

(a) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection."

These 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.

⁴⁷ See generally Section 8.0001, et seq., Florida Statutes (2007).

To the extent that compliance with second-tier standards conflicts with first-tier standards or federal law, 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 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.⁵⁰

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.⁵¹ In a contiguous district, a person can travel from any point within the district to any other point without departing from the district.⁵² A district is not contiguous if its parts touch only at a common corner, such as a right angle.⁵³ 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.⁵⁴

The second tier of these standards requires that districts be compact.⁵⁵ Compactness "refers to the shape of the district."⁵⁶ The Florida Supreme Court has confirmed that the primary test for compactness is a visual examination of the general shape of the district.⁵⁷ "Compact districts should

⁴⁸ Article III, Sections 20(b) and 21(b), Florida Constitution.

⁴⁹ Article III, Sections 20(c) and 21(c), Florida Constitution.

⁵⁰ 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.").

⁵¹ *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)).

⁵² *Id.*

⁵³ *Id.* (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1051).

⁵⁴ *Id.* at 280.

⁵⁵ Article III, Sections 20(b) and 21(b), Florida Constitution.

⁵⁶ *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 685 (Fla. 2012).

⁵⁷ *Id.* at 634 ("[A] review of compactness begins by looking at the shape of a district.").

not have an unusual shape, a bizarre design, or an unnecessary appendage unless it is necessary to comply with some other requirement.”⁵⁸

In addition to a visual inspection, quantitative measures of compactness can assist courts in assessing compactness.⁵⁹ The Florida Supreme Court relied on two common, quantitative measures of compactness: the Reock and Convex Hull methods.⁶⁰ 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 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.”⁶¹ “Political boundaries” refers to county and municipal lines.⁶² 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.”⁶³

Compactness “refers to the shape of the district.”⁶⁴ The Florida Supreme Court has confirmed that the primary test for compactness is a visual examination of the general shape of the district.⁶⁵ “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.”⁶⁶

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⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 635.

⁶¹ Article III, Sections 20(b) and 21(b), Florida Constitution.

⁶² *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 636-37 (Fla. 2012).

⁶³ *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.”).

⁶⁴ *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 685 (Fla. 2012).

⁶⁵ *Id.* at 634 (“[A] review of compactness begins by looking at the shape of a district.”).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.* at 635.

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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;⁷² or
- 2) That county, city and other geographic boundaries are viable reasons to deviate from compactness.⁷³

Either way, county, city, and other geographic boundaries are primary considerations when evaluating compactness.⁷⁴

⁶⁹ Article III, Sections 20(b) and 21(b), Florida Constitution.

⁷⁰ *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 636-37 (Fla. 2012).

⁷¹ *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.”).

⁷² *e.g.*, *DeWitt v. Wilson*, 856 F. Supp. 1409, 1414 (E.D. Cal. 1994).

⁷³ *e.g.*, *Jamerson v. Womack*, 423 S.E. 2d 180 (1992). *See generally*, 114 A.L.R. 5th 311 at § 3[a], 3[b].

⁷⁴ *See id.*

Redistricting Plan Data Report for H000C9057

Plan File Name: H000C9057				Plan Type: Congress - 27 Districts												
Plan Population Fundamentals:				Plan Geography Fundamentals:												
Total Population Assigned: 18,801,310 of 18,801,310				Census Blocks Assigned: 484,481 out of 484,481												
Ideal District Population: 696,344				Number Non-Contiguous Sections: 1 (normally one)												
District Population Remainder: 22				County or District Split: 21 Split of 67 used												
District Population Range: 696,344 to 696,345				City or District Split: 28 Split of 411 used												
District Deviation Range: (0) To 1				VID's Split: 355 Split of 9,436 used												
Deviation: (0) To 0.00 Total 0.00%																
Number of Districts by Race Language																
	20%+	30%+	40%+	50%+	60%+											
2002 Black VAP	5	3	3	2	0											
New Black VAP	5	3	3	2	0											
2002 Hisp VAP	7	4	3	3	3											
New Hisp VAP	7	6	3	3	3											
Plan Name: H000C9057 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
C9057-Map	7,735	65,757	11.76%	6,812	175,675	3.87%	88.07%	39.84%	5,553	90,929	6.10%	71.78%	73.29%	1,675	1,677	3,352
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
C9057-Sample	7,735	65,756	11.76%				88.07%	37.43%				71.79%	72.31%			
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				
C9057-Map	23	23	25	18	31	31	32	25	41	40	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	%HaitianPOPACS
1	1	696345	13.19172	4.548123	0.1871403
2	1	696345	23.83068	4.753289	0.3821093
3	1	696345	13.24901	6.993377	0.2869324
4	1	696345	12.90607	6.720813	0.3017773
5	1	696345	48.11019	10.29148	3.215911
6	1	696345	8.999868	5.893412	0.2578889
7	1	696345	10.87175	17.38742	0.4713241
8	0	696344	9.124648	7.656963	0.5561223
9	0	696344	11.23105	38.3748	1.110902
10	1	696345	12.20773	16.88626	1.113505
11	1	696345	7.721366	7.380528	0.1550049
12	0	696344	4.338227	9.935627	0.1091668
13	1	696345	5.293462	7.243767	0.05160762
14	1	696345	25.62865	25.61204	0.8761909
15	1	696345	12.72498	14.98514	0.3521989
16	1	696345	5.829445	8.758595	0.7082896
17	1	696345	8.344933	14.35199	0.5233728
18	0	696344	11.06876	12.05479	1.760646
19	1	696345	6.466457	14.83137	1.625322
20	1	696345	50.0578	18.53966	9.907381
21	1	696345	11.22658	18.28904	3.036792
22	1	696345	10.33147	17.71708	4.003601
23	1	696345	10.98851	36.731	1.511455
24	1	696345	54.9152	33.15138	15.22171
25	0	696344	7.704848	70.69013	1.753488
26	1	696345	10.02387	68.91428	1.351733
27	1	696345	7.707506	75.04417	0.7832751

Functional Analysis Chart of Proposed Congressional District 5

	H000C9057 CD 5	Benchmark - 2002 CD 3
Black VAP	48.11%	49.87%
2012 PRES DEM	68.69%	70.82%
2010 GOV DEM	63.45%	65.51%
2008 PRES DEM	68.37%	70.63%
2006 GOV DEM	56.67%	58.74%
2010 DEM REG	60.04%	61.59%
2010 DEM REG - black	65.28%	66.41%
2010 Black REG - DEM	86.87%	87.06%
2010 DEM Turnout	60.61%	62.49%
2010 DEM Turnout - Black	66.19%	67.18%
2010 Black Turnout - DEM	92.00%	92.25%
2010 DEM PRI - Black	63.67%	64.97%

District-by-District Descriptions for the Proposed Congressional Map

Congressional District 1, which is equal in population to other districts; is compact; includes all of Escambia, Okaloosa, Santa Rosa and Walton Counties and portions of Holmes County; includes all of the municipalities of Century, Cinco Bayou, Crestview, 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.

Congressional District 2, which is equal in population to other districts; is compact; includes all of Bay, Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Taylor, Wakulla, and Washington Counties and portions of Holmes and Madison Counties; includes all of the municipalities of Alford, Altha, Apalachicola, Bascom, Blountstown, Bonifay, Bristol, Callaway, Campbellton, Carrabelle, Caryville, Chattahoochee, Chipley, Cottondale, Ebro, Graceville, Grand Ridge, Greensboro, Greenville, Greenwood, Gretna, Havana, Jacob City, Lynn Haven, Malone, Marianna, Mexico Beach, Midway, Monticello, Panama City, Panama City Beach, Parker, Perry, Port St. Joe, Quincy, St. Marks, Sneads, Sopchoppy, Springfield, Tallahassee, Vernon, Wausau, and Wewahitchka.

Congressional District 3, which is equal in population to other districts; is compact; includes all of Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Suwannee and Union Counties and portions of Alachua, Clay, Madison and Marion Counties; includes all of the municipalities of Alachua, Archer, Bell, Branford, Bronson, Brooker, Cedar Key, Chiefland, Cross City, Dunnellon, Fanning Springs, Fort White, Hampton, High Springs, Horseshoe Beach, Inglis, Jasper, Jennings, Keystone Heights, La Crosse, Lake Butler, Lake City, Lawtey, Lee, Live Oak, Madison, Mayo, Micanopy, Newberry, Otter Creek, Penney Farms, Raiford, Starke, Trenton, Waldo, White Springs, Williston, Worthington Springs, and Yankeetown; uses Interstate 75, State Road 200, Highway 17, and the Ocala city line as portions of its eastern boundary.

Congressional District 4, which is equal in population to other districts; is compact; includes all of Baker and Nassau Counties and portions of Duval County; includes all of the municipalities of Atlantic Beach, Baldwin, Callahan, Fernandina Beach, Glen St. Mary, Hilliard, Jacksonville Beach, Macclenny, and Neptune Beach; follows the boundaries of the state to the north, the Atlantic Ocean to the east and county boundaries to the west and south.

Congressional District 5, which is equal in population to other districts; is as compact as the minority protection provisions in tier 1 permit; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; preserves the core the existing district in accordance with public testimony, is culturally and demographically compact, and ties communities in Northeast Florida of similar socioeconomic and historical characteristics; includes portions of Alachua, Clay, Duval, Lake, Marion, Orange and Putnam Counties; includes all of the municipalities of Eatonville, Green Cove Springs, Hawthorne, Interlachen, McIntosh, Palatka, and Reddick; improves the use of existing, county, city, political and geographic boundaries as compared to the comparable district in the benchmark plan; uses the St. Johns River and other waterways as large portions of its eastern boundary.

Congressional District 6, which is equal in population to other districts; is compact; includes all of Flagler and St. Johns Counties and portions of Putnam and Volusia Counties; includes all of the municipalities of Beverly Beach, Bunnell, Crescent City, Daytona Beach, Daytona Beach Shores, DeLand, Edgewater, Flagler Beach, Hastings, Holly Hill, Lake Helen, Marineland, New Smyrna Beach, Oak Hill, Ormond Beach, Palm Coast, Pierson, Pomona Park, Ponce Inlet, Port Orange, St. Augustine, St. Augustine Beach, South Daytona, Welaka; uses the St. Johns County line, the Volusia County line, the Atlantic Ocean for portions of its western and eastern border and is traversed by Interstate 95.

Congressional District 7, which is equal in population to other districts; is compact; includes all of Seminole County and portions of Orange and Volusia Counties; includes all of the municipalities of Altamonte Springs,

Casselberry, Deltona, Lake Mary, Longwood, Maitland, Oviedo, Sanford, Winter Park, and Winter Springs; follows the boundary of Seminole County along much of its western and southern boundaries; is bounded on the east by the Brevard County line; and is traversed by the Seminole Expressway and Interstate 4.

Congressional District 8, which is equal in population to other districts; is compact; includes all of Brevard and Indian River Counties and portions of Orange County; includes all of the municipalities of Cape Canaveral, Cocoa, Cocoa Beach, Fellsmere, Grant-Valkaria, Indialantic, Indian Harbour Beach, Indian River Shores, Malabar, Melbourne, Melbourne Beach, Melbourne Village, Orchid, Palm Bay, Palm Shores, Rockledge, Satellite Beach, Sebastian, Titusville, Vero Beach, West Melbourne; is bounded by county lines and by the Atlantic Ocean; and is traversed by Interstate 95, U.S. Highway 1, and State Road A1A.

Congressional District 9, which is equal in population to other districts; is compact; includes portions of Osceola and Orange Counties; includes all of the municipalities of Belle Isle, Edgewood, Kissimmee and St. Cloud; ties high growth central Florida communities of similar language characteristics.

Congressional District 10, which is equal in population to other districts; is compact; includes portions of Lake, Osceola, Orange and Polk Counties; includes all of the municipalities of Astatula, Auburndale, Bay Lake, Clermont, Davenport, Eustis, Groveland, Haines City, Howey-in-the-Hills, Lake Alfred, Lake Buena Vista, Lake Hamilton, Leesburg, Mascotte, Minneola, Montverde, Mount Dora, Oakland, Polk City, Tavares, Umatilla, Windermere, and Winter Garden; is traversed by Interstate 4 and the Florida Turnpike.

Congressional District 11, which is equal in population to other districts; is compact; includes all of Citrus, Hernando and Sumter Counties and portions of Lake and Marion Counties; includes all of Belleview, Brooksville, Bushnell, Center Hill, Coleman, Crystal River, Fruitland Park, Inverness, Lady Lake, Ocala, Webster, Weeki Wachee and Wildwood; uses Interstate 75, State Road 200, and the Ocala city line as portions of its western border.

Congressional District 12, which is equal in population to other districts; is compact; includes all of Pasco County and portions of Hillsborough and Pinellas Counties; includes all of the municipalities of Dade City, New Port Richey, Oldsmar, Port Richey, St. Leo, San Antonio, Tarpon Springs and Zephyrhills; uses the Dale Mabry Highway as portions of its eastern border, and is traversed by the Suncoast Parkway, Interstate 75, and U.S. Highways 19 and 98.

Congressional District 13, which is equal in population to other districts; is compact; is wholly located in Pinellas County; includes all of the municipalities of Belleair, Belleair Beach, Belleair Bluffs, Belleair Shore, Clearwater, Dunedin, Gulfport, Indian Rocks Beach, Indian Shores, Kenneth City, Largo, Madeira Beach, North Redington Beach, Pinellas Park, Redington Beach, Redington Shores, Safety Harbor, St. Pete Beach, Seminole, South Pasadena, and Treasure Island; uses the Hillsborough-Pinellas border and Interstate 275 as portions of its western border, and follows city lines of Dunedin and Clearwater on the northern border.

Congressional District 14, which is equal in population to other districts; complies with Section 5 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties urban neighborhoods of similar socioeconomic characteristics in the Tampa Bay area; is compact; includes portions of Hillsborough and Pinellas Counties; includes portions of the municipalities of St. Petersburg and Tampa; uses Interstate 75 as a portion of its eastern boundary and uses portions of the Hillsborough-Pinellas border and Interstate 275 as portions of its western border.

Congressional District 15, which is equal in population to other districts; is compact; includes portions of Hillsborough and Polk Counties; includes all of the municipalities of Bartow, Lakeland, Mulberry, Plant City and Temple Terrace, uses the Alafia River as a portion of its southern boundary and uses Interstate 75 as a portion of its western boundary, and the Lakeland, Auburndale, and Bartow city lines for portions of its eastern border.

Congressional District 16, which is equal in population to other districts; is compact; includes all of Sarasota County and portions of Manatee County; includes all of the municipalities of Anna Maria, Bradenton, Bradenton Beach, Holmes Beach, Longboat Key, North Port, Palmetto, Sarasota, and Venice; is traversed by Interstate 75.

Congressional District 17, which is equal in population to other districts; is compact; includes all of Charlotte, DeSoto, Glades, Hardee, Highlands and Okeechobee Counties and portions of Hillsborough, Lee, Manatee, Osceola, and Polk Counties; includes all of the municipalities of Arcadia, Avon Park, Bowling Green, Dundee, Eagle Lake, Fort Meade, Frostproof, Highland Park, Hillcrest Heights, Lake Placid, Lake Wales, Moore Haven, Okeechobee, Punta Gorda, Sebring, Wauchula, and Zolfo Springs; uses the Alafia River, the Bartow and Dundee city lines as portions of its northern border.

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

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

Congressional District 20, which is equal in population to other districts; complies with Sections 2 and 5 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties communities of similar socioeconomic characteristics in Broward, Palm Beach, and Hendry Counties; is compact; includes portions of Broward, Hendry and Palm Beach Counties; includes all of the municipalities of Belle Glade, Clewiston, Cloud Lake, Glen Ridge, Haverhill, Lake Park, Lauderdale Lakes, Lauderhill, Loxahatchee Groves, Mangonia Park, North Lauderdale, Pahokee, South Bay, and Tamarac; uses Interstate 75 as portions of its southern border and uses the Loxahatchee National Wildlife Refuge as a portion of its eastern border.

Congressional District 21, which is equal in population to other districts; is compact; includes portion of Broward and Palm Beach Counties; includes all of the municipalities of Coconut Creek, Coral Springs, Greenacres, Parkland and Wellington; uses the Loxahatchee National Wildlife Refuge as a portion of its western border, and the Boca Raton, Delray Beach, Boynton Beach, Golf and Palm Springs city lines for portions of its eastern border, and National Wildlife Refuge as a portion of its western border, and the Boca Raton, Delray Beach, Boynton Beach, Golf and Palm Springs city lines for portions of its eastern border.

Congressional District 22, which is equal in population to other districts; is compact; includes portions of Broward and Palm Beach Counties; includes all of the municipalities of Atlantis, Boca Raton, Briny Breezes, Delray Beach, Golf, Gulf Stream, Highland Beach, Hillsboro Beach, Hypoluxo, Lake Clarke Shores, Lauderdale-by-the-Sea, Lazy Lake, Lighthouse Point, Manalapan, Ocean Ridge, Palm Beach, Palm Springs, Sea Ranch Lakes, South Palm Beach, and Wilton Manors; is traversed by Interstate 95 and State Road A1A.

Congressional District 23, which is equal in population to other districts; is compact; includes portions of Broward and Miami-Dade Counties; includes all of the municipalities of Aventura, Bal Harbour, Bay Harbor Islands, Cooper City, Dania Beach, Davie, Golden Beach, Hallandale Beach, Hollywood, Indian Creek, Miami Beach, North Bay Villages, Southwest Ranches, Sunny Isles Beach, Surfside and Weston; uses Interstate 595 as portions of its northern border.

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; is compact; includes portions of Broward and Miami-Dade Counties; includes all of the municipalities of Biscayne Park, El Portal, Miami Gardens, Miami Shores, North Miami, North Miami Beach, Opa-locka, Pembroke Park and West Park; is traversed by Interstate 95 and the Florida Turnpike.

Congressional District 25, which is equal in population to other districts; complies with Sections 2 and 5 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties communities of similar language, cultural, and socioeconomic characteristics; is compact; includes portions of Broward, Collier, Hendry and Miami-Dade Counties; includes all of the municipalities of Doral, Everglades City, Hialeah Gardens, LaBelle, Medley, Miami Lakes and Sweetwater; uses the Tamiami Trail as a portion of its southern border and uses Interstate 75 as a portion of its northern border.

Congressional District 26, which is equal in population to other districts; complies with Sections 2 and 5 of the federal Voting Rights Act; does not deny or abridge the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice; ties neighborhoods in western and south Miami-Dade and Monroe County of similar language, cultural, and socioeconomic characteristics; is compact; includes all of Monroe County and portions of Miami-Dade County; includes all of the municipalities of Florida City, Islamorada, Village of Islands, Key Colony Beach, Key West, Layton and Marathon; uses the Tamiami Trail as a portion of its northern border and U.S. 1 as a portion of its eastern border.

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 neighborhoods of similar language, cultural, and socioeconomic characteristics; is compact; is wholly located in Miami-Dade County; includes all of the municipalities of Coral Gables, Cutler Bay, Key Biscayne, Miami Springs, Palmetto Bay, Pinecrest, South Miami, Virginia Gardens and West Miami; uses the Miami-Dade County line as a portion of its southern border and U.S. 1 as a portion of its western border.

B. SECTION DIRECTORY:

- | | |
|-----------|---|
| Section 1 | Provides for the geographical description of the apportionment of the 27 Congressional districts. |
| Section 2 | Provides for the reenactment of Section 8.0111, Florida Statutes pertaining to the inclusion of unlisted territory in contiguous districts. |
| Section 3 | Provides for the reenactment of Section 8.031, Florida Statutes pertaining to the election of representatives to Congress. |
| Section 4 | Provides a severability clause in the event that any portion of this bill is held invalid. |
| Section 5 | Provides for the applicability of the congressional districts prescribed in this bill to apply in the primary and general elections held after the 2014 general election. |
| Section 6 | Provides for an effective date of upon becoming 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. Should the need arise for holding a special election(s) as a result of this matter, however, there would be costs associated with the statutory requirement to reimburse local supervisors for such expenditures. The fiscal impact related to any possible special election reimbursement is indeterminate at this time.

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 and the Department of State, Division of Election. 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

1 of 13

Plan Name:	H000C9057										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														
1	397	4,758	8.35%	400	12,742	3.14%	100.68%	37.34%	324	5,775	5.61%	81.52%	82.40%	122	54	176														
2	549	10,075	5.45%	523	21,784	2.40%	95.14%	46.25%	438	12,868	3.40%	79.64%	78.30%	159	100	260														
3	520	7,864	6.61%	418	13,912	3.00%	80.39%	56.52%	374	9,918	3.77%	71.90%	79.29%	109	119	228														
4	450	2,103	21.40%	242	4,687	5.17%	53.91%	44.86%	208	2,884	7.21%	46.19%	72.92%	67	50	117														
5	582	2,031	28.68%	448	16,009	2.80%	76.97%	12.68%	320	4,871	6.56%	54.91%	41.70%	59	140	200														
6	330	2,908	11.36%	349	9,696	3.60%	105.58%	29.99%	267	3,697	7.22%	80.75%	78.65%	62	100	163														
7	140	569	24.74%	108	934	11.59%	76.93%	60.92%	97	672	14.43%	68.86%	84.70%	33	27	61														
8	270	2,411	11.23%	299	7,133	4.19%	110.53%	33.81%	233	3,166	7.35%	86.01%	76.18%	54	85	139														
9	183	1,056	17.35%	162	2,091	7.75%	88.43%	50.50%	137	1,305	10.49%	74.72%	80.95%	40	42	82														
10	252	1,584	15.94%	218	3,798	5.75%	86.47%	41.70%	176	1,919	9.17%	69.65%	82.55%	33	66	100														
11	316	2,722	11.61%	262	5,476	4.79%	83.00%	49.70%	232	3,754	6.18%	73.39%	72.51%	71	73	145														
12	183	1,068	17.19%	182	2,648	6.88%	99.33%	40.32%	144	1,321	10.90%	78.40%	80.86%	51	34	86														
13	110	417	26.32%	107	912	11.73%	97.31%	45.79%	87	512	16.99%	79.05%	81.63%	22	33	55														
14	161	522	30.97%	135	1,469	9.24%	83.97%	35.55%	108	754	14.32%	66.72%	69.30%	32	36	68														
15	204	874	23.33%	157	1,975	7.97%	77.17%	44.28%	132	1,171	11.27%	64.65%	74.70%	46	36	82														
16	178	1,193	14.95%	188	2,817	6.67%	105.43%	42.35%	153	1,481	10.33%	85.72%	80.58%	47	48	95														
17	504	7,751	6.51%	389	12,074	3.22%	77.16%	64.19%	353	9,287	3.80%	69.92%	83.46%	108	102	210														
18	223	1,890	11.84%	217	3,758	5.78%	97.05%	50.31%	187	2,292	8.15%	83.51%	82.49%	55	59	115														
19	237	1,367	17.40%	259	5,368	4.83%	109.14%	25.46%	194	1,955	9.92%	81.51%	69.92%	47	70	117														
20	393	2,698	14.57%	265	5,596	4.73%	67.44%	48.20%	230	3,646	6.30%	58.48%	74%	75	58	134														
21	112	264	42.43%	108	943	11.54%	97.08%	28.00%	89	438	20.31%	79.33%	60.34%	17	32	49														
22	187	359	52.06%	158	1,997	7.93%	84.63%	17.99%	119	590	20.16%	63.56%	60.95%	20	48	69														
23	123	283	43.72%	115	1,054	10.91%	92.88%	26.88%	92	495	18.58%	74.24%	57.25%	25	32	57														
24	73	120	60.99%	63	320	19.81%	86.40%	37.60%	51	165	30.90%	69.48%	72.93%	14	17	31														
25	364	3,382	10.78%	324	8,395	3.86%	89.07%	40.28%	272	4,616	5.89%	74.58%	73.27%	93	70	163														
26	550	4,899	11.23%	580	26,815	2.16%	105.43%	18.27%	433	10,665	4.06%	78.63%	45.94%	176	96	273														
27	130	577	22.52%	125	1,258	9.99%	96.60%	45.92%	103	712	14.46%	79.12%	81.14%	26	39	65														

H000C9057 Compactness of Populations within Districts													
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 Hisp	Route/Straight Line	Pop	VAP	VAP Black	VAP Hispanic
1	30.17	30.19	26.44	29.93	39.99	40.05	34.87	39.74	1.70	51.67	51.75	45.36	52.53
2	49.72	49.65	44.60	46.97	62.86	62.77	56.22	59.36	1.59	76.65	76.59	68.54	72.77
3	44.23	44.19	45.20	43.72	56.05	55.94	57.08	55.13	1.60	70.46	70.31	70.24	69.05
4	16.09	16.03	15.61	14.32	22.97	22.92	22.05	20.70	1.84	30.80	30.73	29.71	28.34
5	62.15	62.00	62.93	70.35	78.27	78.13	78.60	88.18	1.70	83.33	83.27	82.36	91.46
6	34.36	33.92	30.08	33.01	42.71	42.21	37.73	41.54	1.56	49.61	49.22	44.51	48.65
7	10.28	10.25	10.25	10.68	15.08	15.04	14.91	15.65	1.88	24.64	24.60	24.11	24.99
8	26.00	26.02	25.72	26.04	33.10	33.11	32.74	33.33	1.58	41.14	41.21	40.38	41.06
9	13.09	13.08	13.14	12.63	19.79	19.75	20.07	19.22	1.99	29.62	29.51	30.29	28.98
10	24.46	24.48	25.70	24.35	33.31	33.33	34.38	33.23	1.76	43.60	43.63	44.63	43.49
11	27.13	27.04	26.99	27.44	36.78	36.68	36.23	37.37	1.64	51.62	51.58	49.49	51.37
12	16.68	16.72	17.28	16.78	23.22	23.24	24.01	23.44	1.76	36.49	36.54	37.26	36.47
13	8.65	8.68	8.42	8.41	11.83	11.89	11.61	11.49	1.64	23.40	23.48	22.87	22.64
14	12.00	11.98	12.67	11.29	17.88	17.86	18.47	16.68	1.94	25.51	25.49	25.38	24.45
15	16.31	16.35	16.50	15.79	23.21	23.23	23.19	22.44	1.87	31.36	31.39	31.01	30.38
16	15.61	15.70	12.96	13.16	21.34	21.42	17.84	18.13	1.65	30.64	30.79	26.26	26.97
17	48.32	48.07	49.17	48.93	64.91	64.61	65.54	65.40	1.70	79.00	78.80	78.88	79.36
18	21.98	21.89	25.27	22.67	29.15	29.02	33.15	30.00	1.66	37.65	37.61	40.74	37.98
19	18.14	18.14	18.15	18.53	25.25	25.28	24.82	25.60	1.70	37.13	37.25	35.33	36.79
20	23.98	23.85	23.69	25.04	30.94	30.79	30.35	32.55	1.71	37.30	37.18	36.53	39.06
21	13.03	12.94	13.61	13.67	18.11	17.98	18.78	18.79	1.78	26.62	26.51	27.06	27.08
22	16.39	16.34	16.45	17.62	20.68	20.61	20.76	21.93	1.52	26.73	26.70	26.39	27.52
23	10.07	10.09	9.11	10.57	14.82	14.85	13.32	15.52	1.85	23.35	23.44	21.62	24.31
24	6.27	6.28	5.99	6.60	8.82	8.83	8.44	9.24	1.85	15.97	15.98	15.41	16.47
25	35.87	35.68	35.24	28.63	46.37	46.06	45.69	37.36	1.69	50.85	50.55	50.32	42.35
26	23.09	23.69	21.39	18.36	30.32	31.07	27.99	24.36	1.64	42.15	43.03	39.10	35.07
27	9.41	9.28	10.97	9.23	12.96	12.78	14.78	12.76	1.76	20.89	20.70	22.62	20.54

H000C9057 - Basic Data

	Voting Age Population										Split Geography			District Core						
	District	Total Pop	Deviation	TVAP	Black	%Black	Hispanic	%Hispanic	County	City	VTD	Core Dist	TPOP Core	%TPOP Dist	VAP Core	Black Core	Hisp Core			
1	696,345	1	541,696	71,459	13.19	24,637	4.54	1	0	1	1	660,824	94.89%	513,015	71,014	23,258				
2	696,345	1	552,670	131,705	23.83	26,270	4.75	2	0	4	2	635,155	91.21%	504,382	120,647	24,492				
3	696,345	1	550,192	72,895	13.24	38,477	6.99	4	2	22	6	457,609	65.71%	360,779	42,803	27,494				
4	696,345	1	541,497	69,886	12.90	36,393	6.72	1	1	42	4	597,257	85.77%	467,555	55,238	31,674				
5	696,345	1	516,427	248,454	48.11	53,148	10.29	7	6	84	3	553,505	79.48%	410,517	221,206	40,102				
6	696,345	1	561,186	50,506	8.99	33,073	5.89	2	1	7	7	521,792	74.93%	415,328	41,139	26,913				
7	696,345	1	542,461	58,975	10.87	94,320	17.38	2	2	18	24	352,380	50.60%	276,873	26,514	51,208				
8	696,344	0	559,112	51,017	9.12	42,811	7.65	1	0	3	15	550,926	79.11%	443,288	41,051	35,749				
9	696,344	0	526,950	59,182	11.23	202,216	38.37	2	1	13	8	344,337	49.44%	267,616	27,130	97,776				
10	696,345	1	537,733	65,645	12.20	90,803	16.88	4	3	30	8	304,293	43.69%	235,921	22,852	37,268				
11	696,345	1	574,173	44,334	7.72	42,377	7.38	2	0	15	5	407,434	58.51%	342,370	17,849	21,351				
12	696,344	0	548,058	23,776	4.33	54,453	9.93	2	0	7	9	395,533	56.80%	314,854	11,091	28,133				
13	696,345	1	578,166	30,605	5.29	41,881	7.24	0	1	12	10	581,360	83.48%	484,264	23,234	31,827				
14	696,345	1	535,709	137,295	25.62	137,206	25.61	2	2	21	11	590,857	84.85%	454,054	123,160	121,281				
15	696,345	1	528,370	67,235	12.72	79,177	14.98	2	1	12	12	369,331	53.03%	278,404	41,779	39,752				
16	696,345	1	571,804	33,333	5.82	50,082	8.75	1	0	2	13	668,192	95.95%	551,991	25,492	44,274				
17	696,345	1	552,467	46,103	8.34	79,290	14.35	5	1	18	16	258,321	37.09%	212,309	16,953	24,678				
18	696,344	0	556,783	61,629	11.06	67,119	12.05	1	3	9	16	454,679	65.29%	361,878	33,377	44,399				
19	696,345	1	568,936	36,790	6.46	84,381	14.83	2	0	11	14	680,681	97.75%	557,184	35,192	80,317				
20	696,345	1	525,932	263,270	50.05	97,506	18.53	3	13	33	23	511,402	73.44%	376,741	229,210	60,974				
21	696,345	1	544,654	61,146	11.22	99,612	18.28	2	4	12	19	530,833	76.23%	422,586	46,406	77,798				
22	696,345	1	579,627	59,884	10.33	102,693	17.71	2	11	29	22	393,711	56.53%	333,020	19,906	51,450				
23	696,345	1	552,468	60,708	10.98	202,927	36.73	2	4	8	20	456,731	65.58%	357,202	31,786	117,209				
24	696,345	1	525,767	288,726	54.91	174,299	33.15	2	3	6	17	555,614	79.79%	412,495	262,854	113,037				
25	696,344	0	534,871	41,211	7.70	378,101	70.69	4	3	13	21	355,889	51.10%	277,043	24,204	229,033				
26	696,345	1	541,358	54,265	10.02	373,073	68.91	1	2	9	25	477,823	68.61%	362,081	38,965	275,015				
27	696,345	1	550,152	42,403	7.70	412,857	75.04	0	3	14	18	463,692	66.58%	370,822	28,492	282,663				

H000C9057 Compare New District Core to the 2002 Districts										
District	2002 Dist	Common Pop	Pop of Part	Common VAP	Black VAP	% of the Black	Hispanic VAP	% or the Hispanic	Haitian POP	W. Indies POP
1	1	660,824	94.89%	513,015	13.84%	99.37%	4.53%	94.40%	0.14%	0.63%
	2	35,521	5.10%	28,681	1.55%	0.62%	4.80%	5.59%	0%	0.00%
2	2	635,155	91.21%	504,382	23.91%	91.60%	4.85%	93.23%	0.33%	1.05%
	1	33,334	4.78%	26,350	15.22%	3.04%	2.63%	2.64%	0.10%	0.18%
	4	27,856	4.00%	21,938	32.11%	5.34%	4.94%	4.12%	0.44%	1.53%
3	6	457,609	65.71%	360,779	11.86%	58.71%	7.62%	71.45%	0.31%	0.89%
	4	113,061	16.23%	88,717	23.38%	28.46%	4.87%	11.24%	0.17%	0.77%
	2	66,843	9.59%	52,465	11.46%	8.25%	6.59%	8.98%	0%	0.33%
	5	48,042	6.89%	38,916	5.28%	2.82%	6.04%	6.11%	0%	0.38%
	3	10,790	1.54%	9,315	13.65%	1.74%	9.09%	2.20%	0.96%	1.43%
4	4	597,257	85.77%	467,555	11.81%	79.04%	6.77%	87.03%	0.21%	0.72%
	6	76,701	11.01%	56,684	19.05%	15.45%	5.86%	9.13%	0.86%	1.47%
	3	22,387	3.21%	17,258	22.29%	5.50%	8.08%	3.83%	0.17%	0.79%
5	3	553,505	79.48%	410,517	53.88%	89.03%	9.76%	75.45%	3.69%	6.71%
	6	50,105	7.19%	36,795	33.06%	4.89%	8.55%	5.92%	0.70%	2.04%
	8	39,626	5.69%	29,469	24.26%	2.87%	15.56%	8.63%	1.39%	4.19%
	24	34,926	5.01%	25,959	15.40%	1.60%	18.46%	9.01%	1.44%	3.71%
	7	11,939	1.71%	9,051	17.89%	0.65%	3.07%	0.52%	0%	0%
	4	6,244	0.89%	4,636	49.87%	0.93%	5.17%	0.45%	0.13%	0.70%
6	7	521,792	74.93%	415,328	9.90%	81.45%	6.47%	81.37%	0.23%	1.07%
	24	157,515	22.62%	132,804	4.44%	11.68%	3.29%	13.24%	0.20%	0.60%
	3	17,038	2.44%	13,054	26.53%	6.85%	13.63%	5.38%	0%	0.43%
7	24	352,380	50.60%	276,873	9.57%	44.95%	18.49%	54.29%	0.45%	2.11%
	7	278,711	40.02%	213,832	9.17%	33.25%	16.65%	37.76%	0.43%	1.59%
	3	32,837	4.71%	24,629	44.12%	18.42%	13.31%	3.47%	0.25%	1.54%
	8	32,417	4.65%	27,127	7.30%	3.35%	15.51%	4.46%	0.21%	0.94%
8	15	550,926	79.11%	443,288	9.26%	80.46%	8.06%	83.50%	0.65%	2.08%
	24	145,418	20.88%	115,824	8.60%	19.53%	6.09%	16.49%	0.03%	1.21%
9	8	344,337	49.44%	267,616	10.13%	45.84%	36.53%	48.35%	0.89%	2.43%
	15	213,553	30.66%	158,478	10.73%	28.75%	43.18%	33.84%	1.07%	3.04%
	24	108,994	15.65%	80,672	11.54%	15.73%	30.77%	12.27%	0.38%	2.84%
	12	29,265	4.20%	20,037	28.47%	9.64%	55.65%	5.51%	5.49%	14.30%
	3	195	0.02%	147	8.84%	0.02%	12.92%	0.00%	5.12%	14.87%
10	8	304,293	43.69%	235,921	9.68%	34.81%	15.79%	41.04%	0.63%	1.86%
	12	152,328	21.87%	115,645	18.73%	33.00%	19.48%	24.81%	2.05%	3.52%
	5	145,071	20.83%	112,665	9.26%	15.90%	13.69%	16.98%	0.60%	2.14%

H000C9057 Compare New District Core to the 2002 Districts

District	2002 Dist	Common Pop	Pop of Part	Common VAP	Black VAP	% of the Black	Hispanic VAP	% or the Hispanic	Haitian POP	W. Indies POP
	15	48,014	6.89%	37,477	6.79%	3.87%	26.36%	10.87%	0.17%	0.86%
	6	24,336	3.49%	19,283	18.70%	5.49%	5.87%	1.24%	0.33%	1.77%
	3	22,303	3.20%	16,742	27.06%	6.90%	27.28%	5.03%	6.30%	8.33%
11	5	407,434	58.51%	342,370	5.21%	40.26%	6.23%	50.38%	0.09%	0.44%
	6	203,976	29.29%	166,374	11.48%	43.09%	9.36%	36.78%	0.18%	1.06%
	8	84,935	12.19%	65,429	11.27%	16.64%	8.30%	12.83%	0.04%	1.41%
12	9	395,533	56.80%	314,854	3.52%	46.64%	8.93%	51.66%	0.06%	0.53%
	5	269,877	38.75%	208,403	5.83%	51.13%	11.76%	45.03%	0.12%	1.18%
	10	25,819	3.70%	20,637	1.52%	1.32%	4.61%	1.75%	0.02%	0.11%
	11	5,115	0.73%	4,164	5.13%	0.90%	20.22%	1.54%	0.48%	0.73%
13	10	581,360	83.48%	484,264	4.79%	75.91%	6.57%	75.99%	0.03%	0.28%
	9	114,259	16.40%	93,259	7.86%	23.96%	10.74%	23.92%	0.04%	0.30%
	11	726	0.10%	643	5.90%	0.12%	5.13%	0.07%	0%	0%
14	11	590,857	84.85%	454,054	27.12%	89.70%	26.71%	88.39%	0.85%	2.45%
	12	73,550	10.56%	54,703	18.42%	7.34%	25.01%	9.97%	0.54%	2.05%
	10	26,710	3.83%	22,826	16.73%	2.78%	6.13%	1.02%	0.43%	1.15%
	9	5,228	0.75%	4,126	5.67%	0.17%	20.35%	0.61%	0%	0.27%
15	12	369,331	53.03%	278,404	15.00%	62.13%	14.27%	50.20%	0.28%	1.10%
	9	218,957	31.44%	162,769	8.66%	20.97%	17.48%	35.93%	0.24%	1.37%
	5	59,109	8.48%	45,405	7.14%	4.82%	9.83%	5.63%	0.03%	0.86%
	11	48,948	7.02%	41,792	19.40%	12.06%	15.56%	8.21%	1.41%	4.34%
16	13	668,192	95.95%	551,991	4.61%	76.47%	8.02%	88.40%	0.55%	0.93%
	11	28,153	4.04%	19,813	39.57%	23.52%	29.31%	11.59%	2.35%	2.84%
17	16	258,321	37.09%	212,309	7.98%	36.77%	11.62%	31.12%	0.53%	2.03%
	12	217,725	31.26%	167,088	10.87%	39.42%	16.59%	34.96%	0.30%	1.32%
	14	110,037	15.80%	88,905	5.97%	11.52%	10.84%	12.15%	0.75%	2.52%
	13	89,613	12.86%	70,701	7.28%	11.16%	22.23%	19.82%	0.21%	0.46%
	9	19,572	2.81%	12,614	4.03%	1.10%	11.70%	1.86%	0%	1.31%
	15	1,077	0.15%	850	0.47%	0.00%	6%	0.06%	0%	0.03%
18	16	454,679	65.29%	361,878	9.22%	54.15%	12.26%	66.14%	1.68%	3.58%
	22	160,891	23.10%	130,974	4.68%	9.94%	9.27%	18.09%	0.40%	1.80%
	23	62,735	9.00%	47,584	42.49%	32.81%	17.43%	12.35%	4.45%	7.86%
	19	18,039	2.59%	16,347	11.60%	3.07%	13.96%	3.40%	1.62%	3.24%
19	14	680,681	97.75%	557,184	6.31%	95.65%	14.41%	95.18%	1.38%	2.03%
	25	15,664	2.24%	11,752	13.59%	4.34%	34.58%	4.81%	10.24%	10.75%
20	23	511,402	73.44%	376,741	60.84%	87.06%	16.18%	62.53%	11.97%	22.00%

H000C9057 Compare New District Core to the 2002 Districts										
District	2002 Dist	Common Pop	Pop of Part	Common VAP	Black VAP	% of the Black	Hispanic VAP	% or the Hispanic	Haitian POP	W. Indies POP
	20	84,600	12.14%	68,668	30.64%	7.99%	23.72%	16.71%	5.59%	19.32%
	19	62,534	8.98%	51,375	17.28%	3.37%	22.82%	12.02%	2.49%	6.82%
	16	24,516	3.52%	18,553	11.18%	0.78%	30.09%	5.72%	1.44%	4.44%
	22	13,293	1.90%	10,595	19.42%	0.78%	27.61%	3.00%	4.37%	6.64%
21	19	530,833	76.23%	422,586	10.98%	75.89%	18.40%	78.10%	3.26%	5.81%
	22	107,372	15.41%	79,559	12.81%	16.67%	17.92%	14.31%	2.34%	5.77%
	16	38,305	5.50%	28,563	8.76%	4.09%	19.21%	5.50%	1.80%	4.21%
	23	19,835	2.84%	13,946	14.62%	3.33%	14.79%	2.07%	1.75%	8.39%
22	22	393,711	56.53%	333,020	5.97%	33.24%	15.44%	50.10%	2.59%	3.64%
	19	125,013	17.95%	102,082	12.78%	21.79%	18.20%	18.10%	5.78%	8.08%
	20	119,189	17.11%	97,794	12.20%	19.93%	21.72%	20.68%	3.54%	7.02%
	23	58,432	8.39%	46,731	32.07%	25.02%	24.41%	11.10%	11.06%	13.26%
23	20	456,731	65.58%	357,202	8.89%	52.35%	32.81%	57.75%	1.02%	3.78%
	17	96,824	13.90%	75,581	25.83%	32.16%	37.35%	13.91%	4.13%	10.13%
	18	82,455	11.84%	72,874	5.20%	6.24%	55.83%	20.05%	0.27%	0.74%
	21	28,397	4.07%	20,251	18.37%	6.13%	45.27%	4.51%	2.95%	9.34%
	22	18,992	2.72%	14,497	6.18%	1.47%	21.50%	1.53%	0.49%	1.33%
	23	12,946	1.85%	12,063	8.16%	1.62%	37.42%	2.22%	2.00%	6.18%
24	17	555,614	79.79%	412,495	63.72%	91.03%	27.40%	64.85%	17.70%	25.90%
	18	61,533	8.83%	52,559	16.43%	2.99%	64.74%	19.52%	2.05%	3.21%
	20	31,207	4.48%	26,161	11.61%	1.05%	43.27%	6.49%	5.99%	7.86%
	21	29,256	4.20%	21,005	28.40%	2.06%	57.60%	6.94%	3.24%	11.69%
	23	18,735	2.69%	13,547	60.76%	2.85%	28.16%	2.18%	6.79%	25.31%
25	21	355,889	51.10%	277,043	8.73%	58.73%	82.67%	60.57%	1.59%	3.65%
	25	234,256	33.64%	173,019	7.40%	31.07%	70.65%	32.32%	2.03%	2.68%
	14	68,238	9.79%	55,943	3.92%	5.32%	12.98%	1.92%	2.02%	2.68%
	16	21,890	3.14%	15,710	4.48%	1.71%	50.64%	2.10%	0%	0.28%
	18	13,510	1.94%	11,135	6.15%	1.66%	91.66%	2.69%	0.21%	1.61%
	17	2,539	0.36%	2,004	30.73%	1.49%	69.66%	0.36%	1.67%	4.53%
	23	22	0.00%	17	0%	0%	17.64%	0.00%	1.34%	3.69%
26	25	477,823	68.61%	362,081	10.76%	71.80%	75.95%	73.71%	1.50%	3.94%
	21	126,922	18.22%	102,078	11.04%	20.77%	71.41%	19.54%	0.73%	3.00%
	18	91,600	13.15%	77,199	5.21%	7.42%	32.58%	6.74%	0.91%	1.26%
27	18	463,692	66.58%	370,822	7.68%	67.19%	76.22%	68.46%	0.42%	1.36%
	21	153,037	21.97%	122,440	4.00%	11.55%	77.94%	23.11%	0.20%	1.32%
	25	79,433	11.40%	56,738	15.85%	21.21%	61.01%	8.38%	3.57%	7.48%

H000C9057 Compare New District Core to the 2002 Districts										
District	2002 Dist	Common Pop	Pop of Part	Common VAP	Black VAP	% of the Black	Hispanic VAP	% or the Hispanic	Haitian POP	W. Indies POP
	17	183	0.02%	152	10.52%	0.03%	94.73%	0.03%	0%	0%

H000C9057 Plan Geography Splits (note: area listed in red if district does not contain total population of area and district also contains population outside of area).	
1	Counties
	Escambia, Holmes 2 11,489 of 19,927, Okaloosa, Santa Rosa, Walton
	Cities
	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, Westville
	Vtd's
	1205900006 2 2538 of 3756
2	Counties
	Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes 2 8,438 of 19,927, Jackson, Jefferson, Leon, Liberty, Madison 2 4,028 of 19,224, Taylor, Wakulla, Washington
	Cities
	Alford, Altha, Apalachicola, Bascom, Blountstown, Bonifay, Bristol, Callaway, Campbellton, Carrabelle, Caryville, Chattahoochee, Chipley, Cottontale, Ebro, Graceville, Grand Ridge, Greensboro, Greenville, Greenwood, Gretna, Havana, Jacob City, Lynn Haven, Malone, Marianna, Mexico Beach, Midway, Monticello, Panama City, Panama City Beach, Parker, Perry, Port St. Joe, Quincy, St. Marks, Sneads, Sopchoppy, Springfield, Tallahassee, Vernon, Wausau, Wewahatchka
	Vtd's
	1205900006 2 1218 of 3756, 1207900001 2 2 of 3498, 1207900007 2 258 of 1648, 120790010 2 253 of 3710
3	Counties
	Alachua 2 202,969 of 247,336, Bradford, Clay 2 174,485 of 190,865, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison 2 15,196 of 19,224, Marion 3 52,727 of 331,298, Suwannee, Union
	Cities
	Alachua, Archer, Bell, Branford, Bronson, Brooker, Cedar Key, Chiefland, Cross City, Dunnellon, Fanning Springs, Fort White, Gainesville 2 92999 of 124354, Hampton, High Springs, Horseshoe Beach, Inglis, Jasper, Jennings, Keystone Heights, La Crosse, Lake Butler, Lake City, Lawtey, Lee, Live Oak, Madison, Mayo, Micanopy, Newberry, Orange Park 2 6415 of 8412, Otter Creek, Penney Farms, Raiford, Starke, Trenton, Waldo, White Springs, Williston, Worthington Springs, Yankeetown
	Vtd's
	1200100004 2 39 of 1226, 1200100006 2 790 of 1559, 120010013 2 18 of 3958, 120010031 2 5047 of 5470, 120010036 2 703 of 2600, 120010046 2 1355 of 4482, 120010054 2 2352 of 3971, 120190049 2 737 of 1724, 120190084 2 1601 of 1608, 120190088 2 27 of 1640, 120190089 2 2 of 217, 120190092 2 9 of 1442, 120190093 2 1047 of 1056, 120790001 2 3496 of 3498, 120790007 2 1390 of 1648, 120790010 2 3457 of 3710, 120830026 2 594 of 2521, 120830045 2 628 of 6503, 120830046 2 4335 of 4685, 120830051 2 1126 of 1393, 120830117 2 2324 of 2430, 120830118 2 324 of 2011
4	Counties
	Baker, Duval 2 595,916 of 864,263, Nassau
	Cities
	Atlantic Beach, Baldwin, Callahan, Fernandina Beach, Glen St. Mary, Hilliard, Jacksonville 2 553437 of 821784, Jacksonville Beach, Macclenny, Neptune Beach
	Vtd's
	120310005 2 3872 of 4261, 120310010 2 134 of 2274, 120310012 2 2183 of 2208, 120310013 2 1710 of 3243, 120310014 2 475 of 3607, 120310023 2 1438 of 1980, 120310027 2 1872 of 3342, 120310061 2 2012 of 4403, 120310066 2 1048 of 2066, 120310067 2 3432 of 3745, 120310069 2 1986 of 3789, 120310072 2 2296 of 3142, 120310075 2 403 of 4156, 120310078 2 2658 of 2680, 120310084 2 2885 of 2929, 120310116 2 2 of 2206, 120310128 2 2123 of 2515, 120310138 2 2394 of 2452, 120310143 2 289 of 2622, 120310145 2 566 of 1835, 120310157 2 1923 of 3203, 120310164 2 1300 of 1491, 120310172 2 1582 of 1871, 120310177 2 1092 of 4474, 120310184 2 206 of 752, 120310186 2 1927 of 2391, 120310191 2 767 of 2844, 120310192 2 1220 of 2370, 120310198 2 2411 of 2675, 120310200 2 747 of 2999, 120310205 2 820 of 842, 120310213 2 1975 of 4458, 120310215 2 1448 of 3981, 120310229 2 775 of 1691, 120310235 2 1293 of 4271, 120310237 2 2908 of 3379, 120310238 2 184 of 3670, 120310241 2 7223 of 9487, 120310245 2 3592 of 3775, 120310275 2 2387 of 2522, 120310277 2 2374 of 2844, 120310280 2 3056 of 3580
5	Counties
	Alachua 2 44,367 of 247,336, Clay 2 16,380 of 190,865, Duval 2 268,347 of 864,263, Lake 3 19,357 of 297,052, Marion 3 15,211 of 331,298, Orange 5 283,419 of 1,145,956, Putnam 2 49,264 of 74,364
	Cities
	Apopka 2 32494 of 41542, Eatonville, Gainesville 2 31355 of 124354, Green Cove Springs, Hawthorne, Interlachen, Jacksonville 2 268347 of 821784, McIntosh, Ocoee 2 2527 of 35579, Orange Park 2 1997 of 8412, Orlando 3 75847 of 238300, Palatka, Reddick
	Vtd's
	120010004 2 1187 of 1226, 120010006 2 769 of 1559, 120010013 2 3940 of 3958, 120010031 2 423 of 5470, 120010036 2 1897 of 2600, 120010046 2 3127 of 4482, 120010054 2 1619 of 3971, 120190049 2 987 of 1724, 120190084 2 7 of 1608, 120190088 2 1613 of 1640, 120190089 2 215 of 217, 120190092 2 1433 of 1442, 120190093 2 9 of 1056, 120310005 2 389 of 4261, 120310010 2 2140 of 2274, 120310012 2 25 of 2208, 120310013 2 1533 of 3243, 120310014 2 3132 of 3607, 120310023 2 542 of 1980, 120310027 2 1470 of 3342, 120310061 2 2391 of 4403, 120310066 2 1018 of 2066, 120310067 2 313 of 3745, 120310069 2 1803 of 3789, 120310072 2 846 of 3142, 120310075 2 3753 of 4156, 120310078 2 22 of 2680, 120310084 2 44 of 2929, 120310116 2 2204 of 2206, 120310128 2 392 of 2515, 120310138 2 258 of 2452, 120310143 2 2333 of 2622, 120310145 2 1269 of 1835, 120310157 2 1280 of 3203, 120310164 2 191 of 1491, 120310172 2 289 of 1871, 120310177 2 3382 of 4474, 120310184 2 546 of 752, 120310186 2 464 of 2391, 120310191 2 2077 of 2844, 120310192 2 1150 of 2370, 120310198 2 264 of 2675, 120310200 2 2252 of 2999, 120310205 2 22 of 842, 120310213 2 2483 of 4458, 120310215 2 2533 of 3981, 120310229 2 916 of 1691, 120310235 2 2978 of 4271, 120310237 2 471 of 3379, 120310238 2 3486 of 3670, 120310241 2 2264 of 9487, 120310245 2 183 of 3775, 120310275 2 135 of 2522, 120310277 2 470 of 2844, 120310280 2 524 of 3580, 120690008 2 2263 of 3901, 120690116 2 1874 of 2308, 120690118 2 1282 of 4837, 120830026 2 1927 of 2521, 120830032 2 1559 of 2799, 120830034 2 227 of 1882, 120830043 2 966 of 1152, 120830051 2 189 of 2266, 120830074 2 3 of 2875, 120950023 2 744 of 5266, 120950032 2 3148 of 6617, 120950033 2 2863 of 4617, 120950042 2 2609 of 3637, 120950048 2 4870 of 6925, 120950058 2 169 of 2416, 120950059 2 319 of 3793, 120950061 2 4586 of 5132, 120950062 2 40 of 1947,

H000C9057 Plan Geography Splits (note: area listed in red if district does not contain total population of area and district also contains population outside of area).	
	120950066 2 176 of 994, 120950081 2 4368 of 5139, 120950082 2 3519 of 5339, 120950085 2 2751 of 4445, 120950210 2 69 of 1548, 120950268 2 569 of 4767, 120950282 2 8238 of 8289, 120950284 2 8443 of 10585, 120950287 2 2720 of 6604, 120950290 2 3473 of 3940, 121070046 2 63 of 317
6 Counties	Flagler, Putnam 2 25,100 of 74,364, St. Johns, Volusia 2 385,510 of 494,593
Cities	Beverly Beach, Bunnell, Crescent City, Daytona Beach, Daytona Beach Shores, DeBary 2 1468 of 19320, DeLand, Edgewater, Flagler Beach, Hastings, Holly Hill, Lake Helen, Marineland, New Smyrna Beach, Oak Hill, Orange City, Ormond Beach, Palm Coast, Pierson, Pomona Park, Ponce Inlet, Port Orange, St. Augustine, St. Augustine Beach, South Daytona, Welaka
Vtd's	121070046 2 254 of 317, 121270046 2 1310 of 1314, 121270071 2 596 of 3328, 121270076 2 872 of 5091, 121270080 2 1609 of 3654, 121270086 2 110 of 4670, 121270098 2 4 of 3654
7 Counties	Orange 5 164,544 of 1,145,956, Seminole 2 109,083 of 494,593
Cities	Altamonte Springs, Apopka 2 9048 of 41542, Casselberry, DeBary 2 17852 of 19320, Deltona, Lake Mary, Longwood, Maitland, Oviedo, Sanford, Winter Park, Winter Springs
Vtd's	120950059 2 3474 of 3793, 120950061 2 546 of 5132, 120950066 2 818 of 994, 120950081 2 771 of 5139, 120950082 2 1820 of 5339, 120950085 2 1694 of 4445, 120950215 2 1467 of 3604, 120950216 2 1257 of 3193, 120950222 2 1608 of 2236, 120950252 2 3130 of 4817, 120950259 2 5232 of 5697, 121270046 2 4 of 1314, 121270071 2 2732 of 3328, 121270076 2 4219 of 5091, 121270080 2 2045 of 3654, 121270086 2 4560 of 4670, 121270098 2 3650 of 3654
8 Counties	Brevard, Indian River, Orange 5 14,940 of 1,145,956
Cities	Cape Canaveral, Cocoa, Cocoa Beach, Fellsmere, Grant-Valkaria, Indian Harbour Beach, Indian River Shores, Malabar, Melbourne, Melbourne Beach, Melbourne Village, Orchid, Palm Bay, Palm Shores, Rockledge, Satellite Beach, Sebastian, Titusville, Vero Beach, West Melbourne
Vtd's	120950196 2 228 of 9159, 120950205 2 163 of 9008, 120950259 2 465 of 5697
9 Counties	Orange 5 453,526 of 1,145,956, Osceola 3 242,818 of 268,685
Cities	Belle Isle, Edgewood, Kissimmee, Orlando 3 132724 of 238300, St. Cloud
Vtd's	120950058 2 2247 of 2416, 120950153 2 792 of 4729, 120950196 2 8931 of 9159, 120950205 2 8845 of 9008, 120950210 2 1479 of 1548, 120950215 2 2137 of 3604, 120950216 2 1936 of 3193, 120950222 2 628 of 2236, 120950252 2 1687 of 4817, 120950290 2 467 of 3940, 120970008 2 8800 of 8804, 120970029 2 315 of 6774, 120970032 2 292 of 3333
10 Counties	Lake 3 252,144 of 297,052, Orange 5 229,527 of 1,145,956, Osceola 3 24,790 of 268,685, Polk 3 189,884 of 602,095
Cities	Astatula, Auburndale, Bay Lake, Clermont, Davenport, Eustis, Groveland, Haines City, Howey-in-the-Hills, Lake Alfred, Lake Buena Vista, Lake Hamilton, Leesburg, Mascotte, Minneola, Montverde, Mount Dora, Oakland, Ocoee 2 23052 of 35579, Orlando 3 29729 of 238300, Polk City, Tavares, Umatilla, Windermere, Winter Garden, Winter Haven 2 26104 of 33874
Vtd's	120690008 2 1638 of 3901, 120690043 2 928 of 3883, 120690048 2 1808 of 1860, 120690073 2 3325 of 5440, 120690085 2 838 of 2495, 120690086 2 2520 of 3340, 120690116 2 434 of 2308, 120690118 2 3555 of 4837, 120950023 2 4522 of 5266, 120950032 2 3469 of 6617, 120950033 2 1754 of 4617, 120950042 2 1028 of 3637, 120950048 2 2055 of 6925, 120950153 2 3937 of 4729, 120950268 2 4198 of 4767, 120950282 2 51 of 8289, 120950284 2 2142 of 10585, 120950287 2 3884 of 6604, 120970008 2 4 of 8804, 120970029 2 6459 of 6774, 120970032 2 3041 of 3333, 121050006 2 9501 of 9541, 121050024 2 13 of 4491, 121050041 2 50 of 1204, 121050065 2 3641 of 4027, 121050075 2 7376 of 7813, 121050076 2 1516 of 1517, 121050086 2 10094 of 10097, 121050087 2 1895 of 2039, 121050129 2 6302 of 7970
11 Counties	Citrus, Hernando, Lake 3 25,551 of 297,052, Marion 3 263,360 of 331,298, Sumter
Cities	Bellevue, Brooksville, Bushnell, Center Hill, Coleman, Crystal River, Fruitland Park, Inverness, Lady Lake, Ocala, Webster, Weeki Wachee, Wildwood
Vtd's	120690043 2 2955 of 3883, 120690048 2 52 of 1860, 120690073 2 2115 of 5440, 120690085 2 1657 of 2495, 120690086 2 820 of 3340, 120830032 2 1240 of 2799, 120830034 2 1655 of 1882, 120830043 2 186 of 1152, 120830045 2 5875 of 6503, 120830046 2 350 of 4685, 120830051 2 267 of 1393, 120830053 2 2077 of 2266, 120830074 2 2872 of 2875, 120830117 2 106 of 2430, 120830118 2 1687 of 2011
12 Counties	Hillsborough 4 103,884 of 1,229,226, Pasco, Pinellas 3 127,763 of 916,542
Cities	Dade City, New Port Richey, Oldsmar, Port Richey, St. Leo, San Antonio, Tarpon Springs, Zephyrhills
Vtd's	120570162 2 2149 of 2731, 120570163 2 14 of 2494, 120570193 2 151 of 286, 120570195 2 1572 of 2602, 120570200 2 4095 of 4106, 120570230 3 1962 of 4090, 121030292 2 803 of 3943
13 Counties	Pinellas

H000C9057 Plan Geography Splits (note: area listed in red if district does not contain total population of area and district also contains population outside of area).	
Cities	Belleair, Belleair Beach, Belleair Bluffs, Belleair Shore, Clearwater, Dunedin, Gulfport, Indian Rocks Beach, Indian Shores, Kenneth City, Largo, Madeira Beach, North Redington Beach, Pinellas Park, Redington Beach, Redington Shores, Safety Harbor, St. Pete Beach, St. Petersburg 2 152335 of 244769, Seminole, South Pasadena, Treasure Island
Vtd's	121030031 2 3 of 2496, 121030032 2 414 of 1878, 121030033 2 2058 of 2566, 121030034 2 1489 of 2881, 121030035 2 2286 of 3657, 121030036 2 1629 of 2354, 121030037 2 1310 of 1388, 121030103 2 292 of 2975, 121030106 2 2575 of 2584, 121030113 2 1597 of 2693, 121030114 2 2333 of 2439, 121030292 2 3140 of 3943
14 Counties	Hillsborough 4 603,911 of 1,229,226, Pinellas 3 92,434 of 916,542
Cities	St. Petersburg 2 92434 of 244769, Tampa 2 288792 of 335709
Vtd's	120570162 2 582 of 2731, 120570163 2 2480 of 2494, 120570193 2 135 of 286, 120570200 2 11 of 4106, 120570230 3 679 of 4090, 120570241 2 235 of 2942, 120570263 2 178 of 4083, 120570392 2 440 of 2336, 120570396 2 3516 of 3534, 121030031 2 2493 of 2496, 121030032 2 1464 of 1878, 121030033 2 508 of 2566, 121030034 2 1392 of 2881, 121030035 2 1371 of 3657, 121030036 2 725 of 2354, 121030037 2 78 of 1388, 121030103 2 2683 of 2975, 121030106 2 9 of 2584, 121030113 2 1096 of 2693, 121030114 2 106 of 2439
15 Counties	Hillsborough 4 409,751 of 1,229,226, Polk 3 286,594 of 602,095
Cities	Bartow, Lakeland, Mulberry, Plant City, Tampa 2 46917 of 335709, Temple Terrace
Vtd's	120570230 3 1449 of 4090, 120570241 2 2707 of 2942, 120570263 2 3905 of 4083, 120570392 2 1896 of 2336, 120570396 2 18 of 3534, 121050006 2 40 of 9541, 121050024 2 4478 of 4491, 121050041 2 1154 of 1204, 121050065 2 386 of 4027, 121050078 2 1553 of 7043, 121050100 2 1551 of 3339, 121050102 2 46 of 493
16 Counties	Manatee 2 316,897 of 322,833, Sarasota
Cities	Anna Maria, Bradenton, Bradenton Beach, Holmes Beach, Longboat Key, North Port, Palmetto, Sarasota, Venice
Vtd's	120810019 2 5855 of 6430, 120810206 2 1178 of 2166
17 Counties	Charlotte, DeSoto, Glades, Hardee, Highlands, Hillsborough 4 111,680 of 1,229,226, Lee 2 77,798 of 618,754, Manatee 2 5,936 of 322,833, Okeechobee, Osceola 3 1,077 of 268,685, Polk 3 125,617 of 602,095
Cities	Arcadia, Avon Park, Bowling Green, Dundee, Eagle Lake, Fort Meade, Frostproof, Highland Park, Hillcrest Heights, Lake Placid, Lake Wales, Moore Haven, Okeechobee, Punta Gorda, Sebring, Wauchula, Winter Haven 2 7770 of 33874, Zolfo Springs
Vtd's	120710009 2 6288 of 7265, 120710012 2 1558 of 2651, 120710063 2 3239 of 3250, 120710072 2 37 of 2853, 120710097 2 1951 of 1952, 120710112 2 2274 of 2581, 120710113 2 2271 of 3293, 120710235 2 556 of 4508, 120810019 2 575 of 6430, 120810206 2 988 of 2166, 121050075 2 437 of 7813, 121050076 2 1 of 1517, 121050078 2 5490 of 7043, 121050086 2 3 of 10097, 121050087 2 144 of 2039, 121050100 2 1788 of 3339, 121050102 2 447 of 493, 121050129 2 1668 of 7970
18 Counties	Martin, Palm Beach 4 272,237 of 1,320,134, St. Lucie
Cities	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, Riviera Beach 3 4202 of 32488, Royal Palm Beach 3 14868 of 34140, St. Lucie Village, Sewall's Point, Stuart, Tequesta, West Palm Beach 3 20572 of 99919
Vtd's	120990208 2 1354 of 1783, 120990230 2 2647 of 3333, 120990232 2 1432 of 2929, 120990234 2 100 of 934, 120990303 2 2791 of 2796, 120990675 2 2326 of 3195, 120990685 2 134 of 1527, 120990758 2 1 of 1365, 120990771 2 623 of 727
19 Counties	Collier 2 155,389 of 321,520, Lee 2 540,956 of 618,754
Cities	Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Marco Island, Naples, Sanibel
Vtd's	120210010 2 1508 of 2036, 120210092 2 320 of 2268, 120210112 2 2225 of 4281, 120710009 2 977 of 7265, 120710012 2 1093 of 2651, 120710063 2 11 of 3250, 120710072 2 2816 of 2853, 120710097 2 1 of 1952, 120710112 2 307 of 2581, 120710113 2 1022 of 3293, 120710235 2 3952 of 4508
20 Counties	Broward 6 450,832 of 1,748,066, Hendry 2 17,250 of 39,140, Palm Beach 4 228,263 of 1,320,134
Cities	Belle Glade, Boynton Beach 2 19971 of 68217, Clewiston, Cloud Lake, Deerfield Beach 3 26242 of 75018, Fort Lauderdale 3 59527 of 165521, Glen Ridge, Haverhill, Lake Park, Lake Worth 2 10654 of 34910, Lantana 2 4654 of 10423, Lauderdale Lakes, Lauderdale, Loxahatchee Groves, Mangonia Park, Margate 2 14727 of 53284, North Lauderdale, Oakland Park 2 20289 of 41363, Pahokee, Plantation 3 13381 of 84955, Pompano Beach 3 46314 of 99845, Riviera Beach 3 28156 of 32488, Royal Palm Beach 3 16165 of 34140, South Bay, Sunrise 3 62665 of 84439, Tamarac, West Palm Beach 3 48784 of 99919
Vtd's	120110010 2 1509 of 1634, 120110069 2 4326 of 4334, 120110088 2 1050 of 1053, 120110120 2 4534 of 6202, 120110216 2 1836 of 4005, 120110222 2 192 of 2024, 120110501 2 2570 of 2624, 120110503 2 765 of 1606, 120110504 2 4539 of 5624, 120110538 2 1725 of 2124, 120110539 2 17 of 1486, 120110543 2 31 of 896,

H000C9057 Plan Geography Splits (note: area listed in red if district does not contain total population of area and district also contains population outside of area).	
	120510018 2 493 of 3137, 120990208 2 429 of 1783, 120990230 2 686 of 3333, 120990234 2 834 of 934, 120990242 2 33 of 726, 120990247 2 1440 of 3897, 120990248 2 786 of 3218, 120990250 2 215 of 587, 120990252 2 379 of 1035, 120990254 2 776 of 3585, 120990303 2 5 of 2796, 120990675 2 869 of 3195, 120990685 2 1393 of 1527, 120990737 2 971 of 5837, 120990758 2 1364 of 1365, 120990772 2 3338 of 3364, 120990779 2 2760 of 4107, 120990800 2 1013 of 5484, 120990803 2 962 of 5319, 120990814 2 2748 of 2755
21	Counties
	Broward 6 272,465 of 1,748,066, Palm Beach 4 423,880 of 1,320,134
	Cities
	Coconut Creek, Coral Springs, Deerfield Beach 3 33897 of 75018, Greenacres, Margate 2 38557 of 53284, Parkland, Pompano Beach 3 1447 of 99845, Royal Palm Beach 3 3107 of 34140, Wellington
	Vtd's
	120110216 2 2169 of 4005, 120110222 2 1832 of 2024, 120990252 2 656 of 1035, 120990254 2 2809 of 3585, 120990262 2 1070 of 2339, 120990265 2 17 of 3747, 120990344 2 2477 of 2495, 120990503 2 1738 of 2210, 120990504 2 614 of 617, 120990511 2 459 of 463, 120990578 2 396 of 1253, 120990737 2 4866 of 5837
22	Counties
	Broward 6 300,591 of 1,748,066, Palm Beach 4 395,754 of 1,320,134
	Cities
	Atlantis, Boca Raton, Boynton Beach 2 48246 of 68217, Briny Breezes, Deerfield Beach 3 14879 of 75018, Delray Beach, Fort Lauderdale 3 105994 of 165521, Golf, Gulf Stream, Highland Beach, Hillsboro Beach, Hypoluxo, Lake Clarke Shores, Lake Worth 2 24256 of 34910, Lantana 2 5769 of 10423, Lauderdale-by-the-Sea, Lazy Lake, Lighthouse Point, Manalapan, Oakland Park 2 21074 of 41363, Ocean Ridge, Palm Beach, Palm Springs, Plantation 3 67640 of 84955, Pompano Beach 3 52084 of 99845, Riviera Beach 3 130 of 32488, Sea Ranch Lakes, South Palm Beach, Sunrise 3 1257 of 84439, West Palm Beach 3 30563 of 99919, Wilton Manors
	Vtd's
	120110010 2 125 of 1634, 120110069 2 8 of 4334, 120110088 2 3 of 1053, 120110120 2 1668 of 6202, 120110333 2 803 of 3297, 120110351 2 454 of 2650, 120110501 2 54 of 2624, 120110503 2 841 of 1606, 120110504 2 1085 of 5624, 120110538 2 399 of 2124, 120110539 2 1269 of 1486, 120110543 2 865 of 896, 120990242 2 693 of 726, 120990247 2 2457 of 3897, 120990248 2 2432 of 3218, 120990250 2 372 of 587, 120990262 2 1269 of 2339, 120990265 2 3730 of 3747, 120990344 2 18 of 2495, 120990503 2 472 of 2210, 120990504 2 3 of 617, 120990511 2 4 of 463, 120990578 2 857 of 1253, 120990771 2 104 of 727, 120990772 2 26 of 3364, 120990779 2 1347 of 4107, 120990800 2 4471 of 5484, 120990803 2 4357 of 5319, 120990814 2 7 of 2755
23	Counties
	Broward 6 526,114 of 1,748,066, Miami-Dade 5 170,231 of 2,496,435
	Cities
	Aventura, Bal Harbour, Bay Harbor Islands, Cooper City, Dania Beach, Davie, Fort Lauderdale 3 0 of 165521, Golden Beach, Hallandale Beach, Hollywood, Indian Creek, Miami Beach, North Bay Village, Pembroke Pines 3 99005 of 154750, Plantation 3 3934 of 84955, Southwest Ranches, Sunny Isles Beach, Sunrise 3 20517 of 84439, Surfside, Weston
	Vtd's
	120110333 2 2494 of 3297, 120110351 2 2196 of 2650, 120110778 2 1323 of 1809, 120110779 2 120 of 1984, 120110790 2 1069 of 2310, 120110807 2 411 of 4484, 120110835 2 1293 of 3452, 120860081 2 21 of 3259
24	Counties
	Broward 6 129,757 of 1,748,066, Miami-Dade 5 566,588 of 2,496,435
	Cities
	Biscayne Park, El Portal, Miami 2 148279 of 399457, Miami Gardens, Miami Shores, Miramar 2 88380 of 122041, North Miami, North Miami Beach, Opa-locka, Pembroke Park, Pembroke Pines 3 21119 of 154750, West Park
	Vtd's
	120110764 2 2989 of 7441, 120110778 2 486 of 1809, 120110790 2 1241 of 2310, 120860081 2 2328 of 3259, 120860313 2 5822 of 6155
25	Counties
	Broward 6 68,307 of 1,748,066, Collier 2 166,131 of 321,520, Hendry 2 21,890 of 39,140, Miami-Dade 5 440,016 of 2,496,435
	Cities
	Doral, Everglades, Hialeah 2 162856 of 224669, Hialeah Gardens, LaBelle, Medley, Miami Lakes, Miramar 2 33661 of 122041, Pembroke Pines 3 34626 of 154750, Sweetwater
	Vtd's
	120110764 2 4452 of 7441, 120110807 2 4073 of 4484, 120110835 2 2159 of 3452, 120210010 2 528 of 2036, 120210092 2 1948 of 2268, 120210112 2 2056 of 4281, 120510018 2 2644 of 3137, 120860313 2 333 of 6155, 120860454 2 2340 of 3346, 120860456 2 829 of 4377, 120860471 2 4174 of 5834, 120860615 2 51 of 2550
26	Counties
	Miami-Dade 5 623,255 of 2,496,435, Monroe
	Cities
	Florida City, Homestead 2 42640 of 60512, Islamorada, Village of Islands, Key Colony Beach, Key West, Layton, Marathon
	Vtd's
	120861043 2 569 of 2631, 120861104 2 558 of 2082, 120861115 2 319 of 1176, 120861221 2 1973 of 3284, 120861268 2 2 of 2754, 120861297 2 454 of 540, 120861299 2 188 of 292, 120861360 2 140 of 144, 120861386 2 39 of 469
27	Counties
	Miami-Dade
	Cities
	Coral Gables, Cutler Bay, Hialeah 2 61813 of 224669, Homestead 2 17872 of 60512, Key Biscayne, Miami 2 251178 of 399457, Miami Springs, Palmetto Bay, Pinecrest, South

H000C9057 Plan Geography Splits (note: area listed in red if district does not contain total population of area and district also contains population outside of area).	
	Miami, Virginia Gardens, West Miami
Vtd's	120860454 2 1006 of 3346, 120860455 2 2815 of 3355, 120860456 2 3548 of 4377, 120860471 2 1660 of 5834, 120860615 2 2499 of 2550, 120861043 2 2062 of 2631, 120861104 2 1524 of 2082, 120861115 2 857 of 1176, 120861221 2 1311 of 3284, 120861268 2 2752 of 2754, 120861297 2 86 of 540, 120861299 2 104 of 292, 120861360 2 4 of 144, 120861386 2 430 of 469



Select Committee on Redistricting

Friday, August 8, 2014

10:15 AM

404 HOB

Addendum A

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

RENE ROMO, et al,

CASE NO: 2012-CA-412

Plaintiffs,

vs.

KEN DETZNER and PAM BONDI,

Defendants.

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, et al,

CASE NO: 2012-CA-490

Plaintiffs,

vs.

KEN DETZNER, et al,

Defendants.

FINAL JUDGMENT

FILED
2014 JUL 10 P 4: 20
C-07
CLERK & COMPTROLLER
LEON COUNTY, FLORIDA

This case is before me following a lengthy bench trial. Plaintiffs claim that the congressional redistricting plan adopted by the Legislature violates Article III, Section 20 of the Florida Constitution. For the reasons set forth below, I agree, finding that districts 5 and 10 were drawn in contravention of the constitutional mandates of Article III, Section 20, thus making the redistricting map unconstitutional as drawn.

INTRODUCTION

President George Washington, in his farewell address of 1796, warned the new nation of the dangers of political parties.

"However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the

people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion....Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.”

His countrymen did not heed Washington’s warning and quickly divided themselves into opposing political factions. Though the names have changed over the years, the two major political parties have been battling each other for control over our nation’s government ever since. To many, it seems that Washington’s fears have been realized. Certain in the rightness of their cause, of the superiority of their ideas and their members, they consider those in the opposing camp to be not only wrong, but a threat to the very foundations of our country. Any idea of the other party is to be opposed fervently. They must win elections and gain or remain in power because, to the partisans, their party’s interest is synonymous with the country’s interest. In short, winning is everything.

One of the ways in which political parties seek to gain or maintain an advantage over the other is through the redistricting process. Every ten years, based on new census data, congressional seats are reapportioned among the states based upon shifting population figures. To many citizens this process is of mild interest, but to the political parties it is a high stakes proposition, a zero sum game in which one party wins and the other loses – for years to come. Subtle shifts in a district boundary line can make the difference between a district that is “safe” for a political party or one that is “competitive” between the two. It can make a big difference in the ability to recruit candidates for particular districts, the amount of time, energy and resources

necessary to give a party's candidate a real chance of success, and ultimately, whether the party can maintain a majority of seats in congress.

Historically, the political party in control of the state legislature has been able to draw the new districts in a manner that protects their party and its incumbents. Voter populations are shifted and clustered based upon how they are likely to vote. The result has often been maps with districts that have unusual boundaries and bizarre shapes, as if some abstract artist had been given free rein. This practice has come to be called political gerrymandering and has been criticized as allowing, in effect, the representatives to choose their voters instead of vice versa.

In 2010, the voters of Florida passed two amendments to the Florida Constitution, commonly referred to as the Fair Districts Amendments, aimed at eliminating such political gerrymandering. These amendments are now codified in the Constitution as Article III Section 20, pertaining to congressional redistricting and Article III Section 21, pertaining to state legislative redistricting. These amendments significantly decrease the Legislature's discretion in drawing district boundaries. Specifically forbidden is the drawing of a redistricting plan with the intent to favor or disfavor a political party or incumbent. Section 20 reads as follows:

Standards for establishing congressional district boundaries.—In establishing congressional district boundaries:

(a) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

Art. III, § 20, Fla. Const.

Subsection (a) contains tier-one requirements which must be followed. In addition to prohibiting intent to favor or disfavor a political party or incumbent, this subsection contains two distinct protections for racial and language minorities. The first, which prohibits districts which are drawn with “the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process,” is similar to Section II to of the Voting Rights Act. Commonly referred to as the “vote dilution” provision, this section requires majority minority districts where certain preconditions are met. The second minority protection prohibits a plan or district from “diminish[ing] their ability to elect representatives of their choice.” Commonly referred to as “retrogression,” this clause tracks Section 5 of the Voting Rights Act and prohibits backsliding in the ability of minority groups to elected candidates of their choice.¹

Subsection (b) contains provisions requiring compactness and the following of political and geographic boundaries, where feasible.² These traditional redistricting principles, tier-two requirements, must be followed unless doing so would conflict with tier-one requirements.

More than one witness during trial explained their opposition to the passage of these amendments by opining that “you can’t take politics out of politics” or that the amendments would be “impossible to implement.” Perhaps, but they are now a part of our organic law and I am bound to interpret and apply them as best I can in order to give effect to will of the voters as so expressed. See *Re: Senate Joint Resolution of Legislative Apportionment 1176, 83 So. 3d*

¹ The contiguity requirement is not at issue in this case.

² The equal population requirement is not at issue in this case.

597, 597 (Fla. 2012).³ Any act of legislation that is in conflict with the organic law of the constitution is not a valid law. This is a fundamental principle of our political and legal system.

This is a case of first impression interpreting Article III Section 20, dealing with congressional re-districting. The Florida Supreme Court, however, has interpreted the analogue provision in Article III Section 21, which applies to state legislative plans. *See Apportionment I*, 83 So. 3d 597. This lengthy and comprehensive opinion interprets key terms and explains how the various criteria are to be analyzed in reviewing a redistricting plan for constitutionality. It therefore provides me with a detailed road map for reviewing the congressional plan challenged by Plaintiffs.

STANDARD OF REVIEW

A law passed by the legislature is entitled to a presumption of constitutionality. The burden to show otherwise is on those who challenge the law, and that burden is generally said to be beyond a reasonable doubt. This is, in fact, the standard I applied when considering motions for summary judgment earlier in this case. The Plaintiffs ask that I reconsider this decision in light of the Florida Supreme Court's holding to the contrary in *Apportionment I*, and its subsequent language in *League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135 (Fla. 2013).

In *Apportionment I*, the Florida Supreme Court specifically rejected the argument that those who challenge redistricting plans must prove facial invalidity beyond a reasonable doubt. It stated that the plans still come to the Court "with an initial presumption of validity"... and that the review of the plans would be done "with deference to the role of the Legislature in apportionment..." but stated that its

³ Hereafter *Apportionment I*.

constitutionally required independent review brought with it a lesser degree of deference than would be appropriate with other legislation. *Id.* at 606-607.

The question is whether this different standard of review is a consequence of the nature of the act reviewed (a redistricting plan), the nature of the new criteria required by the Fair District Amendments (the expanded scope of review), or the specific constitutional mandate that the State House and Senate plans be reviewed by the Florida Supreme Court irrespective of a specific challenge (the procedural process of obtaining review). It was this latter factor, the constitutional requirement of an independent review, which I felt distinguished this case from *Apportionment I* and thus required the traditional standard of review. Upon reflection, however, I'm not convinced that the different procedural process requires a different standard of review.

It is true that the constitutional mandate for review by the Florida Supreme Court is unique. But should the procedural manner in which a plan is brought before the court for review make a difference in the standard applied in that review? The other two factors noted by the Supreme Court in *Apportionment I*, the nature of the legislation and the criteria to be applied, are the same in this case. The rights protected are just the same and just as important when redistricting occurs for Congress as it is when it occurs for the State House and Senate. Should the voters be entitled to less constitutional protection when the redistricting is for the former rather than the latter? Should actions on the part of the legislature in the redistricting process be deemed in violation of the constitution in one instance but not the other?

I think not, and now conclude that it is the nature of the legislation and the nature of what is reviewed that requires a different standard of review. In *Apportionment I*, the Florida Supreme Court observed:

We conclude that the beyond a reasonable doubt standard is ill-suited for an original proceeding before this Court in which we are constitutionally obligated to enter a declaratory judgment on the validity of the legislative plans. Unlike a legislative act promulgated separate and apart from an express constitutional mandate, the Legislature adopts a joint resolution of legislative apportionment solely pursuant to the "instructions" of the citizens as expressed in specific requirements of the Florida Constitution governing this process.

Apportionment I, 83 So. 3d 597 at 607-608;

There is a difference between the Court's role in reviewing a legislative apportionment plan to determine compliance with constitutionally mandated criteria and the Court's role in interpreting statutes; this Court has stated its responsibility in construing statutes differently. For example, in *Tyne v. Time Warner Entertainment*, 901 So. 2d 802, 810 (Fla. 2006), in upholding a statute as constitutional, the Court stated that it had "an obligation to give a statute a constitutional construction where such a construction is possible." This Court has stated that it is

"committed to the fundamental principle that it has the duty if reasonably possible, and consistent with constitutional rights, to resolve doubts as to the validity of a statute in favor of its constitutional validity and to construe a statute, if reasonabl[y] possible, in such a manner as to support its constitutionality -- to adopt a reasonable interpretation of a statute which removes it farthest from constitutional infirmity."

Apportionment I, 83 So. 3d at 607, n. 5 (quoting *Corn v. State*, 332 So. 2d 4, 8 (Fla. 1976)).

As this language suggests, the reason for the different standard is because apportionment plans cannot be interpreted. The lines are where they are. It is not a question of searching for a reasonable interpretation of a statute which would

make it constitutional. Rather, the inquiry is into the process, the end result, and the motive behind the legislation.

I will therefore, in this case, apply the standard of review articulated in *Apportionment I*, deferring to the Legislature's decision to draw a district in a certain way, so long as that decision does not violate the constitutional requirements, with an understanding of my limited role in this process and the important role of the Legislature. My duty "is not to select the best plan" but to determine whether Plaintiffs have proved the plan invalid. *Apportionment I*, 83 So. 3d 597 at 608.⁴

CHALLENGE TO PLAN AS A WHOLE VERUS A CHALLENGE TO INDIVIDUAL DISTRICTS

Plaintiffs distinguish between their challenge to the redistricting plan as a whole, as being drawn with the intent generally to favor the Republican Party, and their challenge to several individual districts, as being specifically drawn with such intent. I find this to be a false dichotomy, a distinction without difference. The redistricting plan is the result of a single act of legislation. If one or more districts do not meet constitutional muster, then the entire act is unconstitutional. The districts are part of an integrated indivisible whole. So in that sense, if there is a problem with a part of the map, there is a problem with the entire plan.⁵

⁴ As a practical matter, it may make little difference as most of the material facts are not in dispute. Rather, the parties differ as to what inferences and legal conclusions may be properly drawn from those facts. Nor do I interpret *Apportionment I* as significantly reducing the burden on the Plaintiffs to demonstrate the lack of compliance with constitutional requirements. It remains a high burden.

⁵ This is consistent with the approach taken by the Court in *Apportionment I*. The Court invalidated the entire Senate plan but gave specific instructions as to which districts *required* corrective action. *Id.* at 684-686.

That does not mean, however, that portions of the map not affected by those individual districts found to be improperly drawn would need to be changed in a redrawn map, even if a general intent to favor or disfavor a political party or incumbents was proven. What would be the point if the other districts are otherwise in compliance? Such a remedy would go far beyond correcting the effect of such noncompliance, but rather would require a useless act that would encourage continued litigation. Therefore, I have focused on those portions of the map that I find are in need of corrective action in order to bring the entire plan into compliance with the constitution.

EVIDENCE RECEIVED UNDER SEAL OR IN CLOSED PROCEEDINGS

A portion of the trial was closed to the public and certain exhibits entered under seal, pursuant to an order of the Florida Supreme Court. Whether this evidence will ever be made public awaits determination by that court of the correctness of my ruling that the associational privilege of the non-parties from whom the evidence was obtained should yield to the interest in disclosure.⁶ For purposes of such review, I will briefly explain how I weighed and balanced the appropriate factors and why I tipped the scales in favor of disclosure. Rather than file a partially redacted order, any reference to such evidence here will be general in nature so as not to reveal the specific information contained in the exhibits and testimony.

As noted in my previous Orders, I found that the non-parties, the political consultants, had cognizable First Amendment Rights in the documents and testimony sought by the Plaintiffs in this case.⁷ The privilege is not absolute, however, and I had to weigh and balance the competing interests to determine whether that privilege should yield in favor of disclosure.

⁶ The 1st DCA has withdrawn its order reversing my ruling and passed the matter to the Supreme Court. Members of the original panel have set forth in their dissents their reasons for the initial reversal order which I hope to address here.

⁷ I did not find that a trade secret privilege applied.

Specifically, I considered the factors set forth in *Perry v. Schwarzenegger*, 591 F.3d 1147 (9th Cir. 2010) and determined that the privilege should yield. In the interest of time, I did not elaborate in detail my reasons for that conclusion, announced in open court. I thought it important that the parties know what could and could not be used at trial and that the non-parties have time to obtain a stay if further review was deemed appropriate by the appellate court. The reasons I decided that the associational privilege should yield are as follows:

The case before me is of the highest importance, going, as it does, to the very foundation of our representative democracy. "Indeed, as [this Court] succinctly stated, it is "difficult to imagine a more compelling, competing government interest" than the interest represented by the challengers' article III, section 20(a), claims." *League of Women Voters*, 132 So. 3d 135, 147.

The required disclosure was narrowly tailored and limited. Out of approximately 1800 pages of documents, I required the disclosure of less than a third of those. The disclosure was only to the Plaintiffs' attorneys with instructions that they not disclose it to third parties other than staff or retained experts, including to their own clients. I felt that the Plaintiffs' attorneys were in the best position to determine which of these documents were most probative of their claims. As it turned out, they actually offered as evidence only a very small portion of those documents as exhibits.

The documents for which the political consultants claimed privilege evidenced a conspiracy to influence and manipulate the Legislature into a violation of its constitutional duty set forth in Article 3, Section 20 of the Florida Constitution. That was, at least, a reasonable conclusion to be drawn from this and other evidence made available to me in the case to that point. As such, I viewed any chilling effect the release of these documents might have on such

behavior in the future to be not such a bad thing, and the danger to the legitimate exercise of First Amendment rights rather slight.

Some of the communications, and a good deal of the map work product of the non-party political consultants, were transmitted to persons outside of their group, and made very public by submission to the legislature. If this did not constitute an outright waiver of the privilege as to these items, it lessened the strength of a legitimate claim to its protection.

Unlike the politically hot button issue of homosexual marriage, present in *Perry*, the underlying subject matter here was redistricting. Although political partisans are no doubt deeply interested in the process, the redistricting process does not address controversial issues of social and moral values that divide the population. It does not arouse the type of intense passions that might justify a real fear of physical danger or mass public reprisals against the members if the information was made public.

The evidence was highly relevant and not available from other sources. When I considered this factor, I tried my best to look at it from the perspective of the judge rather than the ultimate fact finder, the two roles I play in a non jury trial. One of the principal theories of the Plaintiffs in this case was that legislative staff and leaders collaborated with these political consultants to produce a redistricting map that violated the constitution by favoring the Republican Party and its incumbents.

While it is true that the documents claimed as privileged contain no glaring "smoking gun" in terms of direct communications between the consultants and specific staff or legislators, that does not mean they are not highly relevant. Under their theory of the case, it was essential for the Plaintiffs to first prove that there was a secretive shadow process of map drawing by the

political consultants which found its way into the enacted congressional map before they could prove the second prong -- the connection of this process to the Legislature.

Nor was this evidence available from other sources. Yes, the Plaintiffs engaged in extensive discovery and obtained e-mails and other documentation which they argued was compelling evidence in support of their claim. But the Plaintiffs' advocacy on this point should not be confused with the reality of what they actually had -- which were bits and pieces of information which they sought to weave into a narrative consistent with their theory. The legislature had, in fact, destroyed e-mails and other evidence of communication regarding the redistricting process and so had many of the non-party political consultants.

Throughout the discovery process, these political consultants maintained that they were told by legislative leaders that they could not "have a seat at the table" in the drawing of the redistricting maps, and that they abided by that admonition. They denied having any input in the Legislative map drawing efforts or otherwise trying to influence how the maps were drawn. They denied that they submitted maps in the public submission process for redistricting. Any map drawing on their part was described as a hobby, something for personal use only, an exercise done to see what could be done on a map and to anticipate what the Legislature might produce.

What this additional evidence gave the Plaintiffs was the ability to confront these denials, to lay bare not only the fact that some of these consultants were submitting maps to the legislature, but to show how extensive and organized that effort was, and what lengths they went to in order to conceal what they were doing. Notably, even in the face of this evidence, the non-party witnesses at trial did their best to evade answering direct questions on the subject, often using semantic distinctions to avoid admitting what they had done.

At the time I considered the issue, the Plaintiffs did have some evidence that suggested otherwise but, considering the high burden on them to prove their case, I couldn't say that it would have been enough, or that this additional evidence wouldn't be crucial to the case. After all, I had not heard all of the evidence nor had the opportunity to view it in context. Now that I have, I can say that the evidence filed under seal was very helpful to me in evaluating whether Plaintiffs had proved that first prong of their theory.

Moreover, as noted above, without sufficient proof of this secret, organized campaign to subvert the supposedly open and transparent redistricting process, the question of whether the Plaintiffs could sufficiently tie the Legislature to that effort becomes moot. To conclude that this evidence was not highly relevant to this central issue of legislative intent would have been to pre-judge the case and determine ahead of time that the Plaintiffs would not be able to prove that connection. This I was not prepared to do.

For all of these reasons, I tipped the scales in favor of the First Amendment privileges of the non-parties yielding to the need and interest of disclosure in this particular case.

DETERMINING LEGISLATIVE INTENT GENERALLY

One of Plaintiffs' claims is that the entire redistricting process was infected by improper intent. Specifically, they argue that, despite the Legislature's assertion that its redistricting process was open, transparent and non-partisan, a secret, highly partisan map drawing campaign was being conducted in the shadows that was intended to, and did, favor the Republican Party and its incumbents.

The first question in evaluating this claim is to ask, whose intent? The language in Section 20 prohibits a map being "drawn" to favor or disfavor a political party or an incumbent, not "adopted" or "enacted." Yet, the challenge is to an act passed by the Legislature, a collective

body. When I asked the attorneys at the beginning of trial about this issue, I posed the hypothetical of a staff member charged with actually drawing the map, who did so with the intent to favor a political party, but hid this intent from other staff and members of the Legislature. Both sides agreed that it is the Legislature's intent that is at issue, not the staff member. Plaintiffs' attorneys conceded that, without more, this would be insufficient to show improper intent as contemplated by Article III, Section 20 -- though they assert that the evidence indeed shows more.

There are some real problems in trying to make such a determination of legislative intent in this case. First, when we speak of legislative intent generally, we are concerned with trying to ascertain the meaning of language used in the enacted law. The goal is to interpret the language so as to give it the effect intended. In such a situation, we look to such things as the common meaning of the words used, legislative history, staff reports, statement of legislative intent in the enactment clause, transcripts of committee hearings, and statements made on the floor of the House and Senate. Some legal scholars suggest that one can never determine legislative intent from such sources, or indeed at all.⁸

This problem is exacerbated in a case like the one before me. Here, we are looking at something entirely different. See, e.g., *League of Women Voters of Fla. v. Fla. House of Representatives*⁹, 132 So. 3d 135, 150 (Fla. 2013) ("In this context, however, the 'intent' standard in the specific constitutional mandate of article III section 20(a), is entirely different

⁸ "Anyway, it is utterly impossible to discern what the Members of Congress intended except to the extent that intent is manifested in the only remnant of 'history' that bears the unanimous endorsement of the majority in each House: the text of the enrolled bill that became law." *Graham County Soil & Water Conservation Dist. v. United States ex. rel. Wilson*, 559 US 280, 302 (2010) (Scalia, J., concurring).

⁹ *Apportionment IV*

than a traditional lawsuit that seeks to determine legislative intent through statutory construction.”). It is not the meaning of the words used in the legislation that must be interpreted. We can see clearly where the lines are drawn on the map. Rather, the question is what was the motive in drawing these lines.

In this inquiry, it is extremely unlikely that the bill’s sponsor would stand up on the floor of the House or Senate and advise his or her colleagues that the intent of the legislation is to favor the Republican Party. Nor would you expect such comments at committee meetings, or anywhere else in public for that matter. Even if a legislator expressed such intent on the floor, can we assume that all of his or her colleagues were convinced and so motivated in their votes?

Do we look to evidence of improper intent of the leaders? If so, how many other legislators, if any, would need to be “in on it” in order to find it sufficient proof of the body’s intent? What if legislative leaders and staff knew that partisan groups or individuals were drawing maps with intent to favor a political party and submitting them to the Legislature through third persons in order to conceal the identity of the map drawer, but they didn’t inform legislative members of this? On the flip side, if leaders took reasonable precautions to insulate the staff map drawers from partisan influence, should we conclude that the Legislature therefore had no improper partisan intent in adopting the map? How does that inform us as to what was motivating the members of the legislature?

Certainly, the actions and statements of legislators and staff, especially those directly involved in the map drawing process would be relevant on the issue of intent. As the Florida Supreme Court has explained,

the communications of individual legislators or legislative staff members, if part of a broader process to develop portions of the map, could directly relate to whether the plan as a whole or any specific districts were drawn with unconstitutional intent.... [I]f evidence exists to demonstrate that

there was an entirely different, separate process that was undertaken contrary to the transparent [redistricting] effort in an attempt to favor a political party or an incumbent in violation of the Florida Constitution, clearly that would be important evidence in support of the claim that the Legislature thwarted the constitutional mandate.

Apportionment IV, 132 So. 3d at 149-150. See also, e.g., *Easley v. Cromartie*, 532 U.S. 234, 254

(2001) (finding “some support” for district court’s conclusion that racial considerations predominated in drawing of district boundaries in email sent from legislative staff member to two senators); *Texas v. United States*, 887 F. Supp. 2d 133, 165 (D.D.C. 2012) (noting that an “email sent between staff members on the eve of the Senate Redistricting Committee’s markup of the proposed plan” fueled the court’s “skepticism about the legislative process that created” a challenged district).

It is very difficult, however, to know when such evidence establishes not just individual intent or motive, but the intent or motive of the collective body. It seems that the more reliable focus in such an inquiry would be on what was actually produced by the Legislature, the enacted map. Specifically, an analysis of the extent to which the plan does or does not comply with tier two requirements is a good place to start. Can one draw a map that meets tier-two requirements but nonetheless favors a political party or an incumbent? Sure, but it is more difficult.

Furthermore, a failure to comply with tier-two requirements not only supports an inference of improper intent, it is an independent ground for finding a map unconstitutional. See *Apportionment I*, 83 So. 3d 597 640-641. Additional direct and circumstantial evidence of intent may serve to strengthen or weaken this inference of improper intent. Therefore, I first examine the map for apparent failure to comply with tier-two requirements of compactness and utilization of political and geographical boundaries where feasible, then consider any additional evidence that supports the inference that such districts are also in violation of tier-one requirements.

SPECIFICALLY CHALLENGED DISTRICTS

The tier-two standards at issue in this case are compactness and the requirement that districts follow geographic and political boundaries where feasible. Because Florida and many of its counties are cities are not perfectly square or round, there is often tension between these two requirements.

An evaluation as to compactness “begins by looking at the shape of a district.” *Apportionment I*, 83 So. 3d 597, 634 (internal quotation marks and citation omitted). A district “should not have an unusual shape, a bizarre design, or an unnecessary appendage unless it is necessary to comply with some other requirement.” *Id.*; see also *Id.* at 636 (emphasizing that “non-compact and ‘bizarrely shaped districts’ require close examination”). Districts “containing . . . finger-like extensions, narrow and bizarrely shaped tentacles, and hook-like shapes . . . are constitutionally suspect and often indicative of racial and partisan gerrymandering.” *Id.* at 638 (internal quotation marks and alteration omitted). Thus, for example, the Florida Supreme Court struck down several Florida Senate districts in the Initial 2012 Senate Plan in part because those districts had “visually bizarre and unusual shapes.” *Id.*

The compactness review should also utilize “quantitative geometric measures of compactness” derived from “commonly used redistricting software.” *Id.* at 635. For example, the Florida Supreme Court has relied on the Reock method and the Area/Convex Hull method to assess compactness of voting districts. See *Id.* The Reock method “measures the ratio between the area of the district and the area of the smallest circle that can fit around the district.” *Id.* The Area/Convex Hull method “measures the ratio between the area of the district and the area of the minimum convex bounding polygon that can enclose the district.” *Apportionment I*, 83 So. 3d 597, 635.

Tier-two mandates also direct the Legislature to draw districts utilizing existing political and geographical boundaries where feasible. Political boundaries include “cities and counties,” *Id.* at 637, while geographical boundaries include “rivers, railways, interstates and state roads,” *Id.* at 638. This requirement is more flexible than the compactness requirement. But “the choice of boundaries” is not “left entirely to the discretion of the Legislature,” *Id.* at 637, and it may not use any boundary (e.g., a “creek or minor road”) that suits its purposes, *Id.* at 638. In addition, although no priority of importance is given to either, the requirement to use existing boundaries contains the modifier, “where feasible.”

A. Congressional District 5

Congressional District 5 does not adhere to the tier-two standards in Article III Section 20. It is visually not compact, bizarrely shaped, and does not follow traditional political boundaries as it winds from Jacksonville to Orlando. At one point, District 5 narrows to the width of Highway 17. The district has a Reock score of only 0.09. Enacted District 5 has majority black voting age population (BVAP), but the benchmark districting was only a plurality BVAP district. The Defendants’ argument that the vote dilution provision of Article III Section 20 and Section 2 of the Voting Rights Act required a majority BVAP district and that this configuration was necessary to achieve that end, is not supported by the evidence.

Plaintiffs have shown that a more tier-two compliant district could have been drawn that would not have been retrogressive. The plans proposed by the House of Representatives prior to conference committee plan 9047 being adopted were all more compact and split fewer counties. While not model tier-two compliant districts, these iterations did avoid the narrow appendage jutting from the body of the district into Seminole County. Such appendages are particularly suspect of prohibited intent to benefit a political party or incumbent. Furthermore, the House’s

various iterations achieved a BVAP of between 47 and 48 percent. The House's chief map drawer, Alex Kelly, testified that he performed a functional analysis on these iterations, and that this level of minority population would not have been retrogressive. Indeed, this is higher than the BVAP of benchmark district when it was enacted.

The vote dilution provisions in Article III, Section 20 and in the Voting Rights Act do not require the creation of a majority-minority district wherever possible, but only where certain conditions—conditions first announced in *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986)—are satisfied. First, three preconditions must be present: (i) the minority population is sufficiently large and geographically compact to be a majority of the voting-age population; (ii) the minority population is politically cohesive; and (iii) the majority population votes sufficiently as a bloc to enable it usually to defeat the candidates preferred by minorities. *Apportionment I*, 83 So. 3d at 622 (citing *Gingles*, 478 U.S. at 50-51).

The Legislature made no effort during the redistricting process to determine if the *Gingles* preconditions existed for this district, nor does the evidence introduced at trial demonstrate that they exist now. The minority population is not sufficiently large and geographically compact to constitute a majority of the voting age population. To achieve a BVAP over 50%, the district connects two far flung urban populations in a winding district which picks up rural black population centers along the way. The *Gingles* compactness inquiry certainly is focused on more than just district lines. See *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 433 (2006). But it also doesn't ignore such lines. See *Id.* District 5 is simply not compact for the purpose of the *Gingles* analysis.

Nor does the evidence prove the third precondition. There is no dispute that there is racially polarized voting in Northeast Florida. However, Defendants have not shown that this

polarization is legally significant. Because "the extent of bloc voting necessary to demonstrate that a minority's ability to elect its preferred representatives is impaired varies according to several factual circumstances, the degree of bloc voting which constitutes the threshold of legal significance will vary from district to district." *Thornburg v. Gingles*, 478 U.S. at 50. The evidence is undisputed that the benchmark district, which was never majority-minority, elected an African-American to Congress during its entire existence. Additionally, analysis by Dr. Brunell, an expert retained by the House, suggested that there would be a 50/50 ability to elect a minority candidate of choice with a BVAP as low as 43.6 %. Thus, the evidence does not establish that the majority population votes sufficiently as a bloc to enable it usually to defeat the candidates preferred by minorities.

I also find that the decision to increase the district to majority BVAP, which was accomplished in large part by creating the finger-like appendage jutting into District 7 and Seminole County, was done with the intent of benefiting the Republican Party. I reach this conclusion based in part on the inference that the Florida Supreme Court suggested could be drawn from oddly shaped appendages that had no legal justification. *See Apportionment I*, 83 So. 3d at 618 ("Where the shape of a district in relation to the demographics is so highly irregular and without justification that it cannot be rationally understood as anything other than an effort to favor or disfavor a political party, improper intent may be inferred"). This inference is also buttressed by the evidence of improper intent in the redistricting process generally, and as specifically related to the drawing of District 5, the most significant of which I will outline now.

1. In General

Plaintiffs' theory of the case regarding improper intent is that Republican leadership in the House and the Senate, their key staff members, and a small group of Republican political

consultants conspired to avoid the effective application of the Fair District Amendments to the redistricting process and thereby successfully fashioned a congressional map that favors the Republican Party and its incumbents. The strategy they came up with, according to the Plaintiffs, was to present to the public a redistricting process that was transparent and open to the public, and free from partisan influences, but to hide from the public another secretive process. In this secretive process, the political consultants would make suggestions and submit their own partisan maps to the Legislature through that public process, but conceal their actions by using proxies, third persons who would be viewed as "concerned citizens," to speak at public forums from scripts written by the consultants and to submit proposed maps in their names to the Legislature, which were drawn by the consultants.

What is clear to me from the evidence, as described in more detail below, is that this group of Republican political consultants or operatives¹⁰ did in fact conspire to manipulate and influence the redistricting process. They accomplished this by writing scripts for and organizing groups of people to attend the public hearings to advocate for adoption of certain components or characteristics in the maps, and by submitting maps and partial maps through the public process, all with the intention of obtaining enacted maps for the State House and Senate and for Congress that would favor the Republican Party.

They made a mockery of the Legislature's proclaimed transparent and open process of redistricting by doing all of this in the shadow of that process, utilizing the access it gave them to the decision makers, but going to great lengths to conceal from the public their plan and their participation in it. They were successful in their efforts to influence the redistricting process and the congressional plan under review here. And they might have successfully concealed their

¹⁰ Although one of this group took umbrage at the term operative, another self-described himself as such. I will use the terms interchangeably to refer to the same group.

scheme and their actions from the public had it not been for the Plaintiffs' determined efforts to uncover it in this case.

The closer question is whether the Legislature in general, or the leadership and staff principally involved in drawing the maps, knowingly joined in this plan, or were duped by the operatives in the same way as the general public. The Defendants argue that if such a conspiracy existed, there is no proof that anyone in the Legislature was a part of it. If portions of the operatives' maps found their way into the enacted maps, they say, it was not because leadership or staff were told or knew they came from this group, but rather because the staff, unaware of their origins, saw the proposals as improving the draft maps they were working on.

The most compelling evidence in support of this contention of the Defendants is the testimony of the staff members who did the bulk of the actual map drawing for the Legislature. I had the ability to judge the demeanor of Alex Kelly, John Guthrie and Jason Poreda at trial and found each to be frank, straightforward and credible. I conclude that they were not a part of the conspiracy, nor directly aware of it, and that significant efforts were made by them and their bosses to insulate them from direct partisan influence. I accept that their motivation in drawing draft maps for consideration of the Legislature was to produce a final map which would comply with all the requirements of the Fair District Amendments, as their superiors had directed them.

That being said, the circumstantial evidence introduced at trial convinces me that the political operatives managed to find other avenues, other ways to infiltrate and influence the Legislature, to obtain the necessary cooperation and collaboration to ensure that their plan was realized, at least in part. They managed to taint the redistricting process and the resulting map with improper partisan intent. There is just too much circumstantial evidence of it, too many coincidences, for me to conclude otherwise.

a. Destruction of Records

The Legislative Defendants argue that despite the extensive discovery conducted by the Plaintiffs, there is a paucity of documentary evidence that ties the activities of the operatives with a single legislator so as to prove improper legislative intent. I note, however, that the Legislators and the political operatives systematically deleted almost all of their e-mails and other documentation relating to redistricting. There was no legal duty on the part of the Legislature to preserve these records, but you have to wonder why they didn't. Litigation over their plans was "a moral certainty," as their lawyers put it earlier in this case, and intent would be a key issue in any challenge.

b. Early Meetings of Legislative Leaders and Staff with Political Consultants

In December of 2010 and January of 2011, Legislative leaders, staff members and attorneys met with a group of Republican political consultants to discuss the upcoming 2012 redistricting process. The attendees for one or both included Senator Gaetz, Representative Weatherford, legislative staff members Alex Kelly, Chris Clark and John Guthrie, counsel for the House and Senate, Richard Heffley, Marc Reichelderfer, Patrick Bainter, Benjamin Ginsberg, Joel Springer, Andrew Palmer, and Frank Terraferma.

Clark was the chief legislative aide for Gaetz during the 2012 Redistricting Process and Guthrie was the Senate staff member in charge of map drawing. Heffley was a political consultant who has worked with a number of Republican legislators and candidates, including Gaetz. He was, at the time, under contract with The Republican Party of Florida (RPOF) to provide unspecified services relating to redistricting. Reichelderfer was a political consultant who had worked with a number of Republican legislators and candidates, including Speaker Dean Cannon. Bainter was a political consultant who had worked with a number of Republican

legislators and candidates, including Representative Daniel Webster. Bainter was the owner of Data Targeting, Inc. ("Data Targeting"), a political consulting and polling firm located in Gainesville, Florida. Ginsberg was an attorney based in Washington, D.C., recognized in the area of redistricting and had represented the National Republican Party in redistricting matters. He also either was or came to be counsel for Heffley, Reichelderfer and Terraferma. Springer was employed by the RPOF as director of Senate campaigns. Palmer was employed by the RPOF as director of House campaigns. Terraferma was a political consultant who worked with a number of Republican legislators and candidates, including Weatherford.

The meetings were not open to the public, and there is no written record of what was discussed at either meeting. No one who testified at trial about them seemed to be able to remember much about what was discussed, though all seemed to agree that the political consultants were told that they would not have a "seat at the table" in the redistricting process. No one clearly articulated what that meant exactly, but there was testimony that they were told that they could still participate in redistricting through the public process "just like any other citizen." One witness testified that the participants discussed whether a privilege could be identified to prevent disclosure of redistricting-related communications among political consultants, legislators, and legislative staff members, and concluded that no privilege would apply.

Reichelderfer prepared a memorandum following the December, 2010 meeting that included the following notations: "What is our best operational theory of the language in [Amendments] 5 and 6 related to retrogression of minority districts?"; "Central FL Hispanic seats? Pros and Cons"; "Evolution of maps – Should they start less compliant and evolve through the process – or – should the first map be as near as compliant as possible and change very little?

Or other recommendations?"; "Communications with outside non-lawyers – how can we make that work?"

There is nothing necessarily sinister about such meetings. Most of the attendees were friends or professional colleagues and perhaps it could be considered a courtesy extended. But it doesn't look good if you are promoting openness, transparency and neutrality in the redistricting process. There was really no reason to convene two meetings just to tell active political partisans of the Republican Party that they would not "have a seat at the table." A letter or e-mail would suffice, or some general public announcement as to what the protocol would be going forward.

And there are a few curious things about these meetings and their connection to subsequent events that are troubling. First, this was a highly partisan group and all the political consultants were very interested in the redistricting process. It is inconceivable to me that, if as testified to, they were advised that they could participate in the public process "just like any other citizen," they would not have done so. How could these political consultants, who were intensely interested in the process, whose jobs or livelihoods were tied into protecting their clients' and their party's interests with respect to redistricting, not take the opportunity to submit proposed maps through the public portal, to attend at least some of the public hearings and speak out?

The reality, and the irony, is that there would be absolutely nothing wrong about the attendees at those meetings submitting proposed maps or partial maps. The difference is, if done in the open, then those reviewing the submissions could take into account the source in evaluating whether it was neutral or whether it might tend to favor or disfavor a political party or an incumbent. One of the political consultants lamented that if he had submitted maps in his own name, he would probably have come under attack, accused of trying to favor his party or its

incumbents. Well, of course his submission might be closely scrutinized, in the same way that a proposed map submitted by the Florida Democratic Party might be taken with a grain of salt. That's how it should be if one is concerned about improper partisan intent influencing the drawing of the map.

Regardless, given the circumstances, it's hard to imagine that the legislative leaders and staffers would not have expected active participation in the public redistricting process by those political consultants at the meetings. And when the process was under way and maps were being submitted by members of the public, and public hearings were being held, and these political consultants were not in attendance, and none of the maps coming from the public had any of their names on them, I would think that the staff and legislative leaders would find it extremely strange, that they might even ask why not. But they didn't.

One of the things that the Defendants tout as showing that there was no improper partisan intent in the drafting of the maps is to point to the fact that as things progressed, each succeeding map that was drawn was an improvement over the one before it in terms of compactness, leaving cities and counties intact and following geographical boundaries. Coincidentally, though, that corresponds with a strategy suggested from Reichelderfer's notes, i.e., start with less compliant maps and work toward a more compliant map.

The Defendants also tout the opportunity for the public to have input by submitting proposed maps or partial maps, and by attending public hearings which were held throughout the state. And, the Defendants point out, all of this was open, transparent and on the record. Although that sounds like a good idea -- who can argue that openness and transparency are not good things when it comes to government -- it provided the means by which partisan maps, secretly drawn and submitted by political operatives, could be incorporated into the enacted map

with no one in the general public the wiser. Staff members were encouraged to consider maps submitted by the public and if they contained concepts or configurations that made the draft map "better," to incorporate them.

Paid political operatives aside, when you think about it, anybody who would go to all the trouble of drawing a map and presenting it to the legislature for consideration is probably more likely to be motivated by personal or party politics than by an altruistic desire to draw the most constitutionally compliant map possible, free of any partisan intent. And if so, relying upon publicly submitted maps may not be the best way to protect against partisan influence.

If you choose, however, to accept and perhaps rely upon publicly submitted maps, it seems to me that you should have a way to address the possible, nay probable, partisan intent of the drafters of at least some of those maps. The Legislature's answer was apparently to ignore it. Both the Senate and the House leadership instructed their staff not to consider the potential political performance of any district drawn (except in the House as to districts involving tier one minority issues), nor were they to concern themselves with the origins or the author of any publicly submitted map.

This seems on its face a neutral approach, and I appreciate the dilemma that arises: If I start evaluating a proposed map for political performance because of suspicion that it is the result of improper partisan intent, and make "corrections," haven't I now altered the map with the intent to favor or disfavor a political party? While I appreciate this concern, I don't know that it is a satisfactory answer to say that, as long as the improper intent behind a submitted map did not originate with me, and I am not expressly told about it, I don't have to worry about it. Turning a blind eye to the probability of improper intent in these maps is not the same as neutrality.

Perhaps it would be best to have it out on the table for all to see and evaluate.

Considering political performance is not the same as intending to favor or disfavor a political party or incumbent, and an open process would assist in evaluating which was in play in a particular situation. And in truth, every single legislator or senator could very easily determine on their own the potential political performance of any district on a proposed map and vote on it accordingly. Any interested citizen could access such information and advise their representative of his or her concerns or feelings about a particular district. You might insulate the staffers from political consultants and partisan influences but you can't insulate the entire Legislature.

c. Continued Involvement of the Political Consultants in the Redistricting Process

On June 1, 2011, Senator Gaetz sent an email to legislators providing information about upcoming public hearings about the redistricting process. The metadata for the email reveals that a "blind copy" of it was sent to Heffley and Terraferma. At trial, Senator Gaetz had no explanation for why this was done, pointing out only that the information in the e-mail was public information and that he wasn't sure someone else in his office had not sent it out under his name. Again, there would be absolutely nothing wrong with sending this information to Heffley and Terraferma, but why secretly send a blind copy? And if Senator Gaetz did not send it out, someone in his office was keeping these operatives in the loop.

Two of the consultants, Reichelderfer and Hefley, were directly involved in the redistricting process, acting as go betweens for leadership of the two chambers regarding the redistricting process. This was purportedly because of a lack of a good working relationship between the Speaker of the House and the President of the Senate. Yet, by all accounts, the actual staff members of each chamber who were working on the maps got along well with each

other, as did the chairmen of the redistricting committees. Regardless, in their insider roles, Hefley and Reichelderfer did not have to speak directly to staff map drawers, or even leadership, to infect and manipulate the map drawing and adoption process.

As noted above, the House and Senate destroyed most e-mails and other records of communications concerning the redistricting process, as did the political consultants. What was recovered, however, allowed the Plaintiffs to show that Kirk Pepper, Deputy Chief of Staff to then Speaker Dean Cannon, was regularly sending to Reichelderfer copies of various draft maps of the Legislature well before they were disclosed to the public.

The Defendants acknowledge that this was improper, but say it is not evidence of improper intent on the part of the Legislature because: 1) It was done without permission from his boss; 2) It was not done for the purpose of influencing the actual drafting of the maps; 3) Pepper had no map drawing responsibilities and gave no directions on how the maps should be drawn; and 4) He was simply trying to give his friend, Reichelderfer, a heads up on what to expect so that he could get ahead of his competition and better advise his clients.

Pepper and Reichelderfer apparently did communicate about the political performance of the maps, however, as evidenced by a series of e-mails between the two. For example, on November 27, 2011, right after receiving an early unpublished copy of the Senate's first draft congressional map from Pepper, Reichelderfer advised Pepper that the district of Representative Daniel Webster was "a bit messed up," and Pepper responded by inquiring "performance or geography?" Mr. Pepper testified that, though it may seem that they were discussing political performance, his reply to his friend was actually a signal reminding him that they should not discuss such things. Perhaps, but that is a very unusual and illogical interpretation.

In an email exchange with Reichelderfer, Representative Cannon commented that “we are in fine shape” as long as “the Senate accommodates the concerns that you [Reichelderfer] and Rich [Heffley] identified in the map that they put out tomorrow.” The Defendants explained this exchange by saying that the concerns referred to was the general concern by the House that the Senate map would be so far different than the House map that it would make reconciliation of the two maps difficult. Again, perhaps, but this seems a stretch given the language used.

In October of 2011, Frank Terraferma e-mailed Chairman Weatherford reporting that Pepper was at the Republican Party of Florida huddled on a computer with Rich Hefley and working on “congressional redistricting if I had to guess.” Now, it’s certainly possible that Terraferma was mistaken or simply speculating without any basis, as was suggested at trial, but one has to wonder why he would make this assumption if Pepper really had nothing to do with the redistricting process. Maybe not officially, but as noted above, he was heavily involved in helping his friend, Reichelderfer with inside information. From November 2011 until January 2012, Pepper transmitted at least 24 draft maps to Reichelderfer. In most cases, Pepper provided the draft maps to Reichelderfer before their release to the public. In many cases, Pepper provided Reichelderfer with draft maps that were never released to the public.

Reichelderfer made a number of modifications to these and other maps that he received from Pepper. Some of those revisions combine a District 5 with a Black VAP of over 50% and a Hispanic VAP of District 9 over 40%. (*Compare* CP Ex. 885 with CP Ex. 1050). As a result of such changes, the performance of Districts 5, 7, 9, and 10 went from being four Democratic performing or leaning seats in early maps such as H000C9001 to two Democratic and two Republican performing seats in the enacted map, H000C9047 based on the results of the 2008

presidential election.¹¹ Indeed, many of the maps and partial maps the consultants focused on seemed to be in the Central Florida area, which coincidentally were the areas in the enacted map I have found to be problematic.

d. Prior Finding of Partisan Intent in State Senate Plan

The Florida Supreme Court found improper partisan intent present in the State Senate Map. The same process and the same people were involved in drafting the congressional map. It seems unlikely that the same taint would not affect that map as well. There is a difference in that the former was drawn without any input from the House and the latter the result of a collaborative effort. I note, however, that my concerns with Districts 5 and 10 involve changes to the House's map in deference to the Senate. The problems that I find in Districts 5 and 10 were not present, at least to the same degree, in the House version.

2. Evidence of Partisan Intent Specifically Related to District 5

The decision to change District 5 to make it a majority BVAP was made at a non-public meeting attended by Alex Kelly and John Guthrie, the chief map drawers for the House and Senate respectively, and Will Weatherford and Don Gaetz, chairmen of the redistricting committees in their respective chambers. They had been given direction before the meeting from their respective chamber leaders, Speaker of the House Dean Cannon and Senate President, Mike Haridopolis. Notably, Alex Kelly testified that Speaker Cannon told him that the Senate would likely request to push District 5 over 50% BVAP and that they should be prepared to accede to that request. Speaker Weatherford¹² testified that the House only went along with this request because the Senate made a "compelling" argument for it, but he could not remember the substance of the argument. The reason given at trial for this change was that the District was

¹¹ Demographic, election, and compactness data are derived from Joint Exhibit 1, unless otherwise stated.

¹² Then Chairman Weatherford

very close to 50% BVAP and that it seemed prudent to avoid a possible VRA suit by bumping it up enough to create a majority-minority district. That justification is not compelling, without some showing that it was legally necessary to create a majority-minority district.

The changes also increased the Republican performance of neighboring District 7.¹³ In the version of District 7 House Plan 9043, Alex Sink (D) would have received 48.5% of the two-party vote in the 2010 gubernatorial election, Barack Obama (D) would have received 50.5% of the two-party vote in the 2008 presidential election, and Jim Davis (D) would have received 39.7% of the two-party vote in the 2006 gubernatorial election. In the enacted version of District 7, Alex Sink (D) would have received 47.5% of the two-party vote in the 2010 gubernatorial election, Barack Obama (D) would have received 49.6% of the two-party vote in the 2008 presidential election, and Jim Davis (D) would have received 39.0% of the two-party vote in the 2006 gubernatorial election. The change resulted in a decrease in registered Democrats in District 7 from 36.0% to 35.0% based on 2010 general election data.

Based on the above, I find that Plaintiffs have proved that District 5 unnecessarily subjugates tier-two principals of compactness. They have also proved portions of District 5 were drawn to benefit the Republican Party, in violation of tier-one. Accordingly, District 5 is invalid and must be redrawn. Any surrounding districts affected by such a change must likewise be redrawn.

Congressional District 10

District 10 is overall fairly compact. It has a Reock Score of .39 and a Convex Hull Score of .73. However, there is an odd-shaped appendage which wraps under and around District 5, running between District 5 and 9. Such appendages render a district not compact

¹³ The increased Republican performance is admittedly marginal, particularly when comparing enacted CD 7 with the analogue district in Senate map 9014. However, close political races are almost always won or lost on the margins.

pursuant to tier-two standards and should be avoided unless necessary to comply with tier-one requirements. *See Apportionment I*, 83 So. 3d at 634 (“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”). Plaintiffs have shown that the district could be drawn in a more compact fashion, avoiding this appendage. Plaintiffs adduced multiple iterations emanating from the House redistricting suite which did not contain this appendage and were otherwise more compact. Indeed these iterations were more compact in Central Florida generally, as the chart below will show.

Central Florida Regional Compactness Chart

CD5	0.09	0.29	0.10	0.35
CD7	0.60	0.77	0.67	0.86
CD8	0.34	0.76	0.32	0.73
CD9	0.48	0.80	0.66	0.90
CD10	0.39	0.73	0.42	0.83
CD15	0.44	0.75	0.60	0.81
CD17	0.67	0.82	0.64	0.83
AVG.	0.43	0.70	0.49	0.76

The *Central Florida Regional Compactness Chart* lists compactness scores for all districts included in Orange, Osceola, and Polk Counties.

Defendants contend that this appendage, and the configuration of Central Florida generally, is necessary to achieve tier-one minority protection in both Districts 5 and 9. Because the appendage is highly populated and white majority, they argue that placing its population in either of those districts would have impermissibly lowered the minority VAP. I cannot agree.

While the creation of a Hispanic influence district in CD 9 may be a legitimate goal, there is no evidence before me to suggest that it was entitled to tier-one protection. There was no Hispanic opportunity district in Central Florida under the benchmark plan. There was no evidence that a district without the appendage would lead to retrogression elsewhere. Indeed

House plan 9043 had a non-retrogressive BVAP of 48.03% in CD 5 and a HVAP of 39.59% in CD 9.¹⁴ Nor is District 9 entitled to vote-dilution protection. There was no evidence to suggest that a Hispanic majority district could be created in Central Florida. Defendants cannot justify deviation from a tier-two *constitutional requirement* because of a desire to create a Hispanic influence district.

I also find that District 10 was drawn to benefit the Republican Party and the incumbent. I reach this conclusion based in part on the inference that the Florida Supreme Court suggested could be drawn from oddly shaped appendages that had no legal justification. *See Apportionment I*, 83 So. 3d at 618. This inference is also buttressed by the general evidence of improper intent outlined above in my analysis of District 5 and the following evidence related specifically to the drawing of District 10.

The appendage benefited the incumbent Representative Webster by returning to District 10 territory that was part of his benchmark District 8 and improved the Republican performance of District 10 in two out of the three elections relied upon by the Florida Supreme Court in *Apportionment I*. In the version of District 10 in H000C9043, Alex Sink (D) would have taken 44.9% of the two-party vote in the 2010 gubernatorial election, Barack Obama (D) would have received 48.0% of the two-party vote in the 2008 presidential election, and Jim Davis (D) would have received 39.0% of the two-party vote in the 2006 gubernatorial election. In the enacted version of District 10, Alex Sink (D) would have received 45.6% of the two-party vote in the 2010 gubernatorial election, Barack Obama (D) would have received 47.6% of the two-party vote in the 2008 presidential election, and Jim Davis (D) would have received 38.9% of the two-

¹⁴ It is true that CD 9 in plan 9043 did not keep Osceola County whole. The goal of keeping cities and counties whole is laudable and required where "feasible." Compactness on the other hand has no such modifier in its constitutional prescription, "suggesting that in balancing this criterion with compactness, more flexibility is permitted." *Id.* at 636.

party vote in the 2006 gubernatorial election. In addition, the change lowered the number of registered Democrats in District 10 from 37.2% in H000C9043 to 36.8% in H000C9047 based on 2010 general election data.

Dr. Ansolabehere also testified that the changes between House plan 9043 and adopted plan 9047 altered the boundaries of that district primarily by moving 80,000 voting age people out of District 10 into District 9, while moving 71,000 voting age people out of District 9 to District 10. Dr. Ansolabehere testified that these changes were not necessary to make District 9 a minority-performing district, because without them District 9 was already a minority-performing district, and the populations that were shifted were majority white populations. As a result of this appendage, the decrease in Democratic registration in District 10 and corresponding increase in Democratic registration in the already comfortably Democratic District 9 were of significant Republican benefit for a competitive district such as District 10.

Plaintiffs have proved that District 10 unnecessarily subjugates tier-two principles of compactness. They have also proved portions of District 10 were drawn to benefit the Republican Party, in violation of tier-one. Accordingly, District 10 is invalid and must be redrawn, as must the surrounding districts affected by such change.

Districts 13 & 14

Plaintiffs claim that Districts 13 and 14 are unconstitutional because they violate the tier-two standard, requiring that, where feasible, districts should utilize existing political and geographic boundaries. Plaintiffs point to District 14, which reaches across Tampa Bay to take in a portion of South St. Petersburg, splitting the city of St. Petersburg and Pinellas County. Plaintiffs suggest that this configuration is not justified by any tier-one consideration. They

suggest that it is indicative of improper intent to benefit the Republican Party and the incumbent, the late Republican Congressman Bill Young.

The benchmark predecessor to District 14 (District 11 in 2002) had a BVAP population of 26.78% and a HVAP of 25.84%. As adopted, Congressional District 14 has a BVAP of 25.63% and a HVAP of 25.61%. Romo Plaintiff's proposed maps A and B have a BVAP of 21.73% and a HVAP of 26.91%

Plaintiffs have not proved tier-two deviations. While the Romo Plaintiffs' proposed map does increase the compactness of District 13, it causes District 14 to become less compact under both Reock and Convex Hull measurements. On a regional level, the Romo proposed map causes every district which touched District 13 and 14 to become less compact than the adopted plan, 9047. As the chart below shows, the Romo maps would decrease the compactness in five of the six districts, while increasing the compactness in only one. The legislature was not required to make this tradeoff in compactness to avoid splitting Pinellas County.

Tampa Bay Regional Compactness Chart

	Reock Score		Convex Hull Score	
	Congressional Plan	Romo Maps	Congressional Plan	Romo Maps
CD12	0.40	0.38	0.81	0.79
CD13	0.46	0.57	0.82	0.91
CD14	0.36	0.28	0.69	0.60
CD15	0.44	0.33	0.75	0.67
CD16	0.42	0.32	0.81	0.80
CD17	0.67	0.39	0.82	0.68
AVG.	0.46	0.38	0.78	0.74

The Tampa Bay Regional Compactness Chart lists compactness scores for all which include portions of Hillsborough, Pasco, Pinellas, and Manatee Counties the adopted plan.

Nor have Plaintiffs proved that the decision to include portions of Pinellas County in District 14 was the result of partisan mal-intent to benefit the Republican Party. Unlike Districts 5 and 10, there are no flagrant tier-two deviations from which I can infer unlawful intent. The

decision to have District 14 invade Pinellas County was made early in the process by the professional staff, as most if not all of the iterations emanating from both houses broke into Pinellas County. Thus, unlike changes made to District 5 by the leaders during conference committee, this decision was made by the Staff whom I have found were insulated from the political consultants. I simply cannot conclude, on partisan effect alone, that the decision to incorporate portions of South St. Petersburg into District 14 was done with the intent to benefit the Republican Party or the incumbent member of Congress.

Districts 21 & 22

Plaintiffs contend that Districts 21 and 22 are invalid. They point to testimony from Alex Kelly along with redistricting iterations emanating from the House redistricting suite. They suggest it was possible to draw Districts 21 and 22 stacked on top of each other north to south rather than in the adopted configuration with the districts running parallel to each other down the coast. This configuration could have avoided county and city splits. Plaintiffs contend that failure to adopt this configuration was an unnecessary deviation from tier-two requirements and evidenced an intent to benefit the incumbents in that area.

Plaintiffs have not met their burden of proving unnecessary deviation from tier-two requirements. The iteration Plaintiffs point to might be more compliant with tier-two in a vacuum, but they have not shown that it could be achieved without violating tier-one requirements for minority protection in neighboring District 20.¹⁵ Alex Kelly did testify that this configuration could be accomplished without retrogression. However, the inquiry does not end there because the benchmark district was a majority black district. CP 905, which was discussed extensively at trial, does not attain majority BVAP status in District 20. There was no testimony at trial about District 20 and whether it met the *Gingles* preconditions such that it was protected

¹⁵ The Romo Plaintiffs' proposed map adopts the same general configuration as the Legislature's enacted map.

under the vote dilution provisions of Section 2 of the VRA. Because District 20 was a majority black district in the benchmark, I am reluctant to invalidate the Legislature's plan absent a showing that more tier-two compliant districts could be drawn while not violating either tier-one requirement regarding racial minority protection. *See Apportionment I*, 83 So. 3d 597, 641 ("If an alternative plan can achieve the same constitutional objectives that prevent vote dilution and retrogression . . . without subordinating one standard to another demonstrates that it was not necessary for the Legislature to subordinate a standard in its plan").

Plaintiffs did produce a couple of draft iterations that achieved majority black status for District 20.¹⁶ However, after visually examining these districts I don't find sufficient tier-two improvements to justify invalidating the Legislature's product.¹⁷ These districts have a more irregular boundary in Hendry County, compared to the enacted plan. Additionally, the stacked configuration of Districts 21 and 22 causes both districts to be deeply invaded by tentacles reaching from District 20. In enacted plan 9047, District 21 has no such appendage invading it and is quite visually compact. Furthermore, these iterations cause District 23 to become more visually non-compact, creating two distinct areas, joined by a narrower section.

Plaintiffs have not met their burden of showing unnecessary deviation from tier-two requirements given the various tradeoffs required to draw compact districts in the region as a whole. Nor have they shown that improper intent led to the adoption of Districts 21 and 22. My "duty 'is not to select the best plan, but rather to decide whether the one adopted by the legislature is valid.'" *Apportionment I*, 83 So. 3d at 608 (quoting *In re Apportionment Law—1992*, 597 So. 2d at 285).

¹⁶ CP 909; CP913.

¹⁷ Plaintiffs did not provide compactness scores for these districts, so my analysis is limited to the ocular test.

Districts 25, 26, & 27

Plaintiffs contend that these districts are invalid because the Legislature unnecessarily split Hendry County between two districts and unnecessarily split the city of Homestead. They also contend that the configuration was done to benefit the Republican Party.

Plaintiffs have not proved invalidity. A regional view of South Florida shows that any tier-two differences between the enacted map and Romo Plaintiffs' maps are *de minimis*. Indeed the enacted plan splits the same number of counties, while splitting one less city. Were I to invalidate the enacted plan based on the objective tier-two evidence before me, I would be selecting a plan I found subjectively better rather than determining if Plaintiffs have proved the enacted plan invalid. *Id.* Nor do I find based on the totality of the evidence that this configuration was based on unlawful partisan intent. Moreover, I credit the testimony of Professor Moreno that Romo A & B could have a retrogressive effect on the Hispanic majority districts in South Florida.

South Florida Regional Compactness Chart

CD18	0.50	0.82	0.42	0.77
CD20	0.48	0.74	0.49	0.75
CD21	0.28	0.60	0.28	0.62
CD22	0.18	0.61	0.22	0.53
CD23	0.27	0.57	0.28	0.56
CD24	0.38	0.73	0.37	0.76
CD25	0.40	0.73	0.42	0.65
CD26	0.18	0.46	0.17	0.49
CD27	0.46	0.81	0.59	0.84
AVG.	0.35	0.67	0.36	0.66

The *South Florida Regional Compactness Chart* contains compactness scores for all districts included in Palm Beach, Broward, Miami-Dade, and Monroe Counties.

South Florida Regional County and City Split Chart

	CONGRESSIONAL PLAN	ROMO A & B
Split Counties	5	5
Counties Splits	19	18
Split Cities	18	19
City Splits	45	42

This table uses the same 9 districts included in the South Florida Regional Compactness Table. ¹⁸

CONCLUSION

As I find the Legislature's remaining affirmative defenses to be without merit, I find the Congressional Redistricting plan adopted by the Legislature to be constitutionally invalid.

¹⁸The specific counties and cities split are as follows:

Congressional Plan Split Counties by District

Broward- 20, 21, 22, 23, 24, 25
 Collier- 19, 25
 Hendry- 20, 25
 Miami-Dade- 23, 24, 25, 26, 27
 Palm Beach- 18, 20, 21, 22

Congressional Plan Split Cities by District

Boynton Beach- 20, 22
 Deerfield Beach- 20, 21, 22
 Fort Lauderdale- 20, 22, 23
 Hialeah- 25, 27
 Homestead, 26, 27
 Lake Worth- 20, 22
 Lantana- 20, 22
 Margate- 20, 21
 Miami- 24, 27
 Miramar- 24, 25
 Oakland Park- 20, 22
 Pembroke Pines- 23, 24, 25
 Plantation- 20, 22, 23
 Pompano Beach- 20, 21, 22
 Riviera Beach- 18, 20, 22
 Royal Palm Beach- 18, 20, 21
 Sunrise- 20, 22, 23
 West Palm Beach- 18, 20, 22

Romo A & B Split Counties By District

Broward- 20, 21, 22, 23, 24
 Collier- 19, 25
 Miami-Dade- 23, 24, 25, 26, 27
 Palm Beach- 18, 20, 21, 22
 St. Lucie- 8, 18

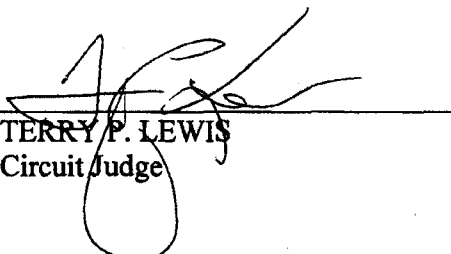
Romo A & B Split Cities by District

Coconut Creek- 20, 21
 Deerfield Beach- 20, 21, 22
 Fort Lauderdale- 20, 22, 23
 Hallandale Beach- 23, 24
 Hollywood- 23, 24
 Margate- 20, 21
 Miami- 24, 27
 Miramar- 20, 24
 North Miami- 23, 24
 Oakland Park- 20, 22
 Pembroke Pines- 23, 24
 Plantation- 20, 22
 Pompano Beach- 20, 21, 22
 Port St. Lucie- 8, 18
 Riviera Beach- 18, 20
 North Miami Beach- 23, 24
 Sunrise- 20, 22, 23
 Tamarac- 20, 21
 West Palm Beach- 18, 20

Specifically, Districts 5 and 10 were drawn in contravention of Article III Section 20 of the Florida Constitution. They will need to be withdrawn, as will any other districts affected thereby. All additional challenges to the plan are rejected. Jurisdiction is reserved to consider any pending or post-judgment motions, and to enter such further orders as may be necessary to effectuate this judgment or to otherwise fashion an appropriate equitable remedy.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 10th

day of July, 2014.


TERRY P. LEWIS
Circuit Judge

Copies to:

All Counsel of Record

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

RENE ROMO, et al,

CASE NO: 2012-CA-412

Plaintiffs,

vs.

KEN DETZNER and PAM BONDI,

Defendants.

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, et al,

CASE NO: 2012-CA-490

Plaintiffs,

vs.

KEN DETZNER, et al,

Defendants.

ORDER ON DEFENDANTS' MOTION TO AMEND THE JUDGMENT

In the Final Judgment entered in this case on July 10, 2014, I found the congressional map drawn by the Legislature to be unconstitutional, specifically finding that certain districts would have to be redrawn. I reserved jurisdiction to enter such additional orders as may be necessary to effectuate an equitable remedy. To date, I have not been presented with a proposed remedial map by the Legislative Defendants and the parties differ wildly as to what should be done at this point.

The Legislative Defendants argue that the only proper remedy is to have them draw a remedial map to conform with the judgment. They further argue that I should amend or clarify the judgment to specify that the 2014 congressional elections will go forward under the present map, and that the remedial map will not be applicable until the

2016 election cycle.

The Plaintiffs urge me to adopt one of their proposed remedial maps, draw one myself, have an independent expert draw one, or if the Legislature is to redraw the map, that I give them specific, detailed instructions on how to do so. Whichever method I choose, however, the Plaintiffs say I must act quickly to modify the election schedule and take any other actions necessary to insure that representatives will be elected in 2014 under the revised map.

For the reasons set forth below, I find the Defendants' positions more sensible and legally sound on almost all points. However, I cannot at this time rule out the possibility of holding 2014 elections for certain districts under a revised map, and thus deny the motion to amend the judgment. Because of time constraints, I will not discuss each argument of the parties in detail, but will attempt to address the key issues.

I agree that the Legislature should redraw the map. Unless and until it becomes obvious that it cannot or will not do so, I will not consider other options. I also agree that it is not necessary or appropriate for me to give specific directions on how to do so, nor to dictate what process they follow. The Legislature's only obligation is to produce a constitutionally compliant map. The case law seems clear to me on this point. It also seems clear that until we have a map in place, and we know what districts are affected, it is difficult, if not impossible to evaluate whether an election with altered district lines in those affected districts is feasible prior to the new Congress taking office in January 2015.

Even if a revised map was in place today, the legal and logistical machinations it would take to have the election take place on November 4th under that revised map is not

something justified by law or common sense. There is just no way, legally or logistically, to put in place a new map, amend the various deadlines and have elections on November 4th, as prescribed by Federal law. It is also not an option to have a special election after the general election is held, as I would no longer have jurisdiction over the matter. However, it might be possible to push the general election date back to allow for a special election in 2014 for any affected districts. This is one of the options advanced by Plaintiffs.

The Defendants argue that there is no legal authority for such a remedy, and that even if there was such authority, it would still be too late to have a proper election. It's a fairly compelling argument. Despite the legal maxim that for every wrong there is a remedy, our laws do not always allow the most efficient, the most satisfying remedy for those who have been wronged. From the perspective of equity, the cure should not be worse for the patient than the illness. To develop a new map and hold a special election for some congressional representatives would cost more money, would place additional burdens on our election officials and might confuse some voters. On the other hand, to do nothing, when you could, means that you lessen the ability of many citizens to fairly elect a representative of their choice -- which is the effect of political gerrymandered districts. You must tell them that even though they have been deprived of the equal right of having a say in who represents their interests in congress for two years, they must wait another two.

It may be that I ultimately agree after further proceedings, research, or evidence that elections for affected districts under a new map in 2014 is not legally authorized or logistically practicable. But I am not there yet, on the record before me and the case law

provided. There is authority that both justifies pushing back the November 4th election date and suggests that logistically, it can be done. Under the circumstances before me, I believe the law requires that I at least consider the possibility.

I found no case right on point to guide me but the case of *Busbee v. Smith*, 549 F. Supp. 494 (D. D.C. 1982) seems factually and legally analogous. In *Busbee*, the State of Georgia failed to legally draw two congressional districts. The State had violated the Voting Rights Act, and was denied Department of Justice pre-clearance. The court found that the Federal election date could be moved because 2 U.S.C. § 8 allowed for flexibility under exigent circumstances

We do not deal here with the VRA but the *Busbee* court's analysis and its interpretation of 2 U.S.C § 7, which sets the date for elections to congress, and 2 U.S.C. § 8, which provides for exceptions, is nonetheless instructive.

"We construe this section to mean that where exigent circumstances arising prior to or on the date established by section 7 preclude holding an election on that date, a state may postpone the election until the earliest practicable date. In this case, for example, Georgia will "fail [] to elect at the time prescribed by law" because its purposefully discriminatory conduct prevented it from securing section 5 approval for constitutionally required changes in its voting procedures." *Busbee v. Smith*, 549 F. Supp. 494 at 525.

In this case, as in *Busbee*, the State finds itself facing elections under an unlawful redistricting plan. It's not the result of a conflicting federal law, which the Defendants consider crucial to the *Busbee* holding. But a natural disaster is not the result of conflicting federal laws either, but it was given by the *Busbee* court as an example of the type of exigent circumstances that would justify a state in conducting special elections

after the date specified in section 7. It would seem that a finding of exigent circumstances in this case is consistent with the *Busbee* court's interpretation of sec 7 and 8, justifying a later election date for selected districts.

It is necessary to get a revised map in place and for me to consider additional evidence as to the legal and logistical obstacles to holding delayed elections for affected districts in 2014. Time is of the essence. The Legislature has shown following the Supreme Court's order in *Apportionment I* that it is capable of adopting and submitting a remedial map very quickly when time is of the essence. Indeed, I would be surprised if its staff has not already prepared alternatives for consideration by the members.

The Plaintiffs and the NAACP as Intervener Defendant should have an opportunity to object to any revised map. The Secretary of State and the Supervisor of Elections are in the best position to propose a special election date and concomitant schedule for consideration under a revised map, and to articulate any obstacles to an orderly election under such a schedule.


Accordingly, it is Ordered as follows:

1. The Legislature shall submit a remedial or revised map no later than noon on August 15, 2014;
2. The Secretary of State and Supervisors of Elections shall collaborate to present by noon, August 15th, 2014, a proposed special election schedule and comments or suggestions regarding the conduct of such an election, assuming a revised map will be in place no later than Aug 21;
3. By noon, August 18th, 2014, the parties shall submit objections, if any, to the

revised map and or election schedule;

4. Oral Argument, if appropriate will be heard on objections to the map and/or proposed election schedule on August 20th at 9:00 a.m. in a Courtroom to be announced at the Leon County Courthouse, Tallahassee, Florida.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this
1st day of August, 2014.


TERRY P. LEWIS, Circuit Judge

Copies to:

All parties of record