

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Reapportionment Committee

BILL: CS/SJR 1176

INTRODUCER: Committee on Reapportionment

SUBJECT: Apportionment of the House of Representatives and the Senate

DATE: January 11, 2012 REVISED: 1/16/2012

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bardos	Guthrie	RE	Fav/CS
2.				
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This committee substitute for SJR 1176 apportions Florida into 40 state senate districts, as required by state and federal law.

This committee substitute substantially amends Chapter 10 of the Florida Statutes.

II. Present Situation:

The Florida Constitution requires the Legislature, by joint resolution, to reapportion the state into not less than 30 nor more than 40 consecutively numbered senate districts and into not less than 80 nor more than 120 consecutively numbered representative districts.¹ Redistricting must occur in the second year after each decennial Census.² Florida currently is apportioned into 40 single-member senate districts³ and 120 single-member representative districts.⁴

¹ Art. III, § 16(a), Fla. Const.

² *Id.*

³ Fla. HJR 1987 (2002).

⁴ Fla. HJR 25-E (2003).

The 2010 Census revealed uneven population growth across the state during the last 10 years. Districts must be adjusted to correct population differences. Based on the 2010 Census, the ideal population of a single-member district in a 40-seat Senate is 470,033, and the ideal population of a single-member district in a 120-seat House of Representatives is 156,678. Currently, the senate district with the largest population has 576,207 persons (106,174 more than the ideal), and the senate district with the smallest population has 394,766 persons (75,267 less than the ideal). The house district with the largest population has 252,332 persons (95,654 more than the ideal), and the house district with the smallest population has 124,511 persons (32,167 less than the ideal).

Redistricting plans must comply with all requirements of the United States Constitution, the federal Voting Rights Act of 1965, the Florida Constitution, and applicable court decisions.

The United States Constitution

The Equal Protection Clause of the Fourteenth Amendment requires that legislative districts be as nearly equal in population as practicable.⁵ The so-called “one person, one vote” mandate does not require that state legislative districts achieve exact mathematical equality, but, more flexibly, permits disparities in population based on legitimate considerations incident to the effectuation of rational state policies.⁶ Specifically, in the case of state legislative districts, an overall range of less than 10 percent is constitutional, absent proof of arbitrariness or discrimination.⁷

The Equal Protection Clause also limits the influence of race in redistricting. If race is the predominant factor in redistricting, such that traditional, race-neutral redistricting principles are subordinated to considerations of race, the redistricting plan will be subject to strict scrutiny.⁸ To satisfy strict scrutiny, the use of race as a predominant factor must be narrowly tailored to achieve a compelling interest.⁹ The United States Supreme Court has held that the interest of the state in remedying the effects of identified racial discrimination may be compelling,¹⁰ and it has assumed, but has not decided, that compliance with the requirements of the federal Voting Rights Act likewise justifies the use of race as a predominant factor in redistricting.¹¹

The United States Supreme Court has construed the Equal Protection Clause to prohibit political gerrymanders,¹² but it has not identified judicially discernible and manageable standards by which such claims are to be resolved.¹³ Political gerrymandering cases, therefore, remain sparse.

⁵ *Reynolds v. Sims*, 377 U.S. 533, 577 (1964).

⁶ *Larios v. Cox*, 300 F. Supp. 2d 1320, 1339 (N.D. Ga.), *aff'd*, 542 U.S. 947 (2004) (citing *Reynolds*, 377 U.S. at 577-79).

⁷ *Id.* at 1338-41. The overall range is determined by subtracting the total population of the least populous district from the total population of the most populous district, and dividing the difference by the ideal population. The overall range has alternatively been referred to as the total or maximum deviation.

⁸ *Miller v. Johnson*, 515 U.S. 900, 916 (1995).

⁹ *Id.* at 920.

¹⁰ *Shaw v. Hunt*, 517 U.S. 899, 909 (1996).

¹¹ *Id.* at 915; *Bush v. Vera*, 517 U.S. 952, 982-83 (1996) (plurality opinion).

¹² *Davis v. Bandemer*, 478 U.S. 109 (1986). The term “political gerrymander” has been defined as “the practice of dividing a geographical area into electoral districts, often of highly irregular shape, to give one political party an unfair advantage by diluting the opposition’s voting strength.” *Vieth v. Jubelirer*, 541 U.S. 267, 272 n.1 (2004) (plurality opinion) (quoting Black’s Law Dictionary 696 (7th ed. 1999)).

¹³ *Davis*, 478 U.S. at 123; *Vieth*, 541 U.S. at 281.

The Federal Voting Rights Act

In some circumstances, Section 2 of the federal Voting Rights Act requires the creation of a district that performs for minority voters. Section 2 requires, as necessary preconditions, that (1) the minority group be sufficiently large and geographically compact to constitute a numerical majority in a single-member district; (2) the minority group be politically cohesive; and (3) the majority vote sufficiently as a bloc to enable it usually to defeat the candidate preferred by the minority group.¹⁴ If each of these preconditions is established, Section 2 will require the creation of a performing minority district if, based on the totality of the circumstances, it is demonstrated that members of the minority group have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.¹⁵

Section 5 of the Voting Rights Act protects the electoral opportunities of minority voters in covered jurisdictions from retrogression, or backsliding.¹⁶ In Florida, Section 5 covers five counties: Collier, Hardee, Hendry, Hillsborough, and Monroe.¹⁷ Section 5 requires that, before its implementation in a covered jurisdiction, any change in electoral practices (including the enactment of a new redistricting plan) be submitted to the United States Department of Justice or to the federal District Court for the District of Columbia for review and preclearance.¹⁸ A change in electoral practices is entitled to preclearance if, with respect to minority voters in the covered jurisdictions, the change has neither a discriminatory purpose nor diminishes the ability of any citizens on account of race or color to elect their preferred candidates.¹⁹

The Florida Constitution

Since 1968, the Florida Constitution has required that state legislative districts be contiguous.²⁰ A district is contiguous if no part of the district is isolated from the rest of the district by another district.²¹ In a contiguous district, a person can travel from any point within the district to any other point without departing from the district.²² A district is not contiguous if its parts touch only at a common corner, such as a right angle.²³ The Florida Supreme Court has also held 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.²⁴

Districts must be consecutively numbered, but it is not necessary that adjacent districts receive consecutive numbers.²⁵ For example, districts in a 40-district redistricting plan may be numbered

¹⁴ *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986); *Bartlett v. Strickland*, 556 U.S. 1 (2009) (plurality opinion).

¹⁵ 42 U.S.C. § 1973(b).

¹⁶ 42 U.S.C. § 1973c.

¹⁷ 28 C.F.R. pt. 51 app.

¹⁸ 42 U.S.C. § 1973c(a).

¹⁹ 42 U.S.C. § 1973c(b), (c).

²⁰ Art. III, § 16(a), Fla. Const.

²¹ *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)).

²² *Id.*

²³ *Id.* (citing *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1051).

²⁴ *Id.* at 280.

²⁵ Art. III, § 16(a), Fla. Const.; *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1050-51.

from one to 40, but District 1 and District 2 need not be adjacent to one another.²⁶ Ordinarily, senators are elected to four-year terms.²⁷ At the general election that follows redistricting, terms that are not scheduled naturally to expire will be truncated, and all seats in the Senate will be subject to election in the new districts.²⁸ To preserve staggered terms, voters in senate districts designated by even numbers will elect candidates to two-year terms, while voters in senate districts designated by odd numbers will elect candidates to four-year terms.²⁹

In 2010, voters amended the Florida Constitution to create additional standards for establishing state legislative district boundaries.³⁰ The new standards are set forth in two tiers. To the extent that compliance with second-tier standards conflicts with compliance with first-tier standards, the second-tier standards do not apply.³¹ 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.³²

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.³³ 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.³⁴

The first tier of the new standards also provides two distinct protections for racial and language minorities. First, districts may not be drawn with the intent or result of denying or abridging the equal opportunity of minorities to participate in the political process. Second, districts may not be drawn to diminish the ability of racial or language minorities to elect representatives of their choice.³⁵ The second standard is comparable in its text to Section 5 of the federal Voting Rights Act, as amended in 2006, but is not limited to the five counties protected by Section 5.³⁶

On March 29, 2011, the Florida Legislature submitted the new standards to the United States Department of Justice for preclearance. In the submission, the Legislature took the position that the two protections for racial and language minorities collectively ensure that the Legislature's

²⁶ *Id.*

²⁷ Art. III, § 16(a), Fla. Const.

²⁸ *In re Apportionment Law, Senate Joint Resolution 1E*, 414 So. 2d at 1047-48. The Florida Supreme Court has recognized a narrow exception to the rule that requires the terms of senators to be truncated at the general election following redistricting. If the term of a senator is not scheduled naturally to expire at the general election, and the redistricting plan does not alter the boundaries of the district, the senator would continue to serve the remainder of the term until its natural expiration. *Id.*

²⁹ Art. III, § 15(a), Fla. Const.

³⁰ Art. III, § 21, Fla. Const.

³¹ Art. III, § 21(c), Fla. Const.

³² *Id.*

³³ Art. III, § 21(a), Fla. Const. The statutes and constitutions of several states contain similar prohibitions. *See, e.g.*, Cal. Const. Art. XXI, § 2(e); Del. Const. Art. II, § 2A; Haw. Const. Art. IV, § 6; Wash. Const. Art. II, § 43(5); Iowa Code § 42.4(5); Mont. Code Ann. § 5-1-115(3); Or. Rev. Stat. § 188.010(2); Wash. Rev. Code § 44-05-090(5). These standards have been the subject of little litigation. 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.

³⁴ It is well recognized that political *consequences* are inseparable from the redistricting process. *See, e.g., 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.”).

³⁵ Art. III, § 21(a), Fla. Const.

³⁶ *Compare id. with* 42 U.S.C. § 1973c(b).

traditional power to maintain and even increase minority voting opportunities is not impaired or diminished by other, potentially conflicting standards in the constitutional amendment, and that the Legislature may continue to employ, without change, the same methods to preserve and enhance minority representation as it has employed with so much success in recent decades.³⁷ Without comment, the Department of Justice granted preclearance on May 31, 2011.³⁸

The first tier also requires that districts consist of contiguous territory.³⁹ In this respect, the new standards duplicate a requirement that the Florida Constitution has contained since 1968.⁴⁰

The second tier of standards requires that districts be compact.⁴¹ The various measures of compactness that courts in other states have utilized include mathematical calculations that compare districts according to their areas, perimeters, and other geometric criteria,⁴² and broader considerations of how actual communities relate to one another to form effective representational units.⁴³ Geometric compactness considers the shapes of particular districts and the closeness of the territory of each district, while functional compactness looks to commerce, transportation, communication, and other practical measures that unite communities, facilitate access to elected officials, and promote the integrity and cohesiveness of districts for representational purposes.

Whether explicitly or implicitly, courts in most states appear to balance considerations of geometric and functional compactness. Courts recognize that perfect geometric compactness, which consists of circles or regular simple polygons, is impracticable and not required.⁴⁴ Thus, in assessing whether the legislature has achieved a reasonable degree of compactness, courts in different jurisdictions have considered combinations of the following criteria:

- Whether the shape of the district is regular or irregular.⁴⁵
- Whether the territory of the district is closely united.⁴⁶

³⁷ Letter from Andy Bardos, Special Counsel to the Senate President, and George Levesque, General Counsel to the Florida House of Representatives, to T. Christian Herren, Jr., Chief of the Voting Section, Civil Rights Division, United States Department of Justice (Mar. 29, 2011) (on file with the Senate Committee on Reapportionment).

³⁸ Letter from T. Christian Herren, Jr., Chief of the Voting Section, Civil Rights Division, United States Department of Justice, to Andy Bardos, Special Counsel to the Senate President, and George Levesque, General Counsel to the Florida House of Representatives (May 31, 2011) (on file with the Senate Committee on Reapportionment).

³⁹ Art. III, § 21(a), Fla. Const.

⁴⁰ Similarly, the second tier duplicates the federal requirement that districts be as nearly equal in population as practicable. Compare Art. III, § 21(b), Fla. Const., with *Reynolds v. Sims*, 377 U.S. 533, 577 (1964).

⁴¹ Art. III, § 21(b), Fla. Const.

⁴² See, e.g., *Hickel v. Southeast Conference*, 846 P.2d 38, 45 (Alaska 1992); *In re Reapportionment of Colo. Gen. Assembly*, 647 P.2d 209, 211 (Colo. 1982); *In re Apportionment of State Legislature—1982*, 321 N.W.2d 565, 580 (Mich. 1982).

⁴³ See, e.g., *Wilson v. Eu*, 823 P.2d 545, 553 (Cal. 1992); *Opinion to the Governor*, 221 A.2d 799, 802-03 (R.I. 1966); *In re Reapportionment of Towns of Hartland, Windsor & W. Windsor*, 624 A.2d 323, 330 (Vt. 1993).

⁴⁴ See, e.g., *Matter of Legislative Districting of State*, 475 A.2d 428, 437, 443-44 (Md. 1984); *Preisler v. Kirkpatrick*, 528 S.W.2d 422, 426 (Mo. 1975).

⁴⁵ See, e.g., *Hickel*, 846 P.2d at 45; *Ariz. Minority Coalition for Fair Redistricting v. Ariz. Indep. Redistricting Comm'n*, 121 P.3d 843, 869 (Ariz. Ct. App. 2005).

⁴⁶ See, e.g., *Schrage v. State Bd. of Elections*, 430 N.E.2d 483, 486-89 (Ill. 1981); *Preisler v. Doherty*, 284 S.W.2d 427, 435 (Mo. 1955).

- Whether constituents in the district are able to relate to and interact with one another.⁴⁷
- Whether constituents in the district are able to access and communicate with their elected officials.⁴⁸
- Whether the district is interconnected through commerce, transportation, and communication.⁴⁹
- Whether the shape of the district is affected by the physical boundaries of the state.⁵⁰
- Whether the shape of the district is affected by a good-faith consideration and balancing of other legal requirements of equal importance.⁵¹
- Whether the shape of the district is affected by the one-person, one-vote requirement, in light of uneven population distributions.⁵²
- Whether the shape of the district is affected by non-compact minority districts.⁵³

Because the considerations that influence compactness are multi-faceted and fact-intensive, courts tend to agree that mere visual inspection is ordinarily insufficient to determine compliance with a compactness standard,⁵⁴ and that an evaluation of compactness requires a factual setting.⁵⁵

In addition to compactness, the second tier of standards requires that, where feasible, districts utilize existing political and geographical boundaries.⁵⁶ One principal purpose of a requirement to follow established boundaries is to aid voters in orienting themselves to the territory of their new districts.⁵⁷ An interpretation consistent with this policy would encourage the use of natural geographical features, such as bays, lakes, rivers, and other water areas, as well as commonly known geographical demarcations, such as interstate highways and, in urban areas, well-traveled thoroughfares. The term “political boundaries” refers, at a minimum, to the boundaries of cities

⁴⁷ See, e.g., *Wilson*, 823 P.2d at 553; *In re Reapportionment of Towns of Hartland, Windsor & W. Windsor*, 624 A.2d at 330.

⁴⁸ See, e.g., *In re 2003 Legislative Apportionment of House of Representatives*, 827 A.2d 810, 814, 816-17 (Me. 2003); *Parella v. Montalbano*, 899 A.2d 1226, 1252 (R.I. 2006).

⁴⁹ See, e.g., *Schneider v. Rockefeller*, 293 N.E.2d 67, 72 (N.Y. 1972); *In re Reapportionment of Towns of Hartland, Windsor & W. Windsor*, 624 A.2d at 330-31.

⁵⁰ See, e.g., *Davenport v. Apportionment Comm’n*, 319 A.2d 718, 722 (N.J. 1974); *Schneider*, 293 N.E.2d at 72.

⁵¹ See, e.g., *In re 1983 Legislative Apportionment of House, Senate, & Congressional Dists.*, 469 A.2d 819, 831 (Me. 1983); *Matter of Legislative Districting of State*, 475 A.2d at 443.

⁵² See, e.g., *Acker v. Love*, 496 P.2d 75, 76 (Colo. 1972); *Preisler*, 528 S.W.2d at 426.

⁵³ See, e.g., *Jamerson v. Womack*, 423 S.E.2d 180, 185 (Va. 1992).

⁵⁴ See, e.g., *Matter of Legislative Districting of State*, 475 A.2d at 439; *Commonwealth ex rel. Specter v. Levin*, 293 A.2d 15, 23-24 (Pa. 1972).

⁵⁵ See, e.g., *State ex rel. Davis v. Ramacciotti*, 193 S.W.2d 617, 618 (Mo. 1946); *Opinion to the Governor*, 221 A.2d at 802, 804.

⁵⁶ Art. III, § 21(b), Fla. Const.

⁵⁷ *Legislative Redistricting Cases*, 629 A.2d 646, 665 (Md. 1993); *Matter of Legislative Districting of State*, 475 A.2d at 439, 444.

and counties.⁵⁸ The Florida Constitution accords no preference to political over geographical boundaries.⁵⁹

The Constitution recognizes that, in the creation of districts, it will often not be “feasible” to trace political and geographical boundaries.⁶⁰ District boundaries might depart from political and geographical boundaries to achieve objectives of superior importance, such as population equality and the protection of minorities, and many political subdivisions are not compact. Some local boundaries may be ill-suited to the achievement of effective and meaningful representation.

Public Outreach and Input

In the summer of 2011, the House and Senate initiated an extensive public outreach campaign. On May 6, 2011, the Senate Committee on Reapportionment and the House Redistricting Committee jointly announced the schedule for a statewide tour of 26 public hearings. The purpose of the hearings was to receive public comments to assist the Legislature in its creation of new redistricting plans. The schedule included stops in every region of the state, in rural and urban areas, and in all five counties subject to preclearance. The hearings were set primarily in the mornings and evenings to allow a variety of participants to attend. Specific sites were chosen based on their availability and their accessibility to members of each community.

Prior to each hearing, committee staff invited a number of interested parties in the region to attend and participate. Invitations were sent to representatives of civic organizations, public interest groups, school boards, and county elections offices, as well as to civil rights advocates, county commissioners and administrators, local elected officials, and the chairs and executive committees of statewide political parties. In all, over 4,000 invitations were sent.

In addition to distributing individual invitations, committee staff purchased legal advertisements in local print newspapers for each hearing, including Spanish-language newspapers. The House Redistricting Committee also purchased advertisement space in newspapers and airtime on local radio stations to raise awareness about the hearings. Staff from both chambers also informed the public of the hearings through social media websites.

The impact of the statewide tour and public outreach is observable in multiple ways. During the tour, committee members received testimony from over 1,600 speakers. To obtain an accurate count of attendance, committee staff asked guests to fill out attendance cards. Although not all attendees complied, the total recorded attendance for all 26 hearings amounted to 4,787.

City	Date	Recorded Attendance	Speakers
Tallahassee	June 20	154	63
Pensacola	June 21	141	36
Fort Walton Beach	June 21	132	47
Panama City	June 22	110	36

⁵⁸ The ballot summary of the constitutional amendment that created the new standards referred to “existing city, county and geographical boundaries.” See *Advisory Opinion to Att’y Gen. re Standards for Establishing Legislative Dist. Boundaries*, 2 So. 3d 175, 179 (Fla. 2009).

⁵⁹ Art. III, § 21(b), (c), Fla. Const.

⁶⁰ Art. III, § 21(b), Fla. Const.

City	Date	Recorded Attendance	Speakers
Jacksonville	July 11	368	96
Saint Augustine	July 12	88	35
Daytona Beach	July 12	189	62
The Villages	July 13	114	55
Gainesville	July 13	227	71
Lakeland	July 25	143	46
Wauchula	July 26	34	13
Wesley Chapel	July 26	214	74
Orlando	July 27	621	153
Melbourne	July 28	198	78
Stuart	August 15	180	67
Boca Raton	August 16	237	93
Davie	August 16	263	83
Miami	August 17	146	59
South Miami	August 17	137	68
Key West	August 18	41	12
Tampa	August 29	206	92
Largo	August 30	161	66
Sarasota	August 30	332	85
Naples	August 31	115	58
Lehigh Acres	August 31	191	69
Clewiston	September 1	45	20
TOTAL		4,787	1,637

Throughout the summer and at each hearing, legislators and staff encouraged members of the public to draw and submit their own redistricting plans through web applications created and made available on the internet by the House and Senate. At each hearing, staff from both chambers was available to demonstrate how members of the public could illustrate their ideas by means of the redistricting applications. In September 2011, the chairs of the House and Senate committees sent individual letters to more than fifty representatives of public-interest and voting-rights advocacy organizations to invite them to prepare and submit proposed redistricting plans.

As a result of these and other outreach efforts, the public submitted 157 proposed legislative and congressional redistricting plans between May 27 and November 1, 2011. Since then, 17 plans have been submitted by members of the public. This total represents a dramatic increase from the four plans submitted during the last decennial redistricting process.

Public Plans	Complete Plans	Partial Plans	Total Plans
House	18	24	42
Senate	28	18	46
Congressional	61	25	86
TOTAL	107	67	174

Records from the public hearings,⁶¹ comments sent to the committee,⁶² committee meetings,⁶³ as well as the maps, downloads, and statistics for each redistricting plan drawn by legislators, staff, or the public⁶⁴ have been made available on the internet.

Interim Committee Meetings

During interim committee meetings, members discussed region-by-region redistricting scenarios and reviewed publicly submitted maps. Professional staff selected the maps for discussion as samples representative of the different testimony and ideas citizens offered the legislature. Members heard additional public testimony at each meeting, and reserved time for any senator, civil rights organization, or member of the public to present a plan in front of the committee.

The Committee took extra measures to ensure that any map proposed by a senator, an interest group, or an individual citizen could be examined and understood by all interested parties prior to a vote. The committee unanimously agreed to:

- Set a November 1 deadline for submitting maps for the committee’s consideration;
- Not hear amendments filed less than 48 hours before the noticed meeting time;
- Publish committee proposals and a list of any plans to be heard by the committee at least seven calendar days in advance of the meeting;
- Make the Committee’s amendment deadline 5:00pm Friday if the 48-hour rule would cause it to fall on a weekend.

Date	Time	General Agenda	Speakers
September 22	8:30-11:30 am	Overview of public hearings and submitted plans Discussion of Committee Procedures Formats for bill and joint resolution	0
October 5	1:00-5:00 pm	Scenarios for Northwest Florida	16
October 18	2:00-5:00 pm	Scenarios for Northeast and Central Florida	8
November 2	2:00-5:00 pm	Scenarios for Southeast Florida	5
November 15	2:00-5:00 pm	Scenarios for Southwest Florida	5
December 6	1:00-6:00 pm	Introduction of PCBs Public Testimony on PCBs FL Channel Presentation of comments on PCBs	18
TOTAL			52

When the Committee’s proposed bills were published on November 28, an appeal was made to the public for comments and recommendations. In response, members of the public sent feedback via email and social media, and left input in voicemail messages using a toll-free number.

⁶¹ <http://www.flsenate.gov/Session/Redistricting/Hearings>
⁶² <http://www.flsenate.gov/Session/Redistricting/PublicComments>
⁶³ <http://www.flsenate.gov/Committees/Show/RE/>
⁶⁴ <http://www.flsenate.gov/Session/Redistricting/Plans>

Dates	Messages/Calls
November 28-December 5	567
December 6- January 15	918
TOTAL	1485

III. Effect of Proposed Changes:

Consistent with state and federal law, the committee substitute apportions the state into 40 single-member senate districts. A statistical analysis is attached to this bill analysis.

The districts in the committee substitute have an overall range of 2.0 percent. The senate district with the largest population has 474,685 persons (4,652 more than the ideal), and the senate district with the smallest population has 465,343 persons (4,690 less than the ideal). The committee substitute contains only senate districts. Representative districts will be added subsequently.

After setting boundaries for all 40 districts in the Senate plan, professional staff assigned odd-numbered districts in a manner equitable to senators elected to terms of two years or less prior to redistricting and assigned even-numbered districts in a manner equitable to senators elected to four year terms prior to redistricting. Beginning in Perdido Key and working toward Key West, professional committee staff assigned odd and even numbers to districts based on the following:

- The Florida Constitution requires the legislature’s apportionment plans to contain not less than 30 nor more than 40 consecutively numbered senate districts.⁶⁵
- The Florida Supreme Court has held that senate terms be truncated when a district’s constituency is altered by redrawing district’s lines. Because the year 2012 is a multiple of four, senators in odd-numbered districts will be elected for four-year terms. Senators in even-numbered districts will be elected for two-year terms and may seek re-election in 2014 to four-year terms (unless disqualified by Article VI Section 4(b) of the Florida Constitution).⁶⁶
- The Florida Constitution provides that some senators be elected for two-year terms in the next election after reapportionment when necessary to maintain staggered senate terms.⁶⁷
- The Florida Constitution disqualifies senators from appearing on the ballot for re-election if at the end of the current term they will have served for eight consecutive years.⁶⁸

Reapportionment in 2012 will change the constituencies of all senate districts, and many senate terms will be truncated. Twenty-five (25) senators elected in 2010, or in special elections thereafter, will have served terms shortened to two years or less. Two of those 25 senators not only will get truncated terms but also will be disqualified from appearing on the ballot for re-election (Senator from the 26th District and Senator from the 34th District).

⁶⁵ Art. III, § 16(a), Fla. Const.

⁶⁶ *In re Apportionment Law*, 414 So.2d 1040, 1048, May 12, 1982

⁶⁷ Art. III, § 15(a), Fla. Const.

⁶⁸ Art. VI § 4(b), Fla. Const.

An equitable method for numbering would be to assign odd numbers to districts represented by senators serving shortened two-year terms prior to redistricting; allowing them to seek election to full four-year terms after redistricting. Such a balance avoids the inequity of some senators having terms shortened to two years (or less) both before and after redistricting, while others have the opportunity to serve full four-year terms both before and after redistricting. Only 20 odd numbers are available, however, and assigning 23 is not possible.

To reconcile the provisions cited above and achieve an equitable result, professional staff considered not only the incidence of shortened senate terms but also when senators were first elected to the Senate (and when they would be disqualified from appearing on the ballot for re-election).

- One senator was first elected to the Senate in a special election to fill an unexpired term in November of 2008, and was re-elected to a shortened to two-year term in 2010. If that Senator wins election in an odd-numbered district in 2012, he will be disqualified from appearing on the ballot in 2016. If that Senator wins election in an even-numbered district in 2012, he will be eligible to appear on the ballot in 2014 and may have the opportunity of serving in the Senate for 10 years.⁶⁹
- Two senators were first elected to the Senate in special elections to fill unexpired terms in 2011. If those senators win election in an odd-numbered district in 2012 and 2016, they will be disqualified from appearing on the ballot in 2020. If those senators win election in even-numbered districts in 2012, they will be eligible to appear on the ballot in 2014 and 2018, and may have the opportunity of serving in the Senate for more than 10 years.
- If any of the other 20 senators serving shortened terms wins election in an even-numbered district, the senator will get compound disadvantages: (1) a shortened term before redistricting, (2) a shortened term after redistricting, (3) only one opportunity to win election to a four-year term, and (4) less tenure than is typical among other senators before being disqualified from appearing on the ballot.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶⁹ Numbering districts with the intent to avoid some senators having terms shortened to two years or less both before and after redistricting (2 plus 2) while other senators have full four-year terms both before and after redistricting (4 plus 4) has an arithmetic consequence of a senator's final bid for re-election typically occurring when the senator will have served six consecutive years (2 plus 4 or 4 plus 2).

D. Other Constitutional Issues:

All redistricting plans are subject to Section 2 and Section 5 of the federal Voting Rights Act (42 U.S.C. § 1973c). Under Section 5, all statutory changes to procedures relating to voting and elections, to the extent they affect voters in the five counties of Collier, Hardee, Hendry, Hillsborough, and Monroe, are subject to preclearance by the United States Department of Justice or the federal District Court for the District of Columbia.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The 2012 reapportionment will have an undetermined fiscal impact on Florida's election officials, including 67 Supervisor of Elections offices and the Department of State, Division of Elections. Local supervisors will incur the cost of data-processing and labor to change each of Florida's 11 million voter records to reflect new districts. 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 will be hired to assist with mapping, data verification, and voter inquiries.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

PCS (322922) by Reapportionment:

The committee substitute is a product of public feedback received after initial publication of the committee bills on November 28, 2011, committee discussion that occurred at the meeting on December 6, 2011, and suggestions offered by Supervisors of Elections after a committee staff presentation at their business meeting in Orlando on December 10, 2011. The committee substitute:

- Decreases the numbers of times counties are split by districts,

- Follows city boundaries and decreases the numbers of times cities are split by districts,
- Follows geographic boundaries, including bays, rivers, major roadways, and other recognizable physical features,
- Lowers population deviations among districts, and
- Assigns odd-numbered districts in a manner equitable to senators elected to terms of two years or less prior to redistricting and assigns even-numbered districts in a manner equitable to senators elected to four year terms prior to redistricting.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

New Senate Districts

District Descriptions (S000S9008)

The descriptions and professional staff comments in this report do not reflect the intent or official position of persons submitting plans or the Florida Senate.

District 1 unites the coastal communities of the Florida Panhandle in Escambia, Santa Rosa, Okaloosa, Walton, and Bay Counties. Like District 3, District 1 uses political and geographical boundaries for nearly the entire length of its perimeter. It follows the boundaries of the state on its west, the eastern boundary of Bay County on its east, and the Gulf of Mexico on its south. The northern boundary of the district follows the Intercoastal Waterway, the Yellow River, Interstate 10, and the outer boundaries of Pensacola to the west and Lynn Haven to the east.

District 1 is supported by the same testimony as District 3. Its horizontal configuration recognizes the differences between the rural North and the urban South. District 1 honors the request of members of the public who called for representation that reflects their distinct communities. Public Plans HPUBS0007, HPUBS0080, HPUBS0089, HPUBS0090, SPUBS0105, and SPUBS0142 all have a similar alignment in the Panhandle.

District 2 combines rural communities in North Florida and the Nature Coast. The plan makes extensive use of political boundaries, incorporating all of Citrus, Levy, Dixie, Gilchrist, Lafayette, Suwannee, Columbia, Union, and Baker Counties. In Marion County, the district uses Interstate 75 and the western boundary of Ocala as its eastern boundary. In addition, District 2 enables District 5 to the west and District 7 to the east to consist entirely of whole counties.

At the public hearing in Gainesville, members of the public supported keeping rural counties such as Gilchrist and Union separate from major metropolitan areas like Jacksonville. At its meeting on October 18, 2011, the Senate Reapportionment Committee heard public support for keeping the Nature Coast region largely intact. The testimony pointed out that Dixie and Levy Counties and the rest of the region have a rural-industry focus quite different from urban areas like Gainesville. Public Plan SPUBS0143 contains a district similar to District 2.

District 3 links the rural communities of the Florida Panhandle in Escambia, Santa Rosa, Okaloosa, Walton, Bay, Washington, Holmes, and Jackson Counties, utilizing political and geographical boundaries for nearly the entire length of its perimeter. It follows the boundaries of the state on the western, northern, and eastern sides of the district. The district's southern boundary follows the Intercoastal Waterway, the Yellow River, Interstate 10, the eastern boundary of Bay County and the southern boundary of Jackson County, and the outer boundaries of Pensacola to the west and Lynn Haven to the east.

The committee heard testimony at the Pensacola, Panama City, and Fort Walton Beach public hearings and at the October 5, 2011, Senate Reapportionment Committee meeting that rural and agricultural interests in the northern part of the Panhandle have different traditions and representational needs than the urban and tourism interest in the southern part of the Panhandle. Additionally, the committee heard testimony pointing out that commerce and communication flow east and west along the main transportation corridors of the region, Interstate 10 and U.S. Highway 98, not north and south. The

Legislature received several submissions that proposed a similar orientation in the Panhandle. (See Public Plans HPUBS0007, HPUBS0080, HPUBS0089, HPUBS0090, SPUBS0105, and SPUBS0142.)

District 4 contains all of Nassau County and a portion of Duval County necessary to attain the population. The district is bounded by the State of Georgia on the west and north, the Atlantic Ocean on the east, and uses the Duval County line for most of its southern boundary. Part of its boundary is adjacent to the Northeast Florida minority-opportunity district (District 6).

Several participants at the Jacksonville hearing requested that Nassau County be kept whole. In the benchmark plan, District 4 divided Nassau, Clay, and St. Johns Counties. Public Plans HPUBS0056, SPUBS0066, and HPUBS0095 contain districts of a similar orientation, keeping Nassau County whole and combining it with a portion of Duval County to equalize populations.

District 5 combines the counties of the Capitol Region. The district consists entirely of whole counties, following political boundaries along its entire perimeter. The district includes Gadsden, Calhoun, Gulf, Liberty, Franklin, Taylor, Wakulla, Jefferson, Leon, Madison, and Hamilton Counties. Its location is largely dictated by District 1 and District 3 to its west.

District 5 combines communities that associate with Tallahassee, which lies near the geographic center of the district. Many residents in the surrounding counties travel to Tallahassee for work and recreation, and the district is traversed by Interstate 10, which promotes intra-district travel and commerce. At the public hearing in Tallahassee, several members of the public urged the elimination of “fingers” like the one in District 3 of the benchmark plan that pushes into Tallahassee. Public Plan SPUBS0143 includes a district that is identical to District 5.

District 6 preserves the core of an existing district that has long elected an African-American member to the Senate. The district connects communities in the northeastern portion of the state from the St. Johns River basin to Interstate 95 between Daytona Beach and Jacksonville.

The committee heard testimony in Jacksonville that urged the maintenance of such a district in order to preserve minority voting opportunities in Northeast Florida. District 6 has a black voting-age population of 47.7%, comparable to that of the existing district. The Legislature received several submissions from the public that proposed districts of a similar configuration and demographic composition. (See Public Plan SPUB0090, SPUBS0142, SPUBS0148, and SPUBS0155).

District 7 consists of three whole counties—Alachua, Bradford, and Clay Counties—and therefore follows political boundaries for the entire extent of its perimeter. The regular shapes of the counties that compose District 7 result in a district of closely united territory.

At the public hearings in Gainesville and Jacksonville, the committee heard from several members of the public urging the Legislature, to the extent possible, to avoid the division of the many communities in Alachua, Bradford, and Clay Counties. By maintaining Alachua, Bradford, and Clay Counties as whole counties, District 7 preserves each of the municipalities in the three counties. Public Plan SPUBS0143 contains a district similar to District 7.

District 8 combines the communities south and west of Daytona Beach in Volusia County with northern Brevard County and eastern Orange County. The district follows the western border of Volusia County, the northern border of Orange County, the Econlockhatchee River, and, as its southern boundary, the

Beachline Expressway through Orange and Brevard Counties, and the northern boundary of the City of Cocoa. Its eastern boundary is the Atlantic Ocean.

The Committee heard testimony from the public at the Daytona Beach hearing requesting at least one district based primarily in Volusia County. Additionally, members of the public requested that cities in Volusia County be kept whole. Consistent with this testimony, District 8 does not divide cities, and it follows the boundaries of DeBary, Port Orange, Daytona Beach, and Daytona Beach Shores for portions of its boundary. Public Plans HPUBS0084 and SPUBS0146 each contain a district similar to District 8.

District 9 combines the coastal communities of Northeast Florida from the Jacksonville beaches south of the mouth of the St. Johns River to Daytona Beach. The district is adjacent to the Northeast Florida minority-opportunity district to its west and is bordered by the Atlantic Ocean on the east.

The district is connected through common interests along the northeast coast of Florida, from Atlantic Beach to St. Augustine Beach and Daytona Beach. Interstate 95 runs through most of District 9 and facilitates commerce and transportation across the district. Public Plan SPUBS0155 includes a district similar to District 9.

District 10 includes communities along the Florida Turnpike from Leesburg to Orlando. Its western boundary is the western boundary of Lake County, and its southern boundary is the southern boundary of Lake and Orange Counties. On the east, the district abuts two minority-opportunity districts in Central Florida (District 12 and District 14).

District 10 contains closely united territory. Travel through the district is facilitated not only by the Florida Turnpike, but by Interstate 4 to the east and Highway 441 to the north. The communities it unites are connected with Orlando, as well as Lake Buena Vista and Winter Park, in several respects. Residents of Clermont, Minneola, Leesburg, and other municipalities throughout the district frequently travel to Orlando for work and recreation. Public Plans SPUBS0146, SPUBS0147 and SPUBS0155 each contain a district of a similar configuration.

District 11 connects the largely rural area north of Central Florida. The district follows most of the boundaries of Putnam County and, on the east, part of the eastern boundary of Lake County. On the west, District 11 follows Interstate 75 and the western boundary of Ocala through Marion County. It includes The Villages in Marion and in the northern portion of Sumter and Lake Counties.

District 11 includes The Villages, Ocala, rural areas in eastern Marion County and Putnam County, and most of central and east Lake County. At the public hearing in The Villages, the committee heard from many members of the public who expressed a desire to keep that community together, pointing out the common culture, lifestyle, and interest shared residents of The Villages.

District 12 unites urban, largely minority communities in Orange and Seminole Counties. It includes parts of Orlando, Ocoee, Winter Garden, Apopka, Maitland, Winter Park, and Sanford, as well as the historic City of Eatonville. At the public hearing in Orlando, the committee heard from representatives of the minority communities in the Orlando area who argued for their junction in a single district. District 12 has a black voting-age population of 40.0%.

District 13 combines the majority of Seminole County, excepting portions of northern and western Seminole County that are part of a minority-opportunity district (District 12), with parts of northern

Orange County, as necessary to equalize the district population. The eastern boundary of the district consists of the eastern boundary of Seminole County and the Econlockhatchee River.

The district includes like communities such as Longwood, Casselberry, Winter Springs, Oviedo, and most of Lake Mary and Altamonte Springs. Public Plans SPUBS0064, HPUBS0072, SPUBS0146, and SPUBS0147 contain districts with an orientation similar to that of District 13.

District 14 unites the predominantly Puerto-Rican Hispanic communities of Orange, Osceola, and Polk Counties. The communities in this region have similar commercial and economic interests.

The committee received testimony from many members of the public at the Orlando public hearing and through email that pointed out the growing Hispanic population in Central Florida and the common culture, language, and business interests shared among the community. More than 50% of the voting-age population of District 14 is Hispanic. Public Plans HPUBS0092, HPUBS0095, HPUBS0102, SPUBS0123, and SPUBS0147 all have districts with the same general orientation and demographics as District 14.

District 15 links the communities in northwest Hillsborough County with south-central and southeast Pasco County. In Hillsborough County, the district is bounded on the west by the boundary between Pinellas and Hillsborough Counties and on the east by a minority-opportunity district (District 19) and Interstate 275. In Pasco County, the district is bounded chiefly by State Road 52. The district does not divide any cities in Pasco County, following the boundaries of St. Leo and San Antonio.

At the public hearing in Wesley Chapel, the Committee heard from members of the public who pointed out the division between East Pasco, which has a coastal focus, and West Pasco, which is more rural. One member of the public suggested that communities like Wesley Chapel, Zephyrhills, and Lutz form a contiguous zone of common interest. The district provides ease of travel along Veterans Expressway, Suncoast Parkway, Interstates 75 and 275, and State Roads 52 and 56.

District 16 links the mostly rural communities of Osceola, Polk, and Orange Counties. A portion of its boundary is defined by Hispanic-majority District 24. On the northwest, the district follows the boundary of Polk County. On the east, it follows the boundary of Osceola County. Along portions of its northern and southern boundaries, it follows the Beachline Expressway and State Road 60, respectively. From its north-central point, the district is connected to the east by the Beachline Expressway, to the southeast by the Florida Turnpike, and to the southwest by Interstate 4.

At the public hearing in Lakeland, the committee heard testimony pointing out the rural nature of the majority of Polk County outside of Lakeland, and the interests in the agricultural industry that the region shares, differentiating it from the urban areas in Tampa to the west and Orlando to the northeast. The portion of Osceola County contained in District 16 shares these rural and agricultural interests.

District 17 contains communities in northern Pinellas County. The district is bounded by the Pinellas County line on the north and east and by the Gulf of Mexico and Intracoastal Waterway on the west. On the south, the boundary crosses Pinellas County without dividing any municipalities. Parts of the boundary follow the municipal boundaries of St. Petersburg, Pinellas Park, Largo, Seminole, Indian Shores, Indian Rocks Beach, Belleair, Belleair Bluffs, Belleair Beach, and Clearwater.

District 17 contains, in its entirety, the related communities of Largo, Belleair, Belleair Bluffs, Clearwater, Safety Harbor, Oldsmar, Dunedin, and Tarpon Springs. Many of the submissions received

from the public contained districts that united the communities of northern Pinellas County. (See Public Plans HPUBS0007, HPUBS0056, HPUBS0083, SPUBS0091, HPUBS0092, and HPUBS0095.)

District 18 combines central and southern Brevard County with northern and western Indian River County, including the cities of Sebastian and Fellsmere. The district follows the borders of Brevard and Indian River Counties on the west and south, and is bounded on the east by the Atlantic Ocean and Interstate 95. On the north, District 18 generally follows the Beachline Expressway, the municipal boundaries of Cocoa, and the barge canal that crosses Merritt Island and empties to the Atlantic at Port Canaveral.

District 18 ties communities along the barrier islands of the Space Coast with similar communities along U.S. 1 and Interstate 95. The Committee heard testimony at the Melbourne hearing noting that the population of Brevard County must be divided into two Senate districts. In this plan, the majority of the county is in a single district, with a small remainder in District 8. Public Plan HPUBS0085 contains a district similar to District 18.

District 19 preserves the core of a minority-opportunity district for Tampa Bay that was created by the Florida Supreme Court in 1992 and has consistently elected the candidate of choice of minority voters. The district connects African-American and Hispanic communities in Hillsborough, Manatee, and Pinellas Counties, but also unites urban populations in Tampa, St. Petersburg, and Bradenton. The district follows geographical boundaries along portions of its perimeter, using Tampa Bay at its center and Interstate 75 on the east.

At the Tampa public hearing, the committee heard from a number of members of the public who argued for a minority-opportunity district in Hillsborough County. District 19 has a black voting-age population of 37.2% and a Hispanic voting-age population of 27.4%. Public Plans HPUBS0085, SPUBS0123, SPUBS0142, and SPUBS0155 each have a district substantially similar to District 19.

District 20 connects the communities of northern and western Pasco County with all of Hernando County and most of Sumter County. The district is bounded by the Gulf of Mexico on the west, the boundaries of Hernando and Sumter County on the north and east, and State Road 52 in Pasco County along most of its southern border.

At the public hearing in Wesley Chapel, the Committee heard from several members of the public who pointed out the similarities between the rural portions of Hernando, Pasco, and Sumter Counties. This district combines the common interests described at the Wesley Chapel hearing. Members of the public also pointed out the growing interest of The Villages in Sumter County. District 20 does not include the portion of The Villages that falls within Sumter County. Instead, The Villages and its separate interests are preserved whole within District 11.

District 21 links the communities east of Tampa, partially encircling the city. On the north and south, District 21 follows the boundaries of Hillsborough County. On the west, it abuts Interstate 275 and a minority-opportunity district that generally follows Interstate 75 and Tampa Bay (District 19). On the east, District 21 follows State Road 39 and the western and northern outskirts of Plant City. The district is contained wholly within Hillsborough County.

District 21 consists of the closely united territory along the eastern periphery of greater Tampa. Communities such as Brandon, Sun City Center, and Apollo Beach are associated by geographical

proximity and shared interests. At the public hearing in Tampa, the committee heard from members of both communities requesting that they be kept whole.

District 22 connects the southern and beach communities in Pinellas County with south Tampa. It is bounded on the west by the Gulf of Mexico, on the north by Interstate 275 and municipal boundaries across Pinellas County, and on the east and south by a minority-opportunity district (District 19).

The district unites the beach communities in western Pinellas County from Belleair Beach to St. Pete Beach. These communities share economic interests and contribute significantly to the economic life of Pinellas County. Interstate 275 provides easy transportation throughout the district.

District 23 combines eastern Lee and southeastern Charlotte Counties. The district follows the county boundaries of Lee and Charlotte Counties on the east and south and the Caloosahatchee River, the municipal boundary of Cape Coral, and Charlotte Harbor on the west. The district is traversed by Interstate 75 from Punta Gorda in the north to Fort Myers and Bonita Springs in the south.

At the Lehigh Acres hearing, many members of the public testified about their desire to see Lehigh Acres kept in a single district. The committee also heard multiple requests that the City of Bonita Springs be put in a mostly Lee County district. District 23 ties all of Lehigh Acres, Fort Myers, and Punta Gorda with almost all the population of Bonita Springs in a single district.

District 24 combines the large share of Manatee County not in the Tampa Bay minority-opportunity district (District 19) with communities in eastern Hillsborough and western Polk County. The district follows the boundaries of Manatee County adjacent to the minority-opportunity district. In Hillsborough County it follows Highways 579, 674, and 39 and the outskirts of Plant City. The boundary crosses into Polk County on Highway 582 and through the City of Lakeland using Interstate 4, U.S. Highway 92, and U.S. Highway 98. The district boundary passes between Mulberry, which is entirely inside the district, and Bartow, which is entirely outside the district.

At the Tampa hearing, the committee heard from members of the public who testified that the rural communities in eastern Hillsborough County around Plant City associate more closely with each other than with neighboring Tampa. At the public hearing in Sarasota, the committee heard similar testimony about the rural communities of eastern Manatee County, including testimony that the rural communities of Myakka Head, Old Myakka, and Myakka City in Manatee County share similarities with rural areas of southern Polk and eastern Hillsborough Counties.

District 25 connects the Treasure Coast communities of Indian River, St. Lucie, Martin, and northern Palm Beach Counties. On the east, the district is bounded by the Atlantic Ocean. On the west, it is generally bounded by the Florida Turnpike and Interstate 95.

At the Stuart meeting, the committee received testimony that described the similar interests shared by the communities of northern Palm Beach County and the rest of the Treasure Coast. Public Plan SPUBS0123 contains a district that is substantially similar to District 25.

District 26 includes the predominantly rural, agricultural areas from the Kissimmee basin to Lake Okeechobee. The district includes all of Hardee, Desoto, Glades, Highlands, and Okeechobee Counties, as well as the largely rural parts of southern Polk County, northern Charlotte County, and eastern Martin and St. Lucie Counties. It follows the western boundaries of Hardee and Desoto Counties, the southern boundaries of Glades and Martin Counties, and the northern boundaries of St. Lucie and Okeechobee

Counties. The district also follows State Road 60 through much of Polk County and County Road 74 through most of Charlotte County.

At the public hearing in Wauchula, several members of the public urged the committee to group the inland communities in counties like Hardee, Highlands, and Glades with each other, rather than with coastal and urban communities. District 26 gives effect to the expressed desire for an agricultural district. Public Plan HPUBS0072 contains a similar district.

District 27 includes communities in southern and central Palm Beach County between Interstate 95 on and the Florida Turnpike. District 27 is adjacent to a minority-opportunity district to the east (District 34). In places, the district follows the municipal boundaries of Boca Raton, Greenacres, and other cities.

The district combines the Century Village retirement communities in Palm Beach County as well as western Boca Raton and its suburbs. It is oriented along the principal transportation routes that run north and south through heavily populated areas in Palm Beach County.

District 28 includes all of Sarasota County and the eastern portion of Charlotte County. It follows the Gulf of Mexico on the west, the boundary of Sarasota County on the north and east, and Charlotte Harbor in the south.

At the Sarasota public hearing, the committee heard testimony asking that Sarasota County be kept in a single district. Additionally, members of the public advocated combining Sarasota and western Charlotte Counties, pointing out the common interest they share as coastal communities. District 28 ties together the communities of Longboat Key, Sarasota, Venice, North Port, and Port Charlotte. It is intersected by Interstate 75, which runs from the northern to the southeastern boundary of the district. Public Plan HPUBS0092 contains a district similar to District 28.

District 29 connects the coastal communities of Broward and Palm Beach Counties. It is adjacent to a minority-opportunity district (District 34) to its west and the Atlantic Ocean to the east. In the northwest, the district follows the municipal boundaries of West Palm Beach and Palm Beach Gardens. In the northeast, it crosses Jupiter in part along the Loxahatchee River. On the south, it follows the Ft. Lauderdale city boundary.

The committee heard from many members of the public at the Davie and Boca Raton public hearings who emphasized the shared interests among coastal residents in the two counties, including tourism and affordable property insurance. A number of maps submitted by the public contain districts substantially similar to District 29. (See Public Plans HPUBS0089, SPUBS0123, SPUBS0147, and SPUBS0155.)

District 30 combines coastal communities in Lee and Collier Counties. It is bounded on the west by the Gulf of Mexico, on the north by the Charlotte County line, and on the south by the Monroe County line. In Collier County it is adjacent to a minority-opportunity district (District 40), which is covered by Section 5 of the federal Voting Rights Act, and it includes all of Naples and Marco Island. In Lee County, the district includes the barrier islands west of the Intracoastal Waterway, plus the entire City of Cape Coral. Sanibel and Fort Myers Beach also are wholly included in the district.

Travel through the district is facilitated by Interstate 75 and the Tamiami Trail. Public Plans HPUBS0083 and HPUBS0089 contain similar districts. Unlike the districts in those maps, District 30 keeps both Cape Coral (within the district) and Fort Myers (outside the district) whole.

District 31 combines the inland communities in the northern portion of Broward County. The district is bounded on the west by the Sawgrass Expressway, on the north by the Broward County line, on the east and south by the minority-opportunity district that parallels Interstate 95 (District 34), and further along the south, by the Tamarac and Sunrise city lines. The district closely follows political boundaries and consists of a geographically concentrated area entirely within Broward County.

The district includes, in their entirety, the municipalities of Tamarac, North Lauderdale, Coral Springs, Margate, Coconut Creek, and Parkland. It unites similar communities traversed through the center of the district by the Florida Turnpike, on the east of the district by Interstate 95, and on the west of the district by the Sawgrass Expressway. The committee received testimony at the public hearing in Davie requesting that these communities be grouped together because they share many interest and amenities, including schools, hospitals, and a Chambers of Commerce. This same testimony argued that these interests were distinct from those in the neighboring communities of Cooper City and Weston. Public Plan SPUBS0123 contains a district similar to District 31.

District 32 includes western portions of Palm Beach and Broward Counties. On the north, south, and west, the district follows the county boundaries of Broward and Palm Beach Counties. It includes the cities of Southwest Ranches, Weston, Wellington, Loxahatchee Groves, Royal Palm Beach, and portions of Pembroke Pines, Davie, Sunrise, and Cooper City. It also includes the entire Everglades Agricultural Area and conservation areas in western Broward and Palm Beach Counties. The Florida Turnpike, Sawgrass Expressway, Interstate 75, and U.S. Highway 98 are major transportation arteries connecting communities within the district. The district also utilizes the western boundaries of Miramar, Plantation, Tamarac, Coconut Creek, Parkland, Greenacres, West Palm Beach, and Palm Beach Gardens.

In Boca Raton, the committee heard that the areas of Palm Beach County west of the Florida Turnpike had an agricultural interest distinct from the economic focus of communities east of the Turnpike, and that the western communities should be grouped with similar communities. In District 32, these communities are grouped with communities in Broward County situated along a similar longitudinal line. Public Plans HPUBS0028, HPUBS0034 and HPUBS0058 contain similar oriented districts to District 32.

District 33 is a geographically concentrated district in northwest Miami-Dade County. It follows the Miami-Dade County boundary on the north and State Road 997 (Krome Avenue) on the west. On the south, it is adjacent to District 40 (a minority-opportunity district covered by Section 5 of the Voting Rights Act) and Miami International Airport. On the east, the district generally follows the municipal boundaries of Miami Gardens, Miami Lakes, Hialeah, Opa-Locka, and Miami Springs.

District 33 ties together similar, predominantly Hispanic communities, including the municipalities of Hialeah, Hialeah Gardens, Miami Springs, Medley, Miami Lakes, Virginia Gardens, and most of Doral. At the Miami public hearing, the committee received testimony that Hialeah Gardens, Miami Lakes, Miami Springs, and Medley share many of the same services and have the same needs, like the Enterprise Zones and Historically Underutilized Business Zones, that are best addressed by being combined in a distinct district. These municipalities draw together a cohesive Hispanic community that shares common values and interests. The district is intersected by the Homestead Extension of the Florida Turnpike and Interstate 75. District 33 has a Hispanic voting-age population of 86.9%. A number of publicly submitted maps contain similar districts. (See Public Plans HPUBS0083, HPUBS0089, HPUBS0095, SPUBS0105, and SPUBS0155).

District 34 unites communities along Interstate 95 and U.S. Highway 1 in Palm Beach and Broward Counties. It also preserves the core of a district that has consistently elected candidates preferred by minority voters. The district includes all of Lauderhill and Lauderdale Lakes and is bounded on the south in part by the municipal boundaries of Plantation, Fort Lauderdale, and Dania Beach.

The Committee heard from several members of the public at both the Boca Raton and Davie hearings that expressed concerns that the African-American communities continue to have a voice. District 34 has a black voting-age population of 55.7%. A number of public maps contain similar districts. (See Public Plans HPUBS0084, HPUBS0089, SPUBS0091, SPUBS0123, and SPUBS0155.)

District 35 includes the coastal communities of Miami-Dade County. The district generally encompasses areas east of U.S. Highway 1 from the Miami-Dade County boundary on the north to Homestead in the south. Along its western boundary, the district follows the boundaries of Aventura, Miami Shores, El Portal, South Miami, Pinecrest, Palmetto Bay, and Cutler Bay, and the Homestead Extension of the Florida Turnpike. The district is bounded on the east by the Atlantic Ocean.

The committee received testimony at the public hearing in Miami and by email requesting that the coastal communities of Miami-Dade County be apportioned to a single district. The committee also received significant amounts of testimony that Miami Shores be included in a coastal district. These communities share concerns about oil drilling, tourism, and beach renourishment. The district has a Hispanic voting-age population of 50.4%. Public Plans HPUBS0084, HPUBS0085, and HPUBS0089 all have similarly oriented coastal districts in Miami-Dade County.

District 36 includes communities of southern Broward County. Its southern boundary follows the southern boundary of Broward County and the northern boundary of a majority-minority district in Miami-Dade and Broward Counties (District 38). Its eastern boundary is the Atlantic Ocean, and its northern boundary generally follows the city boundaries of Hallandale Beach, Hollywood, Dania Beach, Plantation, Pembroke Pines, and Miramar, as well as Interstate 595.

Travel through the district is facilitated by Interstates 75, 95, and 595, and several major thoroughfares that cross the district east-to-west. The district unites most of Cooper City and Davie, which the committee heard at the public hearing in Davie share a single Chamber of Commerce and interest in equestrian issues. Public Plans HPUBS0007 and SPUBS0105 both contain districts that combine the municipalities of Davie, Cooper City, and Diana Beach, and are substantially similar to District 36.

District 37 includes the Allapatah and Little Havana neighborhoods in Miami, Coral Gables north of U.S. Highway 1, all of South Miami and West Miami, and unincorporated areas of Miami-Dade County south of Miami International Airport and east of SW 107th Avenue (State Road 985) and SW 97th Avenue. On the southeast, the district follows U.S. Highway 1; the city boundaries of South Miami, Pinecrest, and Palmetto Bay; and Coral Way (State Road 972).

The neighborhoods in District 37 form a cohesive Hispanic community, with a shared culture, shared interests, and shared language. At the South Miami hearing, the committee heard testimony that the area around Kendall, Sunset, and Westchester formed a collection of like communities that should be grouped together. District 37 has a Hispanic voting-age population of 83.7% and is located exclusively within Miami-Dade County. Public Plans SPUBS0108 and SPUBS0144 contain districts that similarly connect South Miami and West Miami and have a majority-Hispanic voting-age population.

District 38 includes the core of a majority-minority district that has a history of electing the candidate preferred by minority voters. The district includes all of Miami Gardens, Opa-Locka, Biscayne Park, West Park, and Pembroke Park, plus portions of North Miami, North Miami Beach, Hallandale Beach, Hollywood, Miramar, and Pembroke Pines.

The district combines similar communities located in a geographically concentrated area of Miami-Dade and Broward Counties. It is intersected by Interstate 95 and the Florida Turnpike. The committee heard considerable testimony at the Miami public hearing about the cohesiveness of the African-American community in Miami-Dade County, calling special attention to the similarities in the communities in Miami Gardens and the eastern part of Miramar in Broward County. The district has a black voting-age population of 58.3%. A number of publicly submitted maps, including Public Plans HPUBS0056, HPUBS0072, HPUBS0095, HPUBS0113, and SPUBS0155, include districts similar to District 38.

District 39 includes Hispanic communities in western Miami-Dade County. As its boundaries, it utilizes the Tamiami Trail and Dolphin Expressway on the north, SW 97th Avenue, State Road 985 (SW 107th Avenue), and the Homestead Extension on the east, and State Road 997 (Krome Avenue) on the west. The district consists of a geographically concentrated area entirely within Miami-Dade County.

The committee received public testimony at the Miami public hearing pointing out that the communities of West Kendall and Hammocks share a distinct identity and should not be divided. District 39 has a Hispanic voting-age population of 83.3% and includes neighborhoods with a shared culture, shared interests, and shared language. Public Plan HPUBS0085 includes a district in Miami-Dade County with a similar orientation and majority-Hispanic population.

District 40 preserves the core of an existing district that has consistently elected the candidate preferred by minority voters, and which is covered by Section 5 of the federal Voting Rights Act. The district includes all of Hendry and Monroe Counties plus agricultural and conservation areas in Collier and Miami-Dade Counties, including Everglades National Park and the Big Cypress National Preserve. Like the current Senate District 39, it also includes Brownsville, Liberty City, Little Haiti, and Overtown neighborhoods in Miami. It then extends north to include the City of El Portal and Gladeview and Pinewood neighborhoods.

The committee heard testimony in Miami expressing a desire for the African-American communities in existing District 39 to continue to have a voice in the region. District 40 has a black voting-age population of 35.1% and Hispanic voting-age population of 39.8%. Public Plans HPUBS0084 and SPUBS0155 both contain similar districts.