

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

RENE ROMO, an individual; BENJAMIN  
WEAVER, an individual; WILLIAM  
EVERETT WARINNER, an individual;  
JESSICA BARRETT, an individual; JUNE  
KEENER, an individual; RICHARD  
QUINN BOYLAN, an individual; and  
BONITA AGAN, an individual,

CASE NO. 2012CA412

Plaintiffs,

v.

RICK SCOTT, in his official capacity as  
Governor of the State of Florida, KURT  
BROWNING, in his official capacity as  
Florida Secretary of State, and PAM  
BONDI, in her official capacity as  
Attorney General of the State of Florida,

Defendants.

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**COMPLAINT**

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**INTRODUCTION**

1. Plaintiffs bring this action to challenge the constitutionality of Florida's congressional reapportionment plan, Committee Substitute for Senate Bill 1174 ("2012 Congressional Plan"), and the constitutionality of individual districts in the 2012 Congressional Plan.

2. Article III, Section 20 of the Florida Constitution provides the standards for reapportionment of Florida's congressional districts. Unfortunately, in conducting the 2012 congressional reapportionment process, the Florida Legislature violated these constitutional

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requirements. Plaintiffs bring this action to ensure that Florida's congressional districts and reapportionment plan abide by the fair, neutral, and constitutionally-mandated requirements of Article III, Section 20.

### **PARTIES**

3. Plaintiffs Rene Romo, Benjamin Weaver, Jessica Barrett, June Keener, Richard Quinn Boylan, William Everett Warinner, and Bonita Agan are citizens of the United States and residents and qualified voters in the State of Florida.

4. Plaintiff Rene Romo resides at 626 Caroline Street in Key West, Florida. Under the 2012 Congressional Plan, she resides in Congressional District 26.

5. Plaintiff Benjamin Weaver resides at 1649 Stockton Street in Jacksonville, Florida. Under the 2012 Congressional Plan, he resides in Congressional District 4.

6. Plaintiff William Everett Warinner resides at 306 NE 5th Avenue in Gainesville, Florida. Under the 2012 Congressional Plan, he resides in Congressional District 5.

7. Plaintiff Jessica Barrett resides at 217 Palm Avenue in Auburndale, Florida. Under the 2012 Congressional Plan, she resides in Congressional District 10.

8. Plaintiff June Keener resides at 9424 Via Segovia in New Port Richey, Florida. Under the 2012 Congressional Plan, she resides in Congressional District 12.

9. Plaintiff Richard Quinn Boylan resides at 2950 Alton Drive in St. Pete Beach, Florida. Under the 2012 Congressional Plan, he resides in Congressional District 13.

10. Plaintiff Bonita Agan resides at 251 Driftwood Road SE in St. Petersburg, Florida. Under the 2012 Congressional Plan, she resides in Congressional District 14.

11. Defendant Rick Scott is the Governor of the State of Florida. In his official capacity, Governor Scott is the chief executive officer of the State of Florida and is charged with

ensuring that the laws are faithfully executed. Defendant Scott further has the power to veto or approve and sign into law congressional reapportionment legislation.

12. Defendant Kurt Browning is the Secretary of State for the State of Florida. In his official capacity, Defendant Browning is the chief elections officer for the State of Florida and is charged with administering Florida election laws.

13. Defendant Pam Bondi is the Attorney General of the State of Florida. In her official capacity, Defendant Bondi is the chief legal officer of the State of Florida.

### **JURISDICTION AND VENUE**

14. This Court has jurisdiction over this action pursuant to Article V, Section 5(b) of the Florida Constitution, and has authority to grant declaratory and injunctive relief pursuant to Fla. Stat. §§ 86.011 and 26.012(3) respectively.

15. Venue is proper in Leon County pursuant to Fla. Stat. § 47.011.

### **FACTUAL ALLEGATIONS**

16. On November 2, 2010, Florida voters overwhelmingly voted to amend Florida's Constitution to include a provision requiring that fair and neutral standards be used when drawing congressional district lines.

17. The congressional reapportionment provision, designated "Amendment 6" on the ballot and now contained in Article III, Section 20 of the Florida Constitution, provides:

**SECTION 20. 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 (a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

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

18. On February 9, 2012, the Florida Legislature passed the 2012 Congressional Plan.

19. On information and belief, Defendant Rick Scott imminently will sign the 2012 Congressional Plan into law.

20. The 2012 Congressional Plan violates multiple aspects of Article III, Section 20 of the Florida Constitution and deprives Plaintiffs of rights guaranteed them by the Florida Constitution. In particular, the 2012 Congressional Plan:

- a. was drawn with the intent to favor a political party;
- b. was drawn with the intent to disfavor a political party;
- c. was drawn with the intent to favor certain incumbents;
- d. was drawn with the intent to disfavor certain incumbents;
- e. was drawn with the intent to deny or abridge the equal opportunity of racial and language minorities to participate in the political process;
- f. was drawn with the intent to diminish the ability of racial and language minorities to elect representatives of their choice;
- g. was drawn with the result of denying or abridging the equal opportunity of racial and language minorities to participate in the political process;
- h. was drawn with the result of diminishing the ability of racial and language minorities to elect representatives of their choice;
- i. contains districts that are not compact; and

- j. contains districts that fail to utilize existing political and geographical boundaries where feasible.

21. Congressional District 4 under the 2012 Congressional Plan violates multiple aspects of Article III, Section 20 of the Florida Constitution and deprives Plaintiffs of rights guaranteed them by the Florida Constitution. In particular, Congressional District 4:

- a. was drawn with the intent to favor a political party;
- b. was drawn with the intent to disfavor a political party;
- c. was drawn with the intent to favor an incumbent;
- d. was drawn with the intent to deny or abridge the equal opportunity of racial and language minorities to participate in the political process;
- e. was drawn with the intent to diminish the ability of racial and language minorities to elect representatives of their choice;
- f. was drawn with the result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process;
- g. was drawn with the result of diminishing the ability of racial and language minorities to elect representatives of their choice;
- h. is not compact; and
- i. fails to utilize existing political and geographical boundaries where feasible.

22. Congressional District 5 under the 2012 Congressional Plan violates multiple aspects of Article III, Section 20 of the Florida Constitution and deprives Plaintiffs of rights guaranteed them by the Florida Constitution. In particular, Congressional District 5:

- a. was drawn with the intent to favor a political party;
- b. was drawn with the intent to disfavor a political party;

- c. was drawn with the intent to favor an incumbent;
- d. was drawn with the intent to deny or abridge the equal opportunity of racial and language minorities to participate in the political process;
- e. was drawn with the intent to diminish the ability of racial and language minorities to elect representatives of their choice;
- f. was drawn with the result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process;
- g. was drawn with the result of diminishing the ability of racial and language minorities to elect representatives of their choice;
- h. is not compact; and
- i. fails to utilize existing political and geographical boundaries where feasible.

23. Congressional District 10 under the 2012 Congressional Plan violates multiple aspects of Article III, Section 20 of the Florida Constitution and deprives Plaintiffs of rights guaranteed them by the Florida Constitution. In particular, Congressional District 10:

- a. was drawn with the intent to favor a political party;
- b. was drawn with the intent to disfavor a political party;
- c. was drawn with the intent to favor an incumbent;
- d. was drawn with the intent to deny or abridge the equal opportunity of racial and language minorities to participate in the political process;
- e. was drawn with the intent to diminish the ability of racial and language minorities to elect representatives of their choice;
- f. was drawn with the result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process;

- g. was drawn with the result of diminishing the ability of racial and language minorities to elect representatives of their choice;
- h. is not compact; and
- i. fails to utilize existing political and geographical boundaries where feasible.

24. Congressional District 12 under the 2012 Congressional Plan violates multiple aspects of Article III, Section 20 of the Florida Constitution and deprives Plaintiffs of rights guaranteed them by the Florida Constitution. In particular, Congressional District 12:

- a. was drawn with the intent to favor a political party;
- b. was drawn with the intent to disfavor a political party;
- c. was drawn with the intent to favor an incumbent;
- d. is not compact; and
- e. fails to utilize existing political and geographical boundaries where feasible.

25. Congressional District 13 under the 2012 Congressional Plan violates multiple aspects of Article III, Section 20 of the Florida Constitution and deprives Plaintiffs of rights guaranteed them by the Florida Constitution. In particular, Congressional District 13:

- a. was drawn with the intent to favor a political party;
- b. was drawn with the intent to disfavor a political party;
- c. was drawn with the intent to favor an incumbent;
- d. was drawn with the intent to deny or abridge the equal opportunity of racial and language minorities to participate in the political process;
- e. was drawn with the intent to diminish the ability of racial and language minorities to elect representatives of their choice;

- f. was drawn with the result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process;
- g. was drawn with the result of diminishing the ability of racial and language minorities to elect representatives of their choice; and
- h. fails to utilize existing political and geographical boundaries where feasible.

26. Congressional District 14 under the 2012 Congressional Plan violates multiple aspects of Article III, Section 20 of the Florida Constitution and deprives Plaintiffs of rights guaranteed them by the Florida Constitution. In particular:

- a. was drawn with the intent to favor a political party;
- b. was drawn with the intent to disfavor a political party;
- c. was drawn with the intent to favor an incumbent;
- d. was drawn with the intent to deny or abridge the equal opportunity of racial and language minorities to participate in the political process;
- e. was drawn with the intent to diminish the ability of racial and language minorities to elect representatives of their choice;
- f. was drawn with the result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process;
- g. was drawn with the result of diminishing the ability of racial and language minorities to elect representatives of their choice;
- h. is not compact; and
- i. fails to utilize existing political and geographical boundaries where feasible.



27. Congressional District 26 under the 2012 Congressional Plan violates multiple aspects of Article III, Section 20 of the Florida Constitution and deprives Plaintiffs of rights guaranteed them by the Florida Constitution. In particular, Congressional District 26:

- a. was drawn with the intent to favor a political party;
- b. was drawn with the intent to disfavor a political party;
- c. was drawn with the intent to favor an incumbent; and
- d. fails to utilize existing political and geographical boundaries where feasible.

28. On information and belief, absent an injunction from this Court, Defendants intend to and will conduct primary and general elections for the United States House of Representatives on the basis of the congressional districts set forth in the 2012 Congressional Plan.

29. Plaintiffs intend to and will vote in the state primary and general elections to be held in 2012 and thereafter for candidates for the United States House of Representatives. If those elections are conducted by Defendants on the basis of an unconstitutional reapportionment plan and unconstitutional congressional districts, Plaintiffs and all other similarly situated individuals will be further deprived of rights guaranteed by the Florida Constitution.

**COUNT 1**  
**(Violation of Article III, Section 20 of the Florida Constitution)**

30. Plaintiffs restate and incorporate by reference the allegations of paragraphs 1 through 29 above as though fully set forth herein.

31. The 2012 Congressional Plan was drawn with the intent to favor and to disfavor certain political parties, was drawn with the intent to favor and to disfavor certain incumbents, was drawn with the intent to deny or abridge the equal opportunity of racial and language minorities to participate in the political process and diminish their ability to elect representatives

of their choice, was drawn with the result of denying or abridging the equal opportunity of racial and language minorities to participate in the political process and diminishing their ability to elect representatives of their choice, contains non-compact districts, and contains districts that fail to utilize existing political and geographical boundaries where feasible. As a result, the 2012 Congressional Plan as a whole violates Article III, Section 20 of the Florida Constitution. The 2012 Congressional Plan as a whole deprives Plaintiffs and all other citizens of Florida of the rights guaranteed them by the Florida Constitution.

32. The 2012 Congressional Plan contains districts, including districts in which Plaintiffs reside, that were drawn with the intent to favor and to disfavor certain political parties, were drawn with the intent to favor and to disfavor certain incumbents, were drawn with the intent to deny or abridge the equal opportunity of racial and language minorities to participate in the political process and diminish their ability to elect representatives of their choice, were drawn with the result of denying or abridging the equal opportunity of racial and language minorities to participate in the political process and diminishing their ability to elect representatives of their choice, are non-compact, and fail to utilize existing political and geographical boundaries where feasible, all in violation of Article III, Section 20 of the Florida Constitution. These districts deprive Plaintiffs and all similarly situated citizens of Florida of the rights guaranteed them by the Florida Constitution.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request that this Court:

1. Declare, pursuant to Fla. Stat. § 86.011, that the 2012 Congressional Plan deprives Plaintiffs and all citizens of Florida of their rights under Article III, Section 20 of the Florida Constitution, and that the 2012 Congressional Plan is unconstitutional, unlawful, null, and void;

or, in the alternative, declare that Congressional Districts 4, 5, 10, 12, 13, 14, and 26 under the 2012 Congressional Plan deprive Plaintiffs and other residents of these districts of their rights under Article III, Section 20 of the Florida Constitution, and that these districts are unconstitutional, unlawful, null, and void;

2. Issue a permanent injunction and judgment, pursuant to Fla .Stat. § 26.012(3), barring Defendants from calling, holding, supervising, or certifying any further elections under the 2012 Congressional Plan; or, in the alternative, enjoin Defendants from calling, holding, supervising, or certifying any further elections using Congressional Districts 4, 5, 10, 12, 13, 14, and 26 under the 2012 Congressional Plan;

3. Hold hearings, consider briefing and evidence, and otherwise take actions necessary to determine and order valid plans for new congressional districts for the State of Florida; and

4. Grant such other or further relief the Court deems to be appropriate, including but not limited to an award of Plaintiffs' attorneys' fees and reasonable costs.

Dated: February 9, 2012

By: 

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