



Chairman Tom Leek
Florida House of Representatives Redistricting Committee
402 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

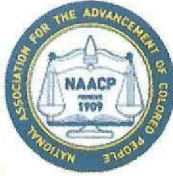
Dear Chairman Leek and members of the House Redistricting Committee:

Your current Congressional map, Plan 8011, clearly demonstrates a sound rejection of outside efforts to have you disregard the FairDistricts provisions of the Constitution. We are fully aware that pressures have been applied to get the House to eliminate Benchmark Congressional District 5 (CD 3 in your current draft). Thank you for standing firm on this issue.

We want to let you know, however, that we have major concerns that if Plan 8011 is enacted, it will eliminate the ability of Black voters in Central Florida to elect a representative of their choice. This plan raises significant legal concerns regarding how it departs from benchmark CD 10.

Since its creation, CD 10 has proven that as configured, it has the ability to elect a Black Member of Congress. Yet the subcommittee's plan 8011 violates the Tier 1 standards of the FairDistricts requirements by cracking the Black population previously in CD 10, thereby eliminating a performing minority district and diminishing the ability of those Black voters to elect a representative of their choice.

In contrast, the Senate's Plan 8060 contains a version of CD 10 that closely resembles the benchmark and was legally sanctioned by the Supreme Court. The Senate rightly considers CD 10 to be protected by Tier 1 of the FairDistricts provisions. It has elected a Black member since its creation and a functional analysis, performed according to Florida Supreme Court precedent shows statistically that it can continue to do so.



NAACP
FLORIDA STATE CONFERENCE

We urge you to reconsider the configuration of Central Florida in Plan 8011 and eliminate the radical departure from Tier 1 of the constitutional requirements. You can do this by following the Senate's legally compliant configuration that maintains the ability of Black voters to elect a representative of their choice.

Thank you for your consideration.

Sincerely,

Adora Obi Nweze
President, NAACP Florida State Conference
P.O. Box 101060
Fort Lauderdale, FL 33310
Telephone: (407) 843-5320
info@FLNAACP.com

Founded in 1909, the NAACP is the nation's oldest and largest nonpartisan civil rights organization. Its members throughout the United States and the world are the premier advocates for civil rights in their communities. In 1941, the NAACP Florida State Conference was formed as the 1st State Conference in the nation. For more information on the NAACP Florida State Conference, please visit www.FLNAACP.com or follow us on Twitter @FLNAACP.



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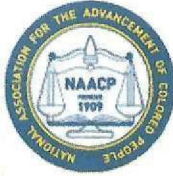
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Honorable Wilton Simpson, President
409 The Capitol
404 South Monroe Street
Tallahassee, Florida 32399

Honorable Chris Sprowls, Speaker
420 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399

Honorable Ray Rodrigues, Redistricting Chair
305 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

Honorable Tom Leek, Redistricting Chair
402 House Office Building
402 South Monroe Street
Tallahassee, Florida 323995

Re: Ensuring a Fair and Open Redistricting Process

Dear Presiding Officers and Legislative Leaders,

Redistricting is, at its heart, a process designed to ensure that Florida's democracy is fair and that all Floridians' political voices can be heard. The process by which the maps are drawn must be open and ensure that those who are already the most marginalized in our state, namely our Black and Brown residents, are provided a fair and equal opportunity to engage with our representative democracy. As the legislature closes out its role in the redistricting process, we write on behalf of the Florida State Conference of the NAACP, to ask that it remember its legal duty and (1) ensure that the remainder of this process is open and accessible to the public and (2) engage in a full-throated racial analysis of Florida's population to provide Floridians of color have an equal opportunity to elect candidates of our choice.

To do so, the process must be open and easily accessible to the public. However, despite repeated requests to provide access,¹ the legislature has failed to provide substantive ways for the public to engage with this process. From the start, the legislature has rejected approaches that would allow for meaningful and accessible opportunities for public input.² Instead, the legislature held few public hearings and offered few other effective opportunities for public comment or testimony, the most fundamental forms of public engagement in the redistricting process. Moreover, although Florida is an expansive state, the legislature has limited hearings exclusively to Tallahassee and mandated that participants appear in person.³ Those wishing to speak must drive hours to request that they be treated fairly by committees.

For Black Floridians, who are disproportionately less likely to be able to take off time from work and family care duties to drive to Tallahassee, holding in-person meetings precludes participation.⁴ To make matters worse, in the midst of the ongoing COVID-19 pandemic, which has, and continues to, run rampant through this state and which is disproportionately harmful to Black individuals, holding only in-person meetings literally requires members of the public to choose between risking their health and participating in the process chosen by committees.⁵ It is unconscionable to require Floridians to put their very lives at risk to have their voices heard in a process that will define their representation in our democracy for the next decade.

The legislative leadership has repeatedly asserted that the public can participate through the submission of maps. As this legislature knows, drawing and submitting maps is not accessible for most Floridians. Map drawing requires a great deal of skill and technical knowledge. Expert demographers who are skilled in map drawing are expensive to retain and in high demand. To utilize the website built by the joint committees not only requires these skills, but also access to a

¹ See e.g., Laura Cassels, *Top Democrat on FL House redistricting panel calls for panel hearings; no response from GOP chair*, FLORIDA PHOENIX (Oct. 12, 2021) <https://floridaphoenix.com/2021/10/12/top-democrat-on-fl-house-redistricting-panel-calls-for-public-hearings-no-response-from-gop-chair/>.

² See Memorandum on “Important Updates on Reapportionment” from Ray Rodrigues, Chair, Comm. on Reapportionment, The Fla. Senate (Nov. 8, 2021) (claiming that opportunity for public comment is not needed for an open process and that it will not be effectively provided); and Memorandum on “A Look Ahead: The 2022 Redistricting Cycle” from Chris Sprowls, Speaker, Florida House of Representatives (Aug. 12, 2021) (emphasizing that “[t]he House continues to strongly recommend that planned or unplanned conversations about redistricting not take place outside of the committee process” but that opportunity for public input will either be in person or solely through the redistricting website).

³ See e.g., *2020-2022 Committee on Reapportionment*, The Florida Senate, <https://www.flsenate.gov/Committees/Show/RE/>. See also, Redistricting Comm., Florida House of Representatives, Notice of Sept. 22, 2021 Meeting, <https://www.myfloridahouse.gov/Sections/Committees/meetingnotice.aspx?MeetingId=13095&SessionId=93&CommitteeId=3107> (indicating that attendees must “appear in person to provide testimony”).

⁴ Irina Ivanova, *As states reopen, black workers are at greater risk of COVID-19*, CBS NEWS (June 16, 2020) <https://www.cbsnews.com/news/black-workers-lives-essential-frontline-jobs-risk-coronavirus-reopening/>.

⁵ *Minority Health and Health Equity*, FLORIDA HEALTH, <http://www.floridahealth.gov/programs-and-services/minority-health/index.html> (as of January 18, 2022) (According to the Florida Department of Health: “Minority populations experience higher rates of persisting illness and death than the general population, which impacts risks from COVID-19. . . . Poor health outcomes are apparent when comparing the health indicators of Florida’s general population to African Americans, Hispanic Americans, [etc.]”).

steady internet connection and a relatively powerful computer. Additionally, it is unclear whether the reapportionment committees have ever even looked at the public submissions, let alone used them to inform or influence its own maps.⁶

Voters of color, in particular, have suffered under the current process. In addition to the specific difficulties our communities have faced in engaging with the legislature, we have seen the mapmaking process fail to properly take into account our communities and our needs. We know very little about how the reapportionment committees have analyzed population and voter data, especially when it comes to communities of color and, without more insight into the process, we are unable to engage in our own analysis to confirm their results.

Furthermore, the little we have learned is deeply disheartening. The Florida Constitution requires that maps be drawn to avoid the “result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or [of] diminish[ing] their ability to elect representatives of their choice . . .” Fla. Const. art. III, §§ 20(a), 21(a). Ensuring communities of color have equal opportunity to engage with the political process and elect candidates of our choice, as Tier 1 redistricting criteria, must be the primary consideration for the legislature.⁷ Yet, the legislature, as far as we can tell, has neglected to seriously address Florida’s demographic make-up. Despite “[n]on-white Floridians accounting for over 90 percent of the 2,736,877 people the state added to its population in the last decade,⁸ the House and Senate have not properly accounted for this increase in ways that increase the number of districts that provide voters of color the ability to elect candidates of our choice.

Instead, the legislature has decided, without the necessary analysis, that the current maps provide sufficient representation for Floridians of color.⁹ The Senate Reapportionment Committee appears to have performed a functional analysis of how district will perform on solely the existing districts rather than do a thorough analysis of the state more broadly to determine if additional districts might be able to provide an opportunity for voters of color to elect candidates of our choice. While what steps have been taken by the House committee in its consideration of race are less certain, it is clear that draft maps have actively packed Black voters, particularly in the Tampa

⁶ Mary Ellen Klas & Lawrence Mower, *Florida Senate’s new redistricting maps advance with speed, little comment*, TAMPA BAY TIMES (Jan. 10, 2022) (“Although the public was invited to submit maps and provide feedback . . . there was no indication from senators or their staff that the submissions had been reviewed and the pages of public comment considered.”).

⁷ *Id.*

⁸ Yuri Rudensky & Chris Leaverton, *State Redistricting Profile: Florida*, BRENNAN CENTER FOR JUSTICE (Oct. 8, 2021) <https://www.brennancenter.org/our-work/research-reports/state-redistricting-profile-florida> (“Nonwhite Floridians accounted for

⁹ Mary Ellen Klas, *Florida Senate’s draft maps don’t increase minority districts*, TAMPA BAY TIMES (Nov. 16, 2021) <https://www.tampabay.com/news/florida-politics/2021/11/16/florida-senates-draft-maps-dont-increase-minority-districts/>.

Bay area.¹⁰ This ensures that Black voting strength is diluted and our overall impact on Florida's politics reduced.

This is particularly concerning for two reasons. First, the sort of least-change approach for opportunity to elect districts adopted by the Senate is not aligned with the demographic dynamics of our state. The districts that currently exist were drawn in 2015 using 2010 census data and do not reflect the substantial growth in communities of color over the last decade.¹¹ Failing to carefully review Census data and redraw districts where necessary serves only to embed existing inequality into Florida's maps for the next decade. Second, because the legislature has both insulated its mapmaking from the public eye and not engaged in any substantive racial analysis beyond the benchmark districts, there is no meaningful way for anyone beyond the committees to engage with this process. Even if our community members were able to get assistance from highly specialized, and frequently expensive, demographers and statisticians, without insight into the data that the committees have been using, members of the public are left with no ability to analyze the committees' work or critique their results.

The maps recently submitted by Governor Ron DeSantis' administration show the harm that potentially will be visited upon Floridians of color if we are left out of this process. The Governor's map would destroy two of the only four predominantly Black congressional districts in Florida, one of which has been a Black district for decades, halving Black voting strength in our Congressional delegation and substantially limiting the ability of Black voters to elect candidates of our choice.¹² This goes directly against the criteria established by the Florida Constitution. Governor DeSantis' map, which was developed outside the public eye and with no public input, illegitimately limits the ability of voters of color to express their political voice and must stand as an example of how not to redistrict in Florida.

Given the shroud of secrecy surrounding the process and how committees have been drawing maps, we ask that this legislature: (1) complete its map drawing process in the public eye; and (2) follow its constitutional mandate and engage in a full-throated racial analysis of Florida's population to determine if there are other potential opportunity to elect districts beyond the benchmark districts that the Committee has already studied. Put simply, this legislature should offer clear insight into its actual mapmaking by providing full data sets, not merely population data, as well as the analysis of those data sets used to create the proposed maps. The legislature should also provide the public sufficient time and opportunity to analyze and comment on

¹⁰ William March, *Proposed Florida state House maps could disenfranchise Black Tampa Bay voters*, TAMPA BAY TIMES (Dec. 3, 2021) <https://www.tampabay.com/news/florida-politics/2021/12/03/proposed-florida-state-house-maps-could-disenfranchise-black-tampa-bay-voters/>.

¹¹ Jacob Ogles, *League of Women Voters slams Senate's proposed redistricting maps*, FLORIDA POLITICS (Jan. 18, 2022) <https://floridapolitics.com/archives/487379-league-of-women-voters-slams-senates-proposed-redistricting-maps/>.

¹² See March, *supra* note 10.

proposed maps. Finally, the maps must take into account the actual racial demographics of the state and the implications thereof under the Constitution and Voting Rights Act.

If the last cycle's redistricting process has taught us anything, it is that we cannot merely accept that this legislature will do what is in the best interest of Floridians, particularly voters of color, who, again and again in our state, have seen our democratic rights attacked and our communities used as political tools. If the legislature commits to engage more directly with the public in these ways, we believe that this process can still be a fruitful and fair one. However, time is of the essence. We hope as this process comes to a close, this legislature will step up and correct its past mistakes. Floridians, particularly our communities of color, deserve more.

Sincerely,

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