



THE FLORIDA SENATE
COMMITTEE ON REAPPORTIONMENT

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Senator Ray Wesley Rodrigues, *Chair*
Senator Doug Broxson, *Vice Chair*

Professional Staff: Jay Ferrin, *Staff Director*

Senate's Website: www.flsenate.gov

MEMORANDUM

To: Mr. Jay Ferrin, Staff Director
From: Senator Ray Rodrigues, Chair
Subject: Committee Directives to Staff on Map-Drawing
Date: October 18, 2021

PLAINTIFFS' TRIAL
EXHIBIT

P71

1:24-cv-21983-JB

Senators of the Committee on Reapportionment have reviewed the census data, the features of the map-drawing application, and the relevant criteria, history, and legal standards. I believe that we have the proper foundation upon which to direct you and your staff to produce a series of maps for our consideration.

First and foremost, you are directed to the plain language of the constitution, federal law, and the judicial precedent that exists today in regards to that language. The Constitution sets forth two tiers of redistricting standards, and provides that the Tier-Two standards apply unless complying with them would conflict with the Tier-One standards or with federal law. The Tier-One standards control in the event of a conflict with Tier-Two standards, but in all other circumstances the Tier-Two standards must control the drawing of district lines. Therefore staff is directed to comply with the objective criteria outlined in Tier Two of Article III Sections 20 and 21 of the Florida Constitution, balancing them in a manner that does not establish any priority of one standard over another, unless complying with the Tier-Two standards would conflict with Tier-One standards or federal law.

In accordance with the Tier Two standard of the constitutional requirements related to equal population, you are directed to prepare Senate plans with district population deviations not to exceed 1% of the ideal population of 538,455 people, and to prepare Congressional plans with population deviations of plus or minus one person of the ideal population of 769,221 people.

To comply with the Tier Two standard related to compactness, you are directed to draw districts that are visually compact in relation to their shape and geography, and to use mathematical compactness scores where appropriate.

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

EXHIBIT

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To comply with the Tier Two standard related to utilizing existing political boundaries, you are directed to examine the use of county boundaries where feasible. Furthermore, you are directed to explore concepts that, where feasible, result in districts consisting of whole counties in less populated areas, and to explore concepts that, where feasible, keep districts wholly within a county in the more densely populated areas.

With respect to municipal boundaries, you are directed to explore concepts that, where feasible, keep cities whole while also considering the impermanent and changing nature of municipal boundaries.

You are further directed to examine the use of existing geographic boundaries where feasible. Specifically railways, interstates, federal and state highways, and large water bodies such as those that were deemed to be easily recognizable and readily ascertainable by Florida's Supreme Court. We recognize that these geographic features afford us an opportunity to create districts with static boundaries, and would ask that Staff present the boundary analysis report with each plan so that we can determine coincidence of districts' boundaries with these features.

Further, you are directed, when drawing compact districts consistent with the population equality requirements, and that utilize political and geographic boundaries where feasible, to confirm that the districts comply with the Tier-One constitutional standards and with federal law, specifically, that that districts are not drawn with the result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice. You are directed to conduct a functional analysis on relevant districts to confirm that any map presented for consideration by this Committee or its Select Subcommittees complies with these Tier-One requirements of the Florida Constitution and with the federal Voting Rights Act.

Regarding compliance with the Tier One standard related to the intent to favor or disfavor a political party, you are directed to draw districts without reviewing political data other than where a review of political data is required to perform an appropriate functional analysis to evaluate whether a minority group has the ability to elect representatives of choice.

To comply with the Tier One standard related to intent to favor or disfavor an incumbent, you are directly to draw districts without the use of any residence information of any sitting member of the Florida Legislature or Congress and to draw districts without regard to the preservation of existing district boundaries.

We believe that by limiting the considerations to those adopted by the citizens of Florida, this process will produce constitutionally compliant maps. While the standards that are to be considered require a balancing act it, is important to remember that the standards themselves are

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not optional. Choices made by staff and approved by this committee should be made based on compliance with the objective constitutional criteria.

You are directed to produce a series of plans for each of our Select Subcommittees to workshop. All plans you bring forward must comply with the complex layering of federal and state standards. You will be asked to explain the various trade-offs within the co-equal Tier Two standards presented in each plan. It is within the balancing of these tradeoffs that Senators on the committee must exercise our legislative discretion and produce a constitutionally compliant map.

If staff receives any suggestion that a plan be drafted or changed with the intent to favor or disfavor any incumbent or political party, staff is directed to disregard the suggestion entirely, document the conversation in writing, and report the conversation directly to the Senate President.

Thank you for your attention to these directives. Please notify me, as well as Chairs Bradley and Burgess when you have completed work pertinent to their respective select subcommittees so that workshops can be noticed. Again, thank you and we look forward to reviewing your work.