

**Will new rules shape Florida lawmakers' districts?
Shifting population spurs a redistricting battle in Florida**

Aaron Deslatte, Orlando Sentinel, July 6, 2010

TALLAHASSEE -- It's a fight over party control of the levers of government that's as old as American democracy.

This summer, an army of lawyers is battling over whether voters will get to rewrite the rules for reapportionment, the once-a-decade process when politicians redraw their own district maps. It's a process that has put Republicans in firm control of the state's legislative and congressional delegations for more than a decade.

And the battle comes as Republicans are seeing their voter-registration stall, or diminish. Traditional bastions of GOP power – including Central Florida -- are lagging at a time when partisan anger at the Obama administration is growing and conventional wisdom suggests their numbers should be surging.

Republican state legislators, joined by U.S. Reps. Corrine Brown, D- Jacksonville, and Mario Diaz-Balart, R- Miami, and others, are asking a judge to strike down two constitutional amendments pushed by a lawyer- and union-financed group called Fair Districts Florida. Designated Amendments 5 and 6, they are designed to make it harder for Republicans in the state Capitol to gerrymander congressional and legislative boundaries to keep themselves in power when they adopt new maps in 2012.

The amendments would require lawmakers to draw the maps more compactly, following existing city and county boundaries where feasible, and without intent to help incumbents or political parties.

Supporters – ranging from the NAACP to newly independent Gov. Charlie Crist -- argue the existing standards have shoe-horned minorities and minority-party voters into districts to benefit Republicans.

The district maps resemble jigsaw-puzzle pieces. Brown's "minority access" district winds through nine counties, from Jacksonville to Orlando. Although Democrats have a 42 percent to 36 percent advantage among Florida's 11 million voters, Republicans have nearly 2-to-1 majorities in the Legislature and the state's 25-member congressional delegation.

Incumbents are rarely defeated, and critics say lawmakers are less motivated to seek compromises because they rarely worry about retribution from voters.

"The system we have now has many forces making it more and more partisan," said Bob Graham, the former Democratic U.S. senator and governor who is co-chairman of Fair Districts. "But no force is greater than the way districts are currently drawn to make safe homes for incumbents."

But House Speaker-designate Dean Cannon, R- Winter Park, Senate President-designate Mike Haridopolos, R-Merritt Island, and a handful of black and Hispanic lawmakers are making the case that minority representation will be the loser if the amendments pass.

They cite a 2009 U.S. Supreme Court ruling that said states are not required to carve out "minority access" districts in order to comply with the federal Voting Rights Act, as legislators did in 1992 and 2002. They warn that blacks and Hispanics could see their numbers reduced in the 160-member state Legislature and the congressional delegation.

Their remedy: Amendment 7, which lawmakers rushed onto the Nov. 2 ballot in the last week of the spring lawmaking session and effectively would nullify the new requirements of Amendments 5 and 6 and give legislators broad authority to draw districts as they see fit.

"If you then must draw them compactly, you may reduce the minority population to a level where they couldn't elect a racial or language minority of their choice," Cannon said.

"That would probably matter to the people who vote."

It's an argument reminiscent of 1992, when then-majority Democrats saw a surging Republican Party peel away black Democrats by proposing maps that packed districts with larger numbers of Hispanics and blacks, ensuring more minorities would be elected. But the new maps also made neighboring districts more white – and more Republican.

The fight raged for years, and Republicans eventually took control of the Legislature in 1996.

As in 1992, Cannon and Haridopolos are attracting a growing list of minority backers, many of them Democrats. "I have a minority access seat. That's why I'm here today," said state Sen. Gary Siplin, an Orlando Democrat who co-sponsored Amendment 7.

The Fair Districts amendments "wouldn't guarantee minority access seats such as mine," he said.

Siplin's district is 29 percent black and 29 percent Hispanic, giving the two groups enough votes to generally elect a minority candidate but not enough for either voting bloc to dominate.

But Fair Districts backers argue Amendment 7 would leave voters with less protection from gerrymandering. It would trump a requirement that districts be "contiguous," lower the standard of legal review when maps are challenged in court – and allow lawmakers to avoid other rules and create districts that include undefined "communities of common interest."

"They can determine a community of interest is having all the gated communities in an

area," said Ron Meyer, a Tallahassee lawyer for the groups challenging Amendment 7.

This week, a Leon County Circuit Court judge will hear final arguments in a challenge to the Legislature's amendment by the Florida League of Women Voters and the NAACP. Meanwhile, Brown, Diaz-Balart and the Legislature are suing to invalidate Amendments 5 and 6. Both court fights could go to the Florida Supreme Court in August, although they might not be resolved before election ballots get printed.

There's also a significant difference between now and 1992: An *Orlando Sentinel* analysis of voter-registration data shows the percentage of new voters registering with the GOP is shrinking, compared to those choosing to be Democrats, independents or a growing number of third-party alternatives.

Central Florida, for example, no longer can be banked on as a rock-ribbed Republican bastion.

Of the 17 Republican-held state House districts located primarily in Lake, Volusia, Seminole, Orange, Brevard and Osceola counties, the percentage of registered GOP voters fell an average of 4.8 percentage points – declining from 43.5 percent to 38.7 percent -- since 2002, the analysis found.

Meanwhile, Democratic numbers inched up, from 36.4 percent to 37.2 percent. And no-party-affiliation voters grew from 15.4 percent to 18.2 percent.

The six GOP-held state Senate seats in the same area have seen Republican registration fall from an average of 44.6 percent to 40.2 percent, while the Democratic percentage has held flat at nearly 37 percent and NPAs have grown on average from 15.2 percent to 17.7 percent.

No district captures the shift – and the threat to GOP power -- better than House District 35, Cannon's seat. Trendy shopping and million-dollar mansions in Winter Park and Baldwin Park quickly give way to well-worn – and increasingly Hispanic -- neighborhoods to the south and the University of Central Florida campus to the east.

When its boundaries were drawn in 2002, House District 35 was secure Republican turf – 73 percent white, with a 44 percent to 34 percent GOP edge. Since then, Hispanic voters have grown from 15 percent to 20 percent, whites have fallen to 63 percent, and Democratic voters have a 38 percent to 35 percent advantage.

"When these lines were drawn, I don't think the Hispanics were taken into consideration," said Amy Mercado, a Democratic activist who is running against Cannon. "For the early part of the decade, it was a safe seat. It's not anymore."

Nobody knows what the future holds, though, for the burgeoning Hispanic population.

Only one Hispanic – Rep. Darren Soto, D-Orlando – represents the region now. And Fair

Districts critics say the amendments would make it harder to elect more Hispanics to Tallahassee or Washington.

University of South Florida political scientist Susan MacManus, an expert on Florida's 1992 redistricting fight, expects the GOP-minority coalition will be a major force, if not a decisive one.

"They each feel they could lose representation under the new system," she said. "Whether it's reality or not, that's the fear."

Aaron Deslatte can be reached at adeslatte@orlandosentinel.com or 850-222-5564.

Copyright © 2010, [Orlando Sentinel](#)