

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

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, *et al.*,

Plaintiffs,

vs.

Case No. 2012-CA-002842

KENNETH W. DETZNER, *et al.*,

Defendants.

_____ /

NOTICE OF FILING

The Florida Senate respectfully gives Notice to this Court of the Stipulation and Consent Judgment attached hereto as **Exhibit A**. The Florida Senate accepts full responsibility for the Senate Plan. The Florida Senate recognizes the Florida House of Representatives, including its current and former members, staff, and attorneys, were not involved in drawing the Senate Plan. The Florida House of Representatives did not amend the Senate Plan and had no role in its creation. The Florida House of Representatives did not intend to favor or disfavor any political party or incumbent, and had no knowledge of any constitutional infirmities relating to the Senate Plan.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by electronic transmission on July 28, 2015, to the persons listed on the following Service List.

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EXHIBIT A

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

THE LEAGUE OF WOMEN VOTERS OF FLORIDA;
COMMON CAUSE; JOAN ERWIN; ROLAND
SANCHEZ-MEDINA, JR.; J. STEELE OLMSTEAD
CHARLES PETERS; OLIVER D. FINNIGAN;
SERENA CATHERINA BALDACCHINO; AND
DUDLEY BATES,

PLAINTIFFS,

v.

KENNETH W. DETZNER, in his official
capacity as Florida Secretary of State; THE
FLORIDA SENATE; ANDY GARDINER,
in his official capacity as President of the
Florida State Senate; THE FLORIDA HOUSE OF
REPRESENTATIVES; and STEVE CRISAFULLI, in
his official capacity as Speaker of the Florida
House of Representatives, and PAM BONDI, in
her official capacity as Attorney General of the
State of Florida,

DEFENDANTS.

CASE No.: 2012-CA-2842

STIPULATION AND CONSENT JUDGMENT

Plaintiffs THE LEAGUE OF WOMEN VOTERS OF FLORIDA, COMMON CAUSE, JOAN ERWIN, ROLAND SANCHEZ-MEDINA, JR., J. STEELE OLMSTEAD, CHARLES PETERS, OLIVER D. FINNIGAN, SERENA CATHERINA BALDACCHINO, and DUDLEY BATES (collectively, "Plaintiffs"); and Defendants, THE FLORIDA SENATE and ANDY GARDINER in his official capacity as President of the Senate (collectively, the "Florida Senate") request entry of a Consent Judgment based the following Stipulation in the form provided below:

STIPULATION

1. In light of the factual findings and legal analysis announced by the Florida Supreme Court in *League of Women Voters of Florida v. Detzner*, __ So. 3d ___, 2015 WL 4130852 (Fla. July 9, 2015) ("*Apportionment VII*"), the Florida Senate stipulates and agrees that the apportionment plan adopted by the Florida Legislature on March 27, 2012, to establish Florida's Senate districts (the "Enacted Senate Plan") violates the provision of Article III, Section 21(a) of the Florida Constitution providing that "[i]n establishing legislative district boundaries . . . [n]o apportionment plan or district shall be drawn with the intent to favor or

disfavor a political party or an incumbent,” because the Enacted Senate Plan and certain individual districts were drawn to favor a political party and incumbents.

2. Accordingly, the Florida Senate stipulates and agrees that the Enacted Senate Plan shall not be enforced at the 2016 primary and general elections, and stipulates and agrees to entry of the attached Consent Judgment and to conduct remedial proceedings in order to enact a remedial apportionment plan for Florida’s Senate districts (“Remedial Senate Plan”).

3. The Florida Senate further stipulates and agrees that, in the forthcoming remedial proceedings in this case, the burden shall be shifted to the Legislature to justify its decisions in drawing Senate district boundaries, no deference shall be afforded to the Legislature’s decisions in drawing any Senate district boundaries, and the review of the Remedial Senate Plan and individual districts shall be subject to the same standards as set forth in *Apportionment VII*.

4. Plaintiffs and the Florida Senate stipulate and agree that the trial court will retain jurisdiction of this case to perform an oversight role should any disputes arise, to permit further discovery, to review the Remedial Senate Plan to ensure that it complies with the requirements of the Florida Constitution, and to determine entitlement and the amount of attorney’s fees and costs that may be awarded to Plaintiffs. The Legislative Parties do not concede that Plaintiffs are entitled to recover their attorney’s fees in this action. The Florida House of Representatives and the Florida Senate have agreed among themselves that the Florida Senate agrees that it shall be exclusively liable for any attorney’s fees and costs awarded in this action or any appeal from this action.

5. Accordingly, Plaintiffs and the Florida Senate stipulate and agree to the Court’s entry of the following Consent Judgment.

STIPULATED AND AGREED:

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CONSENT JUDGMENT

THIS MATTER, having come before the Court on the Stipulation of Plaintiffs and the Florida Senate, and the Court, having examined the pleadings and submissions of the parties and otherwise being fully advised in the premises, now, therefore,

ORDERS AND ADJUDGES:

- a. The apportionment plan adopted by the Florida Legislature on March 27, 2012, to establish Florida's Senate districts (the "Enacted Senate Plan") violates Article III, §21(a) of the Florida Constitution providing that "[i]n establishing legislative district boundaries . . . [n]o apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent," and the Enacted Senate Plan shall not be enforced or utilized for the 2016 primary and general elections.
- b. The Legislative Parties shall file with the Court and serve on Plaintiffs a remedial apportionment plan for Florida's Senate districts (the "Remedial Senate Plan") no later than November 9, 2015, along with the following information:
 1. The Remedial Senate Plan, the Enacted Senate Plan and the 2002 benchmark Senate Plan in .doj format, which is compatible with District Builder, MyDistrictBuilder, and Maptitude for Redistricting software.
 2. The name of the software used to create the Remedial Senate Plan, the data and criteria used in drafting the Remedial Senate Plan, the source of the data used in drafting the Remedial Senate Plan, and any other relevant information.
 3. Statistical reports for the Remedial Senate Plan, the Enacted Senate Plan and the 2002 benchmark Senate Plan in both searchable .pdf and .xls formats. These reports shall include, at a minimum, the following from the applicable census data: the population numbers in each district, the total voting age population (VAP) in each district, and the VAP of each racial and ethnic group in each district. Reports with additional information and statistics, such as compactness measurements, and reports for prior redistricting plans, may also be submitted in searchable .pdf and .xls formats.
 4. Any transcripts from legislative hearings, including committee meetings, and any transcripts or recordings of any non-public meetings (to the extent any such transcripts or recordings exist) regarding the passage of the Remedial Senate Plan.
 5. Any available hard-copy maps of the Remedial Senate Plan, which shall include depictions of the entire state as well as regional maps. Each hard-copy map shall also be filed in electronic .pdf format.

6. The Legislative Parties reserve the right to seek relief from this Judgment should unanticipated contingencies arise during the legislative process which prevent the Legislature from enacting the Remedial Senate Plan by November 9, 2015, and Plaintiffs reserve their right to contest any such relief. The Court and the parties appreciate the time-sensitive nature of these proceedings and the need to provide certainty to candidates and voters regarding the legality of the State's Senate districts and agree that it is essential that a constitutionally compliant remedial senate plan be in place for the 2016 primary and general elections.
- c. The Legislative Parties shall upon written request promptly provide Plaintiffs a copy of all non-privileged emails and documents related to the drawing of the Remedial Senate Plan.
- d. This Court retains jurisdiction to review the Remedial Senate Plan to ensure that it complies with the requirements of Article III, Section 21 of the Florida Constitution. In the remedial proceedings, the burden shall be shifted to Defendants to justify the Legislature's decisions in drawing Senate district boundaries, no deference shall be afforded to the Legislature's decisions (whether advanced by the whole or either chamber of the Legislature) regarding the drawing of Senate districts, and the review of the Remedial Senate Map and individual districts shall be subject to the same standards as set forth in *Apportionment VII*.
- e. The parties shall be permitted to conduct discovery in the remedial proceedings. Plaintiffs shall be permitted to submit objections to the Remedial Senate Plan and to submit proposed alternative remedial Senate plans for the court's consideration. Plaintiffs shall submit alternative plans in .doj and .pdf format and in hard-copy format, along with reports in searchable .pdf and .xls formats that include, at a minimum, the following from the applicable census data: the population numbers in each district, the total voting age population (VAP) in each district, and the VAP of each racial and ethnic group in each district. Reports with additional information and statistics, such as compactness measurements, and reports for prior redistricting plans, may also be submitted in searchable .pdf and .xls formats.
- f. The court reserves jurisdiction to consider any pending or post-judgment motions, including any motion for an award of attorney's fees and costs to Plaintiffs, and to enter such further orders as may be necessary to effectuate this judgment or to otherwise fashion an appropriate equitable remedy. Defendants do not concede that Plaintiffs are entitled to recover attorney's fees.
- g. This Consent Judgment supersedes the Case Management and Scheduling Order entered on April 8, 2015. The trial and the pretrial conferences scheduled in the Case Management and Scheduling Order, and all deadlines established in the Case Management and Scheduling Order, are canceled. As soon as practicable, the parties

shall attend a case management conference to set out a schedule for the remedial proceedings and shall strictly comply with the schedule the court sets for the remedial proceedings.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this ____ day of July, 2015.

GEORGE S. REYNOLDS, III

Circuit Judge

Copies to: All Counsel of Record