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SENATE REAPPORTIONMENT

OCTOBER 5, 2011

Transcribed by:
CLARA C. ROTRUCK
Court Reporter

1 T A P E D P R O C E E D I N G S

2 SENATOR GAETZ: We are pleased today to
3 welcome to this committee and to the Florida
4 Senate the newest Senator of the State of
5 Florida, Senate 1, Senator Audrey Gibson,
6 formerly State Representative, now a member of
7 the Senate. And, Senator Gibson, we know what
8 we all did to be placed on this committee, good
9 or bad, and we are not sure what you did, but
10 in any case, we are glad you are here, and the
11 Chair recognizes you for any introductory
12 comments, Senator.

13 SENATOR GIBSON: Thank you, Mr. Chair, and
14 I am extremely delighted and excited to be
15 here, and all I did was ask.

16 SENATOR GAETZ: Well, ask, it shall be
17 given, and knock, it shall be open unto you, I
18 guess.

19 Good afternoon, members. First, a matter
20 of just making sure that we are doing our due
21 diligence properly here. I believe, I hope,
22 that all of you received the memorandum which
23 summarized the consensus determinations that we
24 made at the last meeting, laid out procedures
25 that the committee will follow.

1 Let me begin by asking, is there anything
2 about that memo that lacks clarity? Is there
3 anything that you wish to discuss? Is there
4 anything that you believe was unfaithful to our
5 conversations at the last meeting, any member?
6 I'm sorry, Leader Rich, did you seek
7 recognition?

8 SENATOR RICH: Yes, Mr. Chair, just to say
9 that we don't have the memo with us, so if you
10 would allow us to just take a look at it again
11 to make sure that, you know, there's clarity --

12 SENATOR GAETZ: Of course. Why don't we
13 return to that at the end of the meeting --

14 SENATOR RICH: Great.

15 SENATOR GAETZ: -- to make sure if there
16 are any corrections that anybody wishes to
17 make. And, John, can you -- do we have a copy
18 for Leader Rich? Are there other members of
19 the committee who have not had an opportunity
20 to look at the memo? Senator Latvala, Senator
21 Diaz de la Portilla. Do we have some extra
22 copies? Don't be shy. We can make more. And
23 I would like an extra copy, too, when you are
24 finished.

25 And, Senators, the intent of this

1 memorandum, which was sent out on the 27th of
2 September, was to summarize the discussion that
3 we had at the last meeting to memorialize the
4 agreements that we made about how we would
5 proceed, and to try to be faithful to some of
6 the cautions that members of the committee had
7 for us to avoid last-minute amendments and
8 those sorts of things. So if you have not had
9 a chance to review the memo, please do, and as
10 Leader Rich has suggested, we will come back to
11 it later in the meeting to see if anyone has
12 any corrections or additions.

13 Our purposes today are to go through the
14 first region of Florida that we have identified
15 for discussion of district lines and
16 boundaries. Today and in our next three
17 meetings, we will move through the state,
18 region by region, discussing scenarios for
19 drawing congressional and legislative maps
20 based on suggestions and maps submitted by the
21 public, by interest groups and by Senators.

22 The next time we meet, to give you
23 previews of coming attractions, the next time
24 we meet we will look at northeast and central
25 Florida. Specifically in our next meeting, we

1 will be discussing the area from Suwannee River
2 east to Jacksonville, and from Pasco County
3 across to the east coast, including Orlando and
4 the surrounding areas. So that will be a very
5 substantial discussion. At our November
6 meetings, as we mentioned before, we will be
7 considering southeast and southwest Florida.

8 Let me just stop here so that we, again,
9 don't have any unpleasant surprises, and let's
10 discuss the practical application of what I
11 will call the seven-day rule, which by
12 consensus we adopted at our last meeting.

13 If any member of the public or any Senator
14 has a plan for northeast or central Florida for
15 our inclusion on the agenda for October 18th,
16 please make sure to submit that plan no later
17 than the first thing next Monday morning, which
18 is October 10th, so it can be included at the
19 meeting notice that is due before noon that
20 day. The purpose is to make sure that we are
21 not having any surprise maps, and that any
22 suggestions and any proposals are publicly
23 noticed so that the public and members of this
24 committee and anybody else who cares has an
25 opportunity to review what we will discuss

1 before we discuss it.

2 Today, as I indicated, we will start with
3 scenarios for northwest Florida. These
4 scenarios are drawn directly from the testimony
5 that we have received at the three public
6 hearings that we held in northwest Florida and
7 the public hearing that we held here in
8 Tallahassee to begin the hearing schedule that
9 took us to 26 locations across the state.

10 We will begin with a staff presentation
11 summarizing the scenarios that we have received
12 from the public, and then giving us -- trying
13 to draw together the themes from that testimony
14 that we can use for drawing districts in this
15 part of the state. After we have heard from
16 the staff and they have reminded us of the
17 scenarios that were presented, the themes that
18 are drawn from those scenarios, then we do have
19 a number of members of the public who have
20 signed up to speak, and we are delighted that
21 they are here. If you wish to speak before the
22 committee, we want your testimony, but we would
23 like to ask you to please fill out a blue
24 appearance card. And who has the blue
25 appearance cards? John has them, Mr. Guthrie

1 has the appearance cards. They are not blue
2 today, they are white. So fill out an
3 appearance card, they are sitting right there,
4 and then we will call on you in order so that
5 we will have a chance to hear from everybody
6 who wants to speak today about northwest
7 Florida. We are not going to take testimony
8 today about south Florida or about the process
9 or about, you know, any other topics. We are
10 going to take testimony specifically about
11 maps, districts, boundaries and borders for
12 northwest Florida.

13 Following that, we will have a committee
14 discussion and debate, and then I will ask the
15 committee if they can provide some direction to
16 our professional staff as they begin the
17 process of developing a proposed committee
18 bill. Obviously, as Henry Kelley, who is here
19 today and who is one of the citizens who drew
20 maps, as Mr. Kelley reminded me, the minute
21 that you drop a pebble in the water in
22 Choctawhatchee Bay, there are waves that wash
23 up, you know, in south Florida. So when we
24 begin to draw lines and develop guidance for
25 our professional staff as to northwest Florida

1 and north Florida, we begin to implicate the
2 other parts of the state. So we are not doing
3 this in isolation or in silos, but we are
4 trying to bite into the apple here region by
5 region, understanding that we will have to come
6 back and make sure that we have followed all of
7 the laws and requirements that we have.

8 So unless there are other questions about
9 our procedure for today's meeting, I would like
10 to skip forward to tabs four, five and six, and
11 recognize John Guthrie, who is our professional
12 staff director for the Reapportionment
13 Committee. And, Mr. Guthrie, would you please
14 make a presentation on the congressional and
15 legislative districts in northwest Florida?
16 You are recognized.

17 MR. GUTHRIE: Thank you, Chairman, and if
18 I may, what I would like to do is provide the
19 committee a bit of an overview of the resources
20 that your professional staff used for
21 assembling the content that we delivered to you
22 for the committee meeting today. Primarily it
23 is the public record, all of which is available
24 to you and to citizens through the Senate
25 website.

1 The way you get to the Senate
2 redistricting website is from the main Senate
3 page, which is www.flsenate.gov. Down in the
4 lower left-hand corner, there is a link to
5 redistricting, or under "Session," there is a
6 tab for "Redistricting." If you choose that,
7 you go to the redistricting home page. The
8 front page is an invitation for the public to
9 stay engaged in this interactive process. The
10 "U.S. Census Data" tab provides a variety of
11 ways of looking at and accessing the vast
12 amount of census data that are available for
13 redistricting.

14 The public hearings page includes a record
15 of all 26 of the public hearings that this
16 committee had during the summer. So we
17 traveled to 26 locations, we heard from almost
18 5,000 citizens, 1,700 people testified, and
19 this is the record that was created. For each
20 hearing, we have the handouts and displays that
21 were available at the hearing site, a hearing
22 report that tells you about what additional
23 submissions the committee received, the hearing
24 transcript -- now, not all of the hearing
25 transcripts are present yet. We have not yet

1 gotten them back from the court reporting
2 service, but as those hearing transcripts come
3 available to us, we immediately post them
4 on-line for you and the public. We also have
5 podcast and video-cast for each of the
6 hearings. So for all of the 26 hearings,
7 there's a huge amount of resources that you can
8 draw upon. And as Senator Gaetz said, that
9 will be the basis for staff's work on proposed
10 committee bills and for this committee's
11 deliberations.

12 The "Legal Submissions" tab on the Senate
13 redistricting page right now has the
14 pre-clearance submission that the Senate and
15 House made to the U.S. Department of Justice,
16 requesting pre-clearance approval for
17 Amendments 5 and 6. As time goes on and the
18 plans are passed by the Legislature, pending
19 before the Supreme Court, or the plans are
20 pending before the U.S. Department of Justice,
21 those records will also be publicized on this
22 site.

23 The "District Builder" tab gets you to a
24 form that you or constituents in your district
25 or your staff can fill out to get an account to

1 use the on-line redistricting system.

2 "Submitted Plans" is where your staff
3 spent most of their time preparing for this
4 meeting. We have a listing of all of the 71
5 plans that have been submitted to the
6 Legislature so far. There are a couple other
7 plans that were submitted to the House this
8 week. There was one plan that was submitted to
9 the Senate just an hour and a half or two
10 before this meeting started. We will be
11 getting those on-line later this week, very
12 soon.

13 In order to navigate the submitted plans
14 page, if you know who the sponsor of the bill
15 is, you can type in the sponsor's name, so the
16 Chairman mentioned Mr. Kelley, if we type
17 "Kelley" as the "submitted by," and say
18 "search," we see that Mr. Kelley so far has
19 submitted four of the 71 plans. So that gives
20 me an easy way of finding the plan that I am
21 interested in.

22 To clear out this search form, I simply
23 press the "Reset" button, and if I am looking
24 for a plan by name, so if I want to know about
25 plan number 37, I can type "zero, three,

1 seven," and say "Search," and in the search
2 results, I get just that plan.

3 A word about the plan-naming convention,
4 it is explained, if you click on the little
5 question mark next to where it says "Plan
6 Name," but basically for all of the plan names,
7 the first letter is an S or an H, which
8 indicates which Chamber processed the plan to
9 put it on the web initially. The next several
10 numbers -- in this case, it is 026, that would
11 be indicating that it is the Senator from
12 District 26 that proposed this plan. If it is
13 a member of the public that submits a plan,
14 those next three characters would be P-U-B, and
15 then the fifth character in a plan name is a C,
16 an S or an H, indicating whether it is a
17 congressional, Senate or House plan, and the
18 last four numbers indicate the plan ID. So for
19 every plan that is submitted to the Senate,
20 whether by the public or a Senator or a member
21 of the House of Representatives, or the
22 proposed committee bills that originate from
23 this committee, each of those will have a
24 unique name, and where plans are referred to in
25 bills or amendments, the plan name will be the

1 cross-reference between the maps, the
2 statistics, the Department of Justice -- the
3 file -- block assignment file that will be
4 submitted to the Department of Justice, and the
5 legal description that is posted in the bill or
6 the amendment. So that is our plan-naming
7 convention, and we expect that new plans will
8 be added to this directory all through the
9 process. So it is a place that you will come
10 back to often.

11 And finally on this page, we have a link
12 to the "Find Your Legislator" application. I
13 think you guys are familiar with it. Any
14 member of the public can type in a ZIP code,
15 and it will take them to a page which shows
16 them who their Senator representative and
17 congressional representatives are. If you
18 click on one of the little maps, it will bring
19 up an interactive map which you can use to zoom
20 in to see the areas that you are interested in
21 in greater detail. So that is a quick overview
22 of the resources that we used for getting us to
23 the point where we are today.

24 What I am going to do is walk through the
25 set of maps that were posted in the committee

1 agenda for this meeting, and just briefly get
2 them on the screen and walk through some of the
3 conclusions that I and your professional staff
4 came to in reviewing all the plans and the
5 public testimony that was submitted to the
6 committee through the summer and so far in the
7 fall, and some of the conclusions that we reach
8 from that.

9 So as the Chairman mentioned, we're going
10 to be focusing today on the northwest part of
11 Florida, which is the area west of and maybe
12 including Baker County and including the Big
13 Bend of Florida, through what I am calling the
14 Capital region and the Emerald Coast.

15 So what you see on the screen at this
16 moment is the current congressional districts
17 for northwest Florida. District 1 is in
18 Escambia, Santa Rosa, Okaloosa, Walton -- and
19 my memory is giving out on me -- Washington and
20 Holmes Counties. It joins up with District 2,
21 and District 2 has all of Bay County, plus
22 portions of Walton and Okaloosa Counties.

23 Another interesting feature of the current
24 congressional map is that District 4, which is
25 based in Jacksonville, extends west through

1 several whole counties to portions of Leon
2 County -- portions of Jefferson and Leon
3 County. So that is the current congressional
4 district map for Florida.

5 Sarah and -- Sarah Gates and Dr. David
6 Bradford submitted this proposal for -- excuse
7 me, this -- where am I? Yeah, I have them in
8 the wrong order here. Okay, submitted this
9 proposal. It is -- of the proposals that were
10 submitted to the committee so far, it is the
11 one that most closely approximates the existing
12 districts. The boundary between Districts 1
13 and 2 resembles the current boundary, with
14 District 2 picking up some additional territory
15 in Walton and Okaloosa Counties, but the same
16 general configuration for the boundary between
17 1 and 2. The boundary between 2 and 3,
18 however, is different. The extension of the
19 Jacksonville district west to Leon County is
20 not a feature of this map, but, rather, we have
21 three districts that are predominantly in the
22 Panhandle. So those are the features of the
23 plan number 20.

24 Plan four, that is by Henry Kelley, and it
25 has a -- it has a population deviation of

1 almost seven percent.

2 SENATOR GAETZ: Just a moment, John.

3 MR. GUTHRIE: Yes, sir.

4 SENATOR GAETZ: President Margolis is
5 asking a good question that I am sure is on all
6 of our minds. Do we have hard copies of this
7 in our book, or should we follow along on the
8 screen?

9 MR. GUTHRIE: Well, the map -- or the
10 meeting packet for this meeting at tabs four,
11 five and six, includes --

12 SENATOR MARGOLIS: The maps are --

13 MR. GUTHRIE: Yes.

14 SENATOR GAETZ: Yes, ma'am. Yes. Is
15 everybody following here? Either in the
16 meeting packet, which was provided to you, or
17 follow on the screen or follow in your laptop
18 computer in front of you. Everybody okay?

19 Okay, John, keep going, please.

20 MR. GUTHRIE: Okay. So we are on
21 congressional plan four by Mr. Kelley. It has
22 a deviation of almost seven percent. Typically
23 what the courts are looking for with
24 congressional redistricting is de minimis, very
25 slight deviations.

1 The portion of District 24 in Dixie, Levy,
2 Gilchrist Counties is not contiguous, and that
3 is this area right here, 24, are not contiguous
4 with the balance of District 24, which is on
5 the east coast of Florida. So contiguity
6 problems similar to that are something that we
7 would want to resolve in the final version of
8 the map reported by this committee.

9 And the two Panhandle districts, District
10 26 and 27, generally follow county boundaries,
11 making an exception only for as required to
12 equalize populations.

13 SENATOR GAETZ: Let me just ask a question
14 of clarification there. When you said that
15 there is an 11 percent deviation, is that
16 between what Mr. Kelley is calling 26 and 27,
17 or where is the deviation?

18 MR. GUTHRIE: No, the deviation -- well,
19 let's see, the deviation between those two
20 districts is 4.2 percent.

21 SENATOR GAETZ: Okay. And for purposes of
22 clarification, John, would you please remind
23 everyone of sort of what the case law tells us
24 about deviations, please?

25 MR. GUTHRIE: So on deviation with

1 congressional plans, the courts have
2 interpreted the requirement that districts be
3 as equal as practicable, to mean that almost no
4 deviation in population is a good idea.

5 SENATOR GAETZ: So -- and, again, I am
6 just using this as an example so that we can
7 all kind of follow along the other plans that
8 are being presented. So if one were to try to
9 conform plan number four, Mr. Kelley's plan, to
10 the case law, one would need to change the --
11 one would need to resolve the equity problem
12 and make sure that you have equal districts,
13 you would have to resolve the four percent
14 deviation down to just a handful of voters or
15 less, right?

16 MR. GUTHRIE: Right.

17 SENATOR GAETZ: Okay, thanks.

18 MR. GUTHRIE: And were the Legislature not
19 to do that, and somebody challenged it, there
20 is -- based on current case law, there is a
21 risk that that plan would be found to violate
22 the equal protection clause. So that is the
23 consequence of it.

24 The next plan that we want to look at --
25 and, actually, most of the remainder of the

1 plans that we have here today are -- generally
2 follow county lines, drawing vertical cuts
3 between the districts through northwest
4 Florida. So plan 31 was submitted by Sean
5 Phillippi. His two Panhandle districts follow
6 county boundaries pretty well. Only Holmes and
7 Madison Counties are divided, Holmes County on
8 the west, Madison County between Tallahassee
9 and Gainesville. And Mr. Phillippi, and this
10 is a good example, he got his population
11 deviations down to one person, okay, not only
12 for these two districts, but for the entire
13 plan. So it is an example of how exact your
14 population deviations can be made using the
15 redistricting software.

16 SENATOR GAETZ: And, Mr. Guthrie, again,
17 this is helpful because this is the sort of
18 first run-through as we provide guidance for
19 proposed committee bill. Am I correct to
20 assume that in the area of northwest Florida
21 that we are talking about, the Tier I mandate
22 out of Amendments 5 and 6 to not reduce
23 minority voting rights is a -- is not a
24 substantial issue because of the low proportion
25 of minorities in the population, so is that why

1 you are not talking about retrogression issues
2 here, but rather talking about equity issues?

3 MR. GUTHRIE: Well, what we can say with
4 the congressional plan is that it -- for
5 congressional districts, the incumbent members
6 of Congress -- in fact, we've never had an
7 African-American incumbent, never, you know, in
8 recent Florida history, representing the
9 Panhandle. So there is -- there is no
10 incumbency effect that would indicate that it
11 would be a retrogression to do the districts in
12 one way or another.

13 SENATOR GAETZ: Okay.

14 MR. GUTHRIE: But it is turning out that
15 District 2 in this case -- let's look at
16 Mr. Phillippi's map. District 2 is -- and
17 these figures are all in the report that we
18 prepared for your meeting packet. District 2
19 is 23 and a half percent black voting age
20 population. So if you take the black citizens
21 or persons over age 18 in District 2 in this
22 plan, 23.5 percent of those persons would be
23 African-American, or would indicate they are
24 African-American.

25 SENATOR GAETZ: But since there has been

1 no minority representation for 100 years or
2 more in Congress from that area, and since you
3 don't -- you haven't hit the threshold for a
4 majority-minority district, that is why it is
5 not an issue in this part of the state as it
6 will be an issue in other parts of the state,
7 is that correct?

8 MR. GUTHRIE: It will be an issue in other
9 parts of the state, yes.

10 SENATOR GAETZ: Okay. The reason I am
11 asking these questions of clarification is just
12 so you understand that the -- you know, we have
13 to look at Tier 1 mandates from Amendments 5
14 and 6, and the Tier 1 mandate is to avoid any
15 dilution of minority voting rights, but that is
16 not an issue here for the reasons Mr. Guthrie
17 has mentioned.

18 Okay, John. I'm sorry to interrupt you,
19 but --

20 MR. GUTHRIE: No.

21 SENATOR GAETZ: -- I think if we sort of
22 do this on the first run, we won't have to do
23 it on each run.

24 MR. GUTHRIE: That is very helpful. Thank
25 you, Senator.

1 The next plan we are featuring here today
2 is congressional plan 33 submitted by Joseph
3 Russo, and what is unique about this plan is he
4 followed county boundaries exactly. So his --
5 his district lines follows here the boundary of
6 Jackson and Bay Counties, his line between
7 Districts 2 and 4 follows exclusively county
8 boundaries, mostly the Suwannee River and --
9 but because Mr. Russo kept counties whole in
10 the Panhandle, he has a deviation in the
11 Panhandle districts of almost 10 percent, okay.
12 So keeping counties whole is going to be -- or
13 following county boundaries exclusively is
14 going to have the consequence of making it very
15 difficult, if not impossible, to keep your
16 districts equal in population.

17 The next plan we are going to look at is
18 plan -- congressional plan 36 submitted by
19 Jeffrey Carman, and this and really all of the
20 remainder are -- what -- the difference you see
21 between them are different ways of creating the
22 boundary between District 2 and the district to
23 the east of District 2. So it shows you just
24 the variety of creative ways that maps can be
25 drawn, and no clear preference for where that

1 line should be drawn in -- between the Big Bend
2 and the Capital region.

3 And that is my take-away from -- I --
4 really, the remainder of the plans they
5 submitted for Congress.

6 Are there any questions on the
7 congressional scenarios?

8 SENATOR GAETZ: Excuse me, member
9 Senators, what we will do now is we will move
10 to Senate plans that have been submitted, House
11 plans that have been submitted. Then we will
12 take public testimony, then we will have
13 discussion and debate. But questions about the
14 professional staff's presentation are in order
15 now. Are there questions? Are there questions
16 at this point? If not, move to the Senate
17 plans, please.

18 MR. GUTHRIE: Okay. So here is -- on the
19 screen we have the current Senate districts for
20 Florida. We are going to move to the northwest
21 Florida area, because that is our concentration
22 today. The current District 2 runs along the
23 northern tier of the -- above the Emerald
24 Coast. District 4 comprehends the Emerald
25 Coast of Florida. The current Senate District

1 6 is represented by Senator Bill Montford,
2 formerly was represented by Al Lawson. It
3 includes the -- most of Leon County and the
4 surrounding counties, mostly to the west. It
5 has a section that goes into Bay County. That
6 was necessary in order to equalize the
7 populations of Districts 2 and 4 with District
8 6.

9 And then current District 3, which is
10 represented by Senator Charlie Dean, is a --
11 includes the coastal area of the Big Bend, it
12 stretches into Leon County, almost to Capital
13 Circle, and it -- almost -- why do I keep --
14 there I was, okay -- and it includes some
15 districts, or counties, Hamilton, a portion of
16 Columbia and Baker, along the Georgia county
17 border west of Jacksonville.

18 And then District 14, represented by
19 Senator Oelrich, is Alachua County and some of
20 the surrounding areas. So that is the current
21 Senate district map.

22 The chart in front of me here, which we
23 took to each of the 26 hearings and which is
24 also available on the Senate website, shows you
25 how the current districts are over or

1 under-populated. For Senate districts, unlike
2 congressional districts -- with congressional
3 districts, Florida gets two new seats in the
4 United States Congress, and, therefore, by and
5 large, congressional seats in Florida will be
6 under-populated. With Senate districts, we
7 will not be increasing the 40 seats that we
8 currently have, that is the constitutional
9 maximum. So if districts that grew faster in
10 terms of population than the state average are
11 now over-populated and those districts need to
12 contract in order to equalize population,
13 districts that grew slower than the state
14 population need to add additional territory in
15 order to come up to equal population.

16 So that is the work of the committee for
17 the Senate, some scenarios that we have for you
18 to consider, and really this quick run-through
19 that we are giving, these maps today, bears a
20 lot more thought and a lot more study on your
21 part and on our part than we are going to be
22 able to invest in it at today's meeting.

23 But the first map that we wanted to focus
24 on is plan 64 by Mr. Libby. What he does is
25 provides for vertically-drawn districts. So I

1 mentioned earlier that the existing districts
2 in -- along the Emerald Coast have followed
3 more of a horizontal orientation. What Mr.
4 Kelley and some other proposers did is took
5 more of a vertical orientation to district maps
6 through the Panhandle, and Mr. Kelley's map is
7 nearly exact. In fact --

8 SENATOR GAETZ: Excuse me, is this Libby
9 or Kelley? Which -- give us the number.

10 MR. GUTHRIE: I'm sorry, Mr. Libby's map.

11 SENATOR GAETZ: What number is this,
12 please?

13 MR. GUTHRIE: This is plan number 64.

14 SENATOR GAETZ: Plan 64, we are looking at
15 the Libby plan. Okay.

16 MR. GUTHRIE: And the screen that I happen
17 to be on here, this is the District Explorer
18 screen. The plan number is always indicated in
19 the upper left-hand corner of the map if you
20 are working in District Explorer, and if you
21 click on that link, it will take you to a sheet
22 of -- where you can get the statistics and
23 downloads and all the information we have about
24 a plan.

25 So what Mr. John Libby was able to do is

1 get his population deviations virtually
2 identical, down to one person, for the Senate
3 districts.

4 You inquired, Mr. Chairman, earlier about
5 what the population deviation requirement is
6 under case law, and what we have heard from
7 Mr. Bardos and others is that while virtual
8 exactitude is the norm for congressional
9 districts, with state legislative districts,
10 variances as high as plus or minus five
11 percent, or a total deviation of 10 percent,
12 have been allowed by the courts for purposes of
13 achieving a legitimate state purpose. So if
14 there is a rationale that makes sense for
15 deviating as much as five percent from the
16 ideal, courts have granted leeway to do that.
17 And what we are going to see in some of the
18 other plans is they did -- worked harder to
19 follow county boundaries without splitting
20 counties, but by doing so, it resulted in
21 higher deviations than what you have in
22 Mr. Libby's plan.

23 The second map, plan number 56 by Ryan
24 Terrell, is interesting because instead of
25 equalizing the population of the Pensacola

1 district with northwestern Okaloosa County, he
2 came along the coast. He also extended
3 District 4 west to include all of Franklin
4 County, and so the District 6, the Capital
5 district, is more -- is more along the Georgia
6 border, just has a small section along the
7 coast. The --

8 SENATOR GAETZ: And, excuse me, just if
9 you could summarize as to this plan, which is
10 plan 56, are there any remarkable -- is there
11 anything remarkable about this plan in terms of
12 potential problems that you would see in
13 conforming with Amendments 5 and 6 or
14 conforming with the Voting Rights Act,
15 conforming with any case law that we are aware
16 of?

17 MR. GUTHRIE: Well, this plan has higher
18 deviations than others, although deviations
19 that, with some fiddling, could be brought into
20 range of acceptability under that plus or minus
21 five percent rule that we were talking about.

22 It has a -- this District 6 has a black
23 voting age population of 30.5 percent, which is
24 higher than some of the other alternatives that
25 were submitted by the public. So including the

1 counties away from the coast all together in a
2 district had the result of slightly increasing
3 the African-American percentage --

4 SENATOR GAETZ: And I would ask you,
5 Mr. Guthrie and Mr. Bardos, if you would care
6 to comment as well, or in addition, and that is
7 -- here is the question: At what point -- and
8 I realize that this -- you know, courts
9 interpret this in somewhat different ways and
10 for different reasons at different times, but
11 you talked here now about a minority population
12 that would be in the magnitude of 30 percent.
13 At what point do we reach a statistically
14 interesting number of minority persons in that
15 district where we need to begin to look at
16 minority-majority issues?

17 MR. GUTHRIE: It is -- there is no bright
18 line number. It varies from region to region
19 based on the historical patterns and voting
20 patterns of the -- of citizens or persons who
21 happen to live in those areas. So the -- I
22 don't mean to be ducking the question, but
23 there is no single figure that we can point to
24 as indicating that this is an effective
25 minority access district, whereas this is not.

1 We know -- the one thing that we do know
2 is a majority-minority district has more than
3 50 percent of the affected minorities' voting
4 age population. So majority-minority, we have
5 a bright line definition, but for minority
6 access or opportunity districts, there is no
7 such bright line. It really depends on
8 conducting analyses of past elections to
9 determine how the voters of the minority and
10 how the voters of the majority behave in
11 elections.

12 SENATOR GAETZ: Mr. Bardos, do you have
13 any comment? And then Senator Lynn. Mr.
14 Bardos?

15 MR. BARDOS: I would just add to that that
16 Section 2 of the Voting Rights Act we know from
17 Bartlett versus Strickland requires that there
18 be at least a majority of a minority in a
19 relatively compact area before Section 2 would
20 apply. So a 30 percent district would not
21 qualify for Section 2 protection, and we know
22 the Panhandle region is not protected by
23 Section 5.

24 Under the amendments, that is a little
25 less clear at this point, so -- but under

1 Section 2, we know that there is a clear, hard
2 and fast rule. So that would be my only
3 addition.

4 SENATOR GAETZ: Thank you, Mr. Bardos.

5 Senator Lynn, you are recognized.

6 SENATOR LYNN: Thank you, Mr. Chairman. I
7 guess I had two questions. First of all, the
8 geographic areas 2 and 4 are so different. Are
9 the populations the same in those -- each of
10 those areas?

11 MR. GUTHRIE: So if we look at the table
12 in your meeting packet for this plan, the
13 population of -- the two are very, very
14 similar. Two -- the population of District 2
15 is about 470,000 people, a little bit less, and
16 it is 206 people less than the ideal or target
17 population. District 4 is 470, 500, so it is
18 500 over the ideal population. So very close
19 to equal population between those two districts
20 in this plan.

21 SENATOR LYNN: And in District 6, that
22 seems to have the larger minority population,
23 and I guess it is a question to Mr. Bardos
24 perhaps. Compared to 2 and 4, it would have a
25 much larger minority population, and is that a

1 good thing or a bad thing in terms of the
2 Constitution?

3 SENATOR GAETZ: Mr. Bardos, any comment?

4 MR. BARDOS: I think constitutionally the
5 comparison of the minority population from one
6 district to another is not -- is not really the
7 driving issue. I think you would look at what
8 minority population exists within any
9 particular locality of the state, and then
10 determine to what extent the constitutional
11 provisions apply to those. So I don't think
12 that the fact that Section 6 has a larger
13 minority population than Section -- I'm sorry,
14 that District 6 has a larger minority
15 population than District 2 is itself a
16 constitutional issue.

17 SENATOR GAETZ: Senator Lynn?

18 SENATOR LYNN: I guess my question is,
19 when I see a map like this, it seems to be
20 trying to push an issue perhaps of protecting
21 white districts as opposed to a large majority
22 district.

23 MR. BARDOS: Well --

24 SENATOR LYNN: I mean, it is protecting
25 the majority numbers, I understand that. It

1 can be looked at, I guess, the other way as
2 well. Are you protecting majority on the white
3 side with 2 and 4?

4 SENATOR GAETZ: Why don't we answer
5 Senator Lynn's comment and then finish up with
6 the Senate districts, if you can. Very good
7 question, Senator Lynn.

8 Mr. Bardos, Mr. Guthrie, either one.

9 MR. BARDOS: Well, I think -- I think to
10 some extent it is unavoidable to -- in
11 Districts 2 and 4, because it would -- to bring
12 the minority populations which live around the
13 Capital region into Districts 2 and 4, you
14 would be required to extend those districts
15 quite a distance.

16 What we do know is that districting based
17 predominantly on race to the -- to the
18 exclusion or -- while subordinating other
19 race-neutral redistricting principles could
20 create an equal protection problem, but in
21 districts which simply move along the Panhandle
22 for race-neutral reasons and happen to take in
23 differing minority populations, that doesn't
24 seem to raise any immediate constitutional red
25 flags.

1 SENATOR GAETZ: Other comments at this
2 time? If not -- I'm sorry, Senator Lynn, did
3 you wish --

4 SENATOR LYNN: No.

5 SENATOR GAETZ: Mr. Guthrie, why don't you
6 go forward, please?

7 MR. GUTHRIE: Thank you, Mr. Chairman.

8 The next plan we wanted to feature here
9 this afternoon for northwest Florida is Senate
10 Plan 66 submitted by Bruce King. Bruce King,
11 in fact, submitted a Senate plan, a
12 congressional plan and a House plan. He also
13 provided the committee a detailed report that
14 explains the method he used for creating
15 districts was to lay a grid over the state and
16 put together pieces of that grid in order to --
17 once he got to the requisite district
18 population. So he started with Senate
19 districts using this grid methodology, then he
20 subdivided those into House districts, there
21 being three House districts to each Senate
22 district, and then he reconstituted the House
23 districts as congressional districts. So his
24 Senate plan is the neatest and tidiest of the
25 three, but what this shows you is the

1 consequences in terms of political boundaries
2 and in terms of other objectives of Amendments
3 5 and 6 if you strictly adhere to compactness
4 or grid properties as your driving force for
5 making a redistricting plan. So it was a very
6 interesting and very instructive exercise that
7 Mr. King provided for the committee, one that I
8 think we will want to look back at more as we
9 move to other regions of the state.

10 The remainder of the maps that we have for
11 Senate districts vary from what we have seen
12 previously in that they follow the same
13 arguments that we heard a lot of public
14 testimony on at our meetings in Pensacola and
15 Ft. Walton and Panama City, that being that
16 districts should continue to recognize coastal
17 interests versus rural interests, and provide
18 the rural communities an opportunity to elect
19 one of their own or somebody that is
20 sympathetic to their issues to the Senate.

21 So plan number seven was submitted by
22 Henry Kelley, and you see the orientation that
23 he has for Districts 1 and 2. Plan number 28
24 -- now, this is a different take on it. It --
25 the coastal areas of Pensacola, Santa Rosa and

1 Okaloosa County are put in one district, and
2 then the rural areas of those three counties
3 are put together with the whole counties
4 extending east through Bay County to Gulf
5 County.

6 And plan number 25 was submitted by David
7 Kolesar, and again, he has an orientation with
8 a coastal district and a rural district along
9 the Emerald Coast.

10 SENATOR GAETZ: And could you remark,
11 Mr. Guthrie, if appropriate, as you go through
12 those plans, are there -- are there population
13 deviations that are troublesome in those plans,
14 or not, in your judgment?

15 MR. GUTHRIE: With plans that do not set
16 as an objective keeping -- if you are not
17 dogmatically following county lines or other
18 political subdivision lines, you normally are
19 able to come fairly close in terms of
20 population deviations. So these plans may
21 have -- depending on how much effort the plan
22 drafter put into trying to equalize all of the
23 populations, and as Mr. King pointed out in his
24 report to us, that is very, very difficult and
25 tedious work, balancing the population is a

1 time-consuming process. Some people worked at
2 it more diligently than others. Even those who
3 did not, I believe that the population
4 deviations could be addressed without a huge --
5 without huge technical problems.

6 And plan number 34 was presented by Keith
7 Laytham. In the Panhandle, he is very similar
8 to plan 28. So these are -- I think you get
9 the picture here.

10 Here is a partial plan. It only -- plan
11 number 71 was submitted by -- oh, it is here
12 because it came in lately, it was not even in
13 your meeting packet, by Maxwell Bradley of Leon
14 County. He had three districts, which are --
15 include an orientation very similar to the
16 current districts.

17 So that is our -- and then we are back to
18 the current plan. So that is our northwest
19 scenarios for Senate plans.

20 SENATOR GAETZ: Any specific factual
21 questions? We will have time for discussion
22 and debate, but any specific questions of
23 Mr. Guthrie about the Senate plans before we
24 move on to the House plans, and then we will
25 come back, take testimony and discuss, debate

1 and give guidance to the committee?

2 SENATOR BULLARD: I have.

3 SENATOR GAETZ: Senator Bullard, you are
4 recognized.

5 SENATOR BULLARD: Senator Lynn asked a
6 question regarding the minority populations
7 versus majority. When you answered that
8 question, the response to that, there is no
9 real line, is that correct, to determine
10 whether that exists or whether it will exist?
11 And I ask this question because I want to know
12 in drawing these districts as we did before and
13 as they were -- it could be very confusing for
14 those of us, of some of the members who have
15 not gone through this redistricting process.
16 So when you draw the line -- when the last
17 lines are drawn, there was some districts with
18 75 percent, 85 percent, and then there were
19 other districts with 25 percent, 58 percent or,
20 you know, whatever number to make up the
21 balance. I want to be certain that that is not
22 happening, and I would hope that you could help
23 me by understanding.

24 At this point, where are we in terms of --
25 although these lines will not affect the south

1 -- the southern districts, I am speaking to the
2 districts that it will affect just all
3 Floridians.

4 SENATOR GAETZ: Mr. Guthrie, any comment?

5 MR. GUTHRIE: So what the committee must
6 do is follow the requirements of Section 2 and
7 Section 5 of the Voting Rights Act of 1965 as
8 amended, you must follow the requirements of
9 the new Sections 20 and 21 of the Florida
10 Constitution, which require equal opportunities
11 for minority voters --

12 SENATOR BULLARD: Thank you.

13 MR. GUTHRIE: -- and no reduction in the
14 ability to elect candidates of their own
15 choice, and you must follow the requirements of
16 the 14th Amendment to the United States
17 Constitution, the equal protection clause.

18 SENATOR BULLARD: Thank you very much.

19 SENATOR GAETZ: Thank you, Senator
20 Bullard.

21 Any other questions at this point,
22 technical, factual questions about the Senate
23 maps that are under consideration?

24 I'm sorry, Senator Storms.

25 SENATOR STORMS: Thank you, Mr. Chair. I

1 received correspondence from -- an e-mail
2 correspondence from some citizens who are
3 interested in the process in the Panhandle, and
4 they were talking about the representation.
5 They wanted to see their representatives from a
6 north/south perspective. Their concern was
7 that if you configured the maps to be
8 north/south, then you would concentrate the
9 metropolitan areas and necessarily give more
10 political influence to the metropolitan areas
11 than they thought was warranted and they
12 thought was appropriate from a democracy
13 perspective. And so I wasn't sure, because all
14 they said was north/south, so I wasn't sure if
15 they were talking about drawing the lines
16 north/south so that -- so that you -- whereas
17 this is -- I would consider this to be the
18 yellow district to be parallel with the water
19 instead of perpendicular, I didn't know if they
20 were talking about making the districts
21 themselves perpendicular, or -- so that the
22 lines are perpendicular, or were they talking
23 about dividing it in a parallel way so that you
24 have a north district and a south district. I
25 didn't understand from the e-mail which was

1 which, and do you know that?

2 MR. GUTHRIE: Let me -- Mr. Chairman?

3 SENATOR GAETZ: Of course, Mr. Guthrie,
4 and then, Senator Storms, we do have a number
5 of folks from that area of the state who have
6 signed up to testify, and their testimony may
7 help us understand, you know, their
8 perspective, but, Mr. Guthrie, please go ahead.

9 MR. GUTHRIE: Yeah, Henry Kelley, who is
10 one of the submitters, is here this morning and
11 is intending to speak, so we will get to hear
12 from him directly. But to answer your question
13 briefly, the concern is that if the district
14 boundary is along a north/south orientation,
15 you will have some rural voters in a district,
16 together with the more urban areas along the
17 coast, and the fear that your constituent was
18 expressing in that e-mail is that the greater
19 density of population along the coast would
20 dominate the elections, just -- yeah.

21 SENATOR GAETZ: Did that help, Senator
22 Storms, or did we lose you on the -- okay.

23 Any other questions or comments before we
24 go to House districts? If not, Mr. Guthrie,
25 please, let's go to tab six in your committee

1 packet and go to the screen. And, Mr. Guthrie,
2 I see that there are more House members than
3 Senators. How did this happen?

4 MR. GUTHRIE: That --

5 SENATOR GAETZ: Senator Gibson must be
6 able to help us with that.

7 MR. GUTHRIE: We do, and even in the
8 Panhandle where districts are larger
9 geographically than they are in other parts of
10 the state, you still have three times as many
11 House members as you do Senators. As a
12 consequence of that, the -- you don't have as
13 strict a dichotomy between the north/south and
14 the coastal interest. For instance, if we look
15 at Districts 1, 2 and 3 of the current House
16 plan, the District 1 is more rural, District 2
17 is downtown -- excuse me, is mostly the coastal
18 areas, and District 3 is downtown Pensacola.
19 District 4 runs along the coast. District 5 is
20 more rural. So we did hear at the public
21 hearings a lot of comments about District 7,
22 which currently stretches from Okaloosa County
23 to the east side of Leon County.

24 So this is your current Senate map. We've
25 got several examples we are going to look at.

1 The first one is plan number 45 by Keith
2 Laytham, and from this we see that we have a
3 number of districts, particularly District 1
4 and 7 that run along the coast, then some urban
5 districts and some rural districts. So Mr.
6 Laytham's plan is a good example of with the
7 House plan trying to follow that strain of
8 thought that came out of the public hearings of
9 providing for both coastal and more rural
10 interests.

11 The District 47 -- or, excuse me, House
12 Plan 47 by Stacy Graham is a -- one thing that
13 -- excuse me, that Graham Stacy did was
14 numbered his districts from the south rather
15 than from the north. So all the Panhandle
16 districts got big numbers instead of little
17 numbers. And an interesting feature of this
18 plan is even with the House districts, Graham
19 Stacy was able to achieve nearly equal
20 populations among his districts, but you can
21 see that he did not pay a whole lot of
22 attention to following political subdivision
23 lines.

24 SENATOR GAETZ: It is very helpful, I
25 think, Senators, if you look at the committee

1 notes that follow each plan in your committee
2 packet, you will see that the committee staff
3 has indicated where there may be issues or
4 problems in conforming with Amendments 5 or 6,
5 or where there may be other problems in terms
6 of equity of population, that sort of thing.
7 So those comments are very helpful to me, and I
8 would encourage you to look at them as John
9 goes through these plans so that you can see if
10 you like a particular plan, if there needs to
11 be some de-burring or some refining, where that
12 refining or de-burring might have to take place
13 in order for the plan to be legally compliant.

14 MR. GUTHRIE: The same individual, Graham
15 Stacy, submitted House Plan 48. It is -- well,
16 one thing he did is he changed his numbering
17 scheme. You see that he goes from big numbers
18 in the Panhandle to numbers starting with one
19 in the Panhandle.

20 The other significant change that he made
21 with this second submission is that he paid
22 more attention to following municipal boundary
23 lines. With the exception of Crestview in
24 Okaloosa County and Tallahassee in Leon County,
25 this map does not split any municipalities.

1 Plan number 27 by David Kolesar is very,
2 very similar to the prior plan. We can look at
3 them side by side and see there's not a whole
4 lot of difference between them.

5 Plan number 18 by Mr. Henry Kelley is
6 another example of paying heed to the public
7 sentiment that coastal interests and rural
8 interests ought to be uniquely respective with
9 different districts, and Mr. Kelley will be
10 here to speak to that himself.

11 Map 67 by Bruce King, you remember
12 Mr. King also submitted a Senate plan and a
13 congressional plan, here is how his grid is
14 applied to the House districts, and the impact
15 of using that grid method is that you don't
16 very closely follow political and geographic
17 boundaries. The attention is more on creating
18 these grid-like, compact shapes. But Mr. King,
19 even for his House plan, achieved deviations of
20 single digits, so very, very close to exact
21 population on this map.

22 And that is the last of the scenarios for
23 House plans that we wanted to look at this
24 afternoon.

25 SENATOR GAETZ: Are there any technical

1 questions or comments about the House plans?

2 Senator Sobel, you are recognized.

3 SENATOR SOBEL: Thank you, Mr. Chair.

4 What role do we play as Senators in creating a
5 House plan, whereas we know the House is going
6 to create their own plan?

7 SENATOR GAETZ: That is a very good
8 question, Senator Sobel, and let me -- let me
9 take a shot at an answer, and then let me yield
10 to our Vice-Chair, President Margolis, who has
11 been a veteran of these processes and ask her
12 to comment as well.

13 There is a -- there is an obligation that
14 the House has to draw Senate plans, and there
15 is an obligation that we have to draw House
16 plans. Now, there will come a point in time
17 when our two committees work together. And I
18 personally, speaking just as one Senator, plan
19 to give great deference to the House as to
20 plans that they have developed for the House.
21 However, we have an obligation to make sure
22 that if there are -- if there are legal issues
23 or if there are common-sense issues that we see
24 in House plans, that we point them out. And,
25 similarly, we will ultimately have a proposed

1 committee bill that will include a Senate plan,
2 but our House colleagues can come forward and
3 say, look, we see two or three problems here
4 that, you know -- or five or 50 problems that
5 you are going to have to correct before we will
6 accept the Senate plan. But at some point in
7 time, these plans have to meld together. But
8 let me yield to President Margolis, because she
9 is a veteran of the wars here.

10 SENATOR MARGOLIS: Actually, ultimately,
11 the Senate does the Senate, and the House does
12 the House, but you have to -- you have to play
13 back and forth before that happens. It is --
14 it is a matter of -- it is a matter of you have
15 to -- you have to express your feelings as a
16 Senate, and they have to express their feelings
17 as a House, and that we are both doing both is
18 very helpful. It's -- that we -- you know, it
19 is very helpful, because it is a dose of
20 reality. You will see.

21 SENATOR GAETZ: We have the advantage of
22 having a sanity check for ourselves on the
23 other side of the Capital, and we are the
24 sanity check for the other team.

25 If there are no other factual questions at

1 this point, why don't we go to public
2 testimony? Thank you, Mr. Guthrie, for your
3 presentation and good work of the professional
4 staff. We have a number of individuals wishing
5 to testify, and many of them, based on the --
6 based on the addresses, have come a good way.
7 So I am going to take the prerogative of the
8 Chair, and Tallahassee lobbyists I am going to
9 put last, because you can be with us anytime,
10 and I am going to put those individuals who
11 have driven a fair distance first in the order
12 in which they were presented to me. In order
13 that we will give -- can give everybody an
14 opportunity to speak and then give the members
15 of this committee a chance to debate and
16 discuss and then give guidance to the committee
17 as to a proposed committee bill and its effect
18 on northwest Florida congressional, Senate and
19 House districts, we would ask members of the
20 public who are speaking if you can please come
21 to the point, if you can limit your testimony
22 to about three minutes. That way, we will give
23 everybody a chance.

24 Let us begin with Mr. Ryan Terrell, and
25 Mr. Terrell has come all the way from Weston.

1 And thank you for being here and thank you for
2 your submission of plans, and we look forward
3 to your testimony.

4 MR. TERRELL: Thank you, Mr. Chairman, and
5 thank you to the committee members for viewing
6 my plan and seeing some of the different key
7 elements that were addressed in those northwest
8 Florida districts.

9 My testimony is going to be very limited
10 today. It is just basically clarifying a few
11 points of that plan and certain questions that
12 were raised during the back and forth --

13 SENATOR GAETZ: And, Mr. Terrell, to be
14 fair to you, John, what is Mr. Terrell's plan
15 number so that if --

16 MR. TERRELL: Senate.

17 SENATOR GAETZ: Why don't we put that up
18 on the screen so that we can all see what
19 Mr. Terrell is referring to? I'm sorry,
20 Mr. Terrell, you are recognized.

21 MR. TERRELL: Thank you. Senate.

22 Basically, one of the main issues that
23 were obviously brought up is that my plan will
24 mainly focus on following county boundaries and
25 municipal boundaries. That I felt was

1 important because of the second tier status of
2 Amendments 5 and 6, which do ask that the
3 Legislature try to follow city and county
4 boundaries as much as possible.

5 That being said, there is a population
6 deviation because of the software I was using.
7 Obviously the Legislature, I would hope, would
8 be able to tinker with the boundary lines a
9 little bit to bring that population deviation
10 up to parity.

11 As far as the actual geographic I guess
12 characteristics of the three districts that we
13 were looking at, the main thing that needs to
14 be understood is why District 6 turned out the
15 way it did and became 30.5 percent
16 African-American. The reason why is when you
17 start including the rest of Tallahassee,
18 Jefferson, Madison and Hamilton Counties that
19 were not in the district before, those counties
20 have a significantly larger African-American
21 population, and when you add them because those
22 counties were split under the previous
23 Legislature's Senate plan, when you actually
24 make those counties whole, you are going to
25 marginally improve the African-American

1 population.

2 I did mostly agree with staff's comments,
3 except there is one slight thing I would like
4 to add about case law in that regard, and that
5 is that, yes, the requirements are that it has
6 to be over 50.1 percent of a voting age
7 population in order for it to be considered a
8 majority-minority protected district. The only
9 difference is that there's also the Gingles
10 criteria, which basically says that when you
11 are looking at a coalition district, in this
12 case, the only thing that you can do in
13 northwest Florida for minority protection is
14 create a coalition district which would be
15 majority, non-white population. I attempted to
16 do that on several maps. The only thing is
17 that you would end up having a Tallahassee to
18 Gainesville or a Tallahassee to Pensacola
19 district. The lines would look very ugly and
20 very non-conformant to city and county
21 boundaries. So that is why you don't see a
22 minority district in north -- a
23 minority-protected district in northwest
24 Florida that I could reasonably create.

25 That being said, those districts mainly

1 follow county lines. The only cases where it
2 doesn't in that particular area is in Taylor
3 County, I chose to include the City of Perry,
4 because I felt it was more characteristically
5 similar to the other counties in the district
6 compared to the rest of Taylor County because I
7 couldn't split some of the rural precincts. If
8 the Legislature would like to change that in
9 terms of making those lines a little bit more
10 nicer-looking, by all means, go ahead, but
11 basically that is why it has that kind of
12 weird-looking hook into the City of Perry,
13 because I couldn't split those precincts. But
14 I think Senator Storms brought this up at the
15 last redistricting hearing that you guys had
16 two weeks ago, if you are using VTDs, you might
17 be able to make those lines look a little bit
18 more compact-looking.

19 And that is pretty much the only issues I
20 wanted to address in the Senate map, if anyone
21 has any questions for me.

22 SENATOR GAETZ: Thank you, Mr. Terrell,
23 and thank you for your commitment to helping us
24 with this process and the time you have put
25 into it.

1 Questions for Mr. Terrell? Senator Lynn.

2 SENATOR LYNN: Go back one. I guess I am
3 wondering -- you were very perpendicular with 2
4 to 4, and I wondered why you didn't try to
5 remain at least even slanted perpendicular
6 between 4 and 6, and then extend 6 down further
7 into 14?

8 MR. TERRELL: Okay. I guess the answer to
9 your question is I tinkered with the State
10 Senate maps about five different times, and the
11 difference that I came up with is that when you
12 try and start adding counties like Calhoun or
13 Franklin, the population is going to get a
14 little bit harder for you to maintain county
15 compactness and to maintain a sizeable
16 deviation between District 4 and District 6.
17 So, in that case, by putting Calhoun and
18 Franklin County in District 4, I was able to
19 make districts that are -- that were more
20 similar population wise while maintaining a
21 kind of north -- a kind of Georgia border -- I
22 am trying to think of a word, but just a flavor
23 in that -- in the District 6 that you wouldn't
24 see in District 4, because District 4 becomes
25 more of the coastal district, and District 2

1 becomes more of the rural district in that
2 case.

3 SENATOR LYNN: Thank you.

4 SENATOR GAETZ: We are very, as I said,
5 pleased to have you all the way from Weston,
6 and your Senator is here of the distinguished
7 minority leader, Senator Rich, who is
8 recognized.

9 SENATOR RICH: Thank you, Mr. Chair. I
10 think his address is Weston, but I think he
11 lives in Tallahassee right now.

12 MR. TERRELL: Yes.

13 SENATOR RICH: He goes to FSU. So -- but
14 anyway, I just -- I have to say I am very proud
15 of Ryan. He was a wonderful student at Cypress
16 Bay High School, a friend of my grandson's, and
17 I think it is just wonderful that he's been
18 very involved in political affairs and things
19 for many years throughout high school and that
20 he decided to participate in this process. So
21 I just want to congratulate him. Thank you
22 very much.

23 MR. TERRELL: Thank you.

24 SENATOR GAETZ: Thank you very much,
25 Mr. Terrell. We appreciate your being here.

1 Our next testifier is Mike Godwin from
2 Walnut Hill, Florida. Mr. Godwin?

3 And on deck will be Brett Ward, also from
4 Walnut Hill, and then Mark Casson from Walnut
5 Hill. We are emptying out Walnut Hill today.
6 So if you will all be on deck to follow
7 Mr. Godwin.

8 Mr. Godwin, thank you for being here,
9 welcome to the Senate, and you are recognized,
10 sir.

11 MR. GODWIN: Thank you, Mr. Gaetz. I am
12 from the north end of Escambia County. I am a
13 farmer, aerial applicator and member of the
14 Florida Farm Bureau Board.

15 We would like to see agriculture
16 protected. Our rights, or our vote we seem to
17 think would be severely diluted with the
18 north/south boundaries. We need to keep more
19 agricultural areas looped together. We have
20 more -- our concerns are completely different
21 from the coastal concerns. And as far as
22 splitting northwest Florida geographically,
23 the -- it is all ready split. We have the
24 coastal areas and we have the agricultural
25 areas, and the concerns are totally different.

1 So in this committee, I would like for you
2 to consider that, that we would like to keep it
3 more as it is presented, the older method or --
4 it was laid out for that reason before for a
5 reason. So if we can keep it more east/west,
6 we would greatly appreciate it.

7 SENATOR GAETZ: Questions for Mr. Godwin?

8 Thank you, sir, for your testimony. I'm
9 sorry, Senator -- Mr. Godwin, could you come
10 back, please, for a second? Senator Sachs had
11 a question for you.

12 Senator Sachs, you are recognized.

13 SENATOR SACHS: Thank you very much,
14 Mr. Chair. Sir, have you submitted a map that
15 would indicate those preferences that you have
16 in keeping agricultural together, those
17 communities, and separate from the coastal
18 communities, sir?

19 MR. GODWIN: No, ma'am. It was our
20 understanding we had to 1st of November.

21 SENATOR SACHS: Okay. So that is what you
22 want to do, all right.

23 MR. GODWIN: And it changed apparently,
24 but I saw -- it is pretty much this map that is
25 on the board now, would be presentable.

1 SENATOR GAETZ: And, Mr. Godwin, you do
2 have until the 1st of November to submit any
3 additional maps that you would like.

4 Was there another question or comment? If
5 not, thank you very much, sir.

6 And our next testifier is Brett Ward.
7 Mr. Ward.

8 And following Mr. Ward will be Mark Casson
9 and then Mr. Jeff Sessions.

10 Mr. Ward, welcome to the Florida Senate.
11 We are glad you came all this way, anxious to
12 hear your testimony. You are recognized.

13 MR. WARD: Thank you, Mr. Chairman.

14 I appeared before this committee when it
15 met in Pensacola, and I must apologize to you.
16 You asked about a map, I promised you a map,
17 but as Mr. Godwin said, we were told -- we sent
18 for help up the line to Gainesville to get
19 Florida Farm Bureau to help us. They put us in
20 contact with someone down south that was going
21 to help us draw a map, and they told us it was
22 too late, we could not get a map, that there
23 would be a meeting held today and the best
24 thing we could do was attend the meeting. That
25 is why we have not presented a map.

1 Getting to the district lines, if Escambia
2 County -- and I am going to speak for Escambia
3 County, because that is where I am from -- was
4 united and spoke with one voice on how the
5 lines should be drawn, I would say you should
6 listen. Escambia County is not united. It is
7 divided. You have the rural area up north and
8 the urban areas down south.

9 Now, as a member of the Escambia County
10 Farm Bureau Board, I speak for more than 4,000
11 members. We want rural areas represented. We
12 want our voice heard. Do not disenfranchise us
13 by looping us together with the urban south,
14 for no matter what we would like, sheer numbers
15 tell you, a map will tell you, we cannot
16 overcome the population in the south end of the
17 county. The south end of the county, through
18 various means over the past few years, or
19 longer than that, has tried through charter
20 government, consolidated government, and then
21 lately through the 2030 land use map, to
22 silence us up north. They do not -- for some
23 reason, they want us under their thumb. I have
24 not figured that out. We want nothing they
25 have, and they seem to want to lord over us.

1 Don't let them take our voice out of
2 Tallahassee. It is important for us to have a
3 voice, and I will give you a prime example.
4 Three, four years ago, I can't remember, the
5 Florida DOT was writing farm equipment tickets
6 for moving up and down the road, because some
7 well-meaning person with no rural background
8 had written a law or passed a rule stating how
9 big something could be moving up and down the
10 road. Now, we had a voice in Tallahassee. At
11 that time, he was Representative Evers. We
12 came down here and explained our position, and
13 he was well aware of our position, because he
14 was in it also. He was a farmer trying to move
15 equipment up and down the road. But you don't
16 have to be a farmer to be our Representative.
17 If you live in a rural area, you see this
18 equipment moving up and down the road and you
19 are aware of what it is. So when we come to
20 Tallahassee to talk to you about something that
21 involves us, you are aware of it. At the same
22 time we were down here and talked to him about
23 that, we had a loop to make, had to meet
24 everyone that was on the committee. Most did
25 not even know what farm equipment -- what a

1 peanut combine was. That is what you run into
2 when you have urban people representing rural
3 areas.

4 Right now, we have a voice. I can pick up
5 the phone, I have the personal phone numbers
6 that I can call Representative Broxson or I can
7 call Senator Evers, and they know who I am.
8 They talk, they listen. Do not take that voice
9 away from us. Keep the rural area and the
10 urban area separate by keeping an east/west
11 line. Thank you.

12 SENATOR GAETZ: Thank you, Mr. Ward.

13 Any questions for Mr. Ward? Thank you
14 very much, sir, for coming all this way.

15 Mark -- is it Casson or Cason, sir?

16 Casson. Mr. Casson, thank you for coming. And
17 following Mr. Casson's testimony, Jeff Sessions
18 and then Henry Kelley.

19 Mr. Casson, welcome to the Senate. You
20 are recognized.

21 MR. CASSON: Thank you. The -- much to
22 what Mr. Godwin and Mr. Ward were talking
23 about, basically I have lived in Pensacola and
24 I currently live in the north end of the
25 county. The issues that affect people who live

1 in a city and the issues that affect people
2 living out in the rural areas are very
3 different.

4 It was -- you asked for a map that would
5 show basically these lines. Map number seven,
6 could you pull up map number seven? I
7 appreciate it. Sorry, I don't mean to -- but
8 map number seven does show the lines that
9 basically -- the current lines that exist and
10 my understanding is with the adjustments for
11 population that have been required.

12 The -- when they talk about the voice,
13 basically, you know, some of what is trying to
14 be addressed from the minority policies and
15 some of the statutes that are in place now are
16 trying to make sure that groups of population
17 do have a voice in Tallahassee, and there are
18 discussions previously in this meeting as to
19 how to make sure that some minority groups have
20 a voice.

21 The reality is if you take and draw a
22 north/south line to create these districts, the
23 rural areas will become a minority within a
24 larger district and they will not have any
25 voice. The -- I mean, the population --

1 population will dictate that. You currently
2 have across most of the Panhandle of Florida,
3 you have the rural districts all the way across
4 the north. Each one of those rural districts,
5 which currently geographically are a large
6 area, really would lose their voice here in
7 Tallahassee. And, to me, it doesn't make
8 sense. I understand, you know, some of the
9 things that people looking at with the maps are
10 saying, "Well, the maps look better, they are
11 easier for people to understand what district
12 they fall in," but the purpose of having these
13 districts and having for representation is that
14 the individuals have representation here. That
15 should be the main and most important factor in
16 redistricting is making sure that Floridians
17 have a voice in Tallahassee.

18 If we draw north/south lines, there will
19 be a population that will lose its voice in
20 Tallahassee, and I think that needs to be held
21 ahead of county lines and the continuation,
22 kind of the way the map looks, those issues
23 should fall behind making sure that Floridians
24 have a voice, that all Floridians have a voice
25 here. So that is my concern and hopefully the

1 end result.

2 SENATOR GAETZ: Thank you, Mr. Casson.

3 Any questions for Mr. Casson? If not,
4 thank you very much, sir. And next, Jeff
5 Sessions and following Mr. Sessions, Henry
6 Kelley and then David Pleat.

7 Mr. Sessions, thank you for coming, and
8 you are recognized, sir. We are anxious to
9 hear your testimony.

10 MR. SESSIONS: All right. Thank you,
11 Mr. Chairman and members of the committee. My
12 name is Jeff Sessions, and for over a decade I
13 have served as an appraiser with the Santa Rosa
14 County Property Appraiser's Office. My
15 experience working with constituents,
16 appraisals and maps has given me a unique
17 perspective of northwest Florida.

18 Northwest Florida's coastal communities
19 are very different from the northern
20 agricultural communities. Each community is
21 worthy of its own representation in the Florida
22 Senate.

23 Drawing on my experiences, I have
24 submitted a partial Senate map reflecting
25 northwest Florida for your consideration. My

1 map --

2 SENATOR GAETZ: Excuse me, Mr. Sessions,
3 let's -- have we got that map, Mr. Guthrie?

4 MR. SESSIONS: I don't know what my number
5 is.

6 SENATOR GAETZ: S-e-s-s-i-o-n-s, that is
7 what we have here, if that helps. Here we go.

8 MR. SESSIONS: If you will pull up Mr.
9 Kelley's map, it is very similar.

10 SENATOR GAETZ: That is map number 12 if
11 you are following along in your hard copies.
12 Is that correct? Or is it map number four?
13 Map number four if you are following in your
14 hard copies; otherwise, look at the screen.

15 MR. SESSIONS: That looks like -- well,
16 yes.

17 SENATOR GAETZ: Map number seven. Okay.
18 I apologize, Mr. Sessions, I'm sorry to
19 interrupt you.

20 MR. SESSIONS: That is okay.

21 My map is similar to the map you are
22 considering today drawn by Mr. Henry Kelley.
23 Both my map and Mr. Kelley's map draw a
24 southern and northern Senate district. My map
25 strictly adheres to municipal and geographical

1 boundaries as required by the Constitution. My
2 map starts on the western Florida/Alabama
3 border, using Highway 98 as the border between
4 the two Florida Panhandle Senate districts.
5 Highway 98 is a major, well-identified traffic
6 way. The border then travels along Blue Angel
7 Highway to the city limits of Pensacola. While
8 the city limits of Pensacola look like a jigsaw
9 puzzle, the Constitution requires adherence to
10 political boundaries where practical. My map
11 does this. The boundaries for my map then
12 follow Interstate 10, the Eglin Reservation,
13 the city limits, the City of Freeport, the
14 Intracoastal Waterway and the bay system in
15 southern Bay County. Every border in my map is
16 either a waterway, a political boundary, a
17 major highway or the Eglin Reservation
18 geographical boundary.

19 I have one central point to make, which is
20 the purpose of my map submission and my driving
21 with you here today. The State Senate seats in
22 northwest Florida cannot be divided by a
23 north/south line. The northern and coastal
24 communities of northwest Florida are very
25 different culturally and economically.

1 Virtually all the testimony given at the public
2 hearings from both Republicans and Democrats
3 has called for a northern district and a
4 coastal district. The map I have submitted
5 accomplishes what the community wants within
6 the confines of the Constitution. I hope you
7 will consider my map, along with Mr. Kelley's
8 map, and that you will drop consideration of
9 any map that divides the Panhandle Senate
10 districts with a north/south line. Thank you.

11 SENATOR GAETZ: Questions for
12 Mr. Sessions? Senator Sachs.

13 SENATOR SACHS: Thank you, Mr. Sessions.
14 Is it my understanding that you are the
15 property appraiser for that area?

16 MR. SESSIONS: No, no, ma'am, I was
17 employed with the property appraiser's office
18 for ten years, and now I work for the center as
19 a county tax collector's office.

20 SENATOR SACHS: Tax collector's?

21 MR. SESSIONS: Yes, ma'am.

22 SENATOR SACHS: So you -- if I -- can I --

23 SENATOR GAETZ: Of course, Senator Sachs.

24 SENATOR SACHS: Thank you, Mr. Chair. So
25 you are very much aware of the natural

1 boundaries, as well as the city and county
2 boundaries for that area?

3 MR. SESSIONS: Yes, ma'am, I am.

4 SENATOR SACHS: And is this the map that
5 we are looking at right now, is this one that
6 is either your map specifically or something
7 that is pretty similar to it?

8 MR. SESSIONS: This is not my specific
9 map, but --

10 SENATOR SACHS: But similar to it?

11 MR. SESSIONS: -- very similar, yes,
12 ma'am.

13 SENATOR SACHS: And the way that it is
14 drawn now as we see it today, is that -- you
15 are saying that is representative of the -- of
16 not only the natural boundaries, but the city
17 and county boundaries, as well as the
18 population occupation for that area?

19 MR. SESSIONS: Yes, ma'am.

20 SENATOR SACHS: Very good. All right.
21 Thank you very much, sir.

22 MR. SESSIONS: You are welcome.

23 SENATOR SACHS: Thank you for testifying.

24 SENATOR GAETZ: Thank you, Senator Sachs.

25 Other questions for Mr. Sessions? If not,

1 thank you for your testimony, sir.

2 Henry Kelley, whose name has been intoned
3 here many times, cussed and discussed.

4 Mr. Kelley, thank you for coming all the
5 way from Ft. Walton, and you are recognized,
6 sir.

7 MR. KELLEY: Thank you, Mr. Chairman.

8 A few comments as Mr. Guthrie pulls up the
9 congressional map. I want to thank the
10 committee for their service on this, and also
11 Mr. Guthrie and his staff here, but also on the
12 House side, the staff, Mr. Kelley, Parada and
13 Mr. Tackus were a great help to me in drawing
14 these maps and learning the software.

15 I attended the initial meeting here in
16 Tallahassee, Ft. Walton. I also attended
17 meetings in south Florida in Boca, Davie, Miami
18 and Dade, and I watched several more meetings
19 on-line. I have also lived in Ft. Walton,
20 Orlando, Gainesville, Jacksonville and Margate,
21 Florida, and this gives me a unique
22 perspective, having lived in almost every
23 corner of the state.

24 Earlier it was made mention of the
25 variations on the map, and I want to say

1 something as an amateur cartographer. Don't do
2 this on a four-year-old laptop that has one gig
3 of memory running Windows Vista. It is very
4 hard for the computer to process the different
5 layers of doing this. So those of us that did
6 attempt this, the variance sometimes just is
7 simply a function of the computer that we use.
8 So if anybody wants to buy me one of the six
9 gig computers, I won't say no.

10 But I just wanted to call it -- most of
11 the congressional lines in northwest Florida
12 are very similar. The population is what the
13 population is. The reason I asked Mr. Guthrie
14 to pull this map up, and even though it is not
15 relevant to this conversation today, map --
16 Congressional District 3, I copied in total,
17 and this has something to do with the Senate
18 maps that I drew, and the House maps, but I
19 copied Congressional Districts 3 and 21, which
20 were involved in the lawsuit, and started with
21 those geographies, put in place, got them as
22 near to the size as I could, and then I drew
23 the surrounding congressional districts
24 emanating from Districts 3 and 21. And that is
25 the reason some of the variances and stuff

1 occurred is simply when you started with those
2 very irregular shapes, you get irregular
3 shapes. And as you said at the start,
4 Mr. Chairman, this is what I referred to, you
5 throw a pebble in a pond, it is going to create
6 a wave on the far side. It may be a small
7 wave, but it has an effect. And so when you
8 start with those districts --

9 SENATOR GAETZ: And I apologize, Mr.
10 Kelley. We are throwing around a lot of
11 numbers, numbers of districts as they would be
12 numbered in proposed plans, and the numbers of
13 districts as they are now. I think, and
14 correct me if I am wrong, Mr. Kelley, when you
15 referred to using Congressional Districts 3 and
16 21 as your starting point, you meant the
17 current numbering of 3 and 21. You have
18 numbered them differently in your plan, but the
19 existing 3 and 21 were sort of where you
20 started, is that correct, sir?

21 MR. KELLEY: Yes, Mr. Chairman, that is
22 correct.

23 SENATOR GAETZ: I'm sorry.

24 MR. KELLEY: Thank you.

25 So I bring that up because of those

1 communities of interest in Districts 3 and 21,
2 and now as we shift to the Senate map, the
3 reason I brought up the communities of interest
4 is because one of the guidelines -- and I read
5 the Florida redistricting website, which was a
6 great tool. There was this very handy guide,
7 "The Impact of Redistricting Your Community,"
8 published by the NAACP, the Asian-American
9 Justice Center and the Mexican-American Legal
10 Defense and Educational Fund, discusses the
11 roles of community interest in drawing maps.
12 And I argued when the Fair Districts
13 conversations were going on that that was a
14 very important subject left out of Fair
15 Districts, but it is addressed all over the
16 documentation that the Legislature has provided
17 to the public to become educated about this.

18 The gentlemen that spoke in front of me
19 have already addressed the rural orientation
20 versus the beach orientation, but I would like
21 to add a couple of additional comments to what
22 they have already said.

23 The Highway 98 is the main access on the
24 south side from east to west, and I-10 is the
25 main access, and for generations, that is the

1 direction of the flow of commerce, that is the
2 direction of the flow of communications within
3 the region, not north/south.

4 Now, if you look at the county in the
5 center, Okaloosa County, my home, and you
6 notice a large blip in the middle, that blip is
7 Eglin Air Force Base. The only thing that
8 resides there is pine trees and alligators.
9 There's not a lot of population in there. But
10 I bring that out because I live due south,
11 almost where the mouse is, a little further
12 south. It is a two and a half hour drive
13 east/west from my House to the Capital, so Leon
14 County, which is barely on the map on the side.
15 However, to go due north to Alabama, there is a
16 geographical quirk. If you look on my map as I
17 look at it on the right side of Leon County,
18 you see there is a green that goes up about,
19 you know, yea much above the rest of the state.
20 It is two and a half hours from my house to the
21 Capital. It is almost two hours from my house
22 due north to Alabama without ever leaving my
23 own county. And people who don't live there or
24 you don't drive that way don't grasp just how
25 big of a geography we really are. Most people

1 pass through our region going on I-10 and never
2 get that far off the highway. But if you look
3 at how much -- how large our districts are
4 north/south, it is very telling. And so when
5 you look at this and you say, you know, the
6 districts are elongated east/west, I have
7 sisters -- I have six sisters, all of whom live
8 along Highway 98, and I can be to my sister in
9 Mobile, which is just on the other side of
10 Pensacola, in two hours, and to my sister over
11 in Mexico Beach, which is near where the mouse
12 is, in less than two hours, along the
13 east/west. The sister that I have -- the one
14 that got off the reservation that lives just
15 north of Tallahassee in Georgia, takes me
16 nearly three and a half hours, because there is
17 no real way to move north/south, and I urge you
18 to consider that as you think about the
19 counties, that we are structurally built to
20 move east/west, we are not structurally built
21 north/south, and frankly, that is a concern
22 every time there is a hurricane.

23 SENATOR GAETZ: And, Mr. Kelley, I
24 apologize, you have been very gracious with
25 your time --

1 MR. KELLEY: Yes.

2 SENATOR GAETZ: -- but if you could
3 summarize, we would be grateful.

4 MR. KELLEY: Yes, sir, I wanted to move to
5 the House map real quick, because I wanted to
6 address a comment Senator Sobel made about
7 drawing, you know, the House. I don't think
8 you can effectively do this if you don't draw
9 all three maps to understand the
10 inter-workings, and what I drew here in the
11 House map is, if you notice my districts, the
12 north districts are generally all within the
13 confines of one Senate district, and the three
14 beach communities are generally within the
15 confines of a beach Senate district, and
16 several members have presented this about
17 nesting, and this is really -- I didn't do it
18 precisely, but it is to put the Senate
19 districts with the House districts in a manner
20 to us that makes sense, where the beach
21 communities are really represented Senate and
22 House together, the rural communities are
23 represented Senate and House together, and this
24 sort of continues throughout my maps through
25 the rest of the state.

1 SENATOR GAETZ: Thank you very much, Mr.
2 Kelley.

3 MR. KELLEY: Thank you, Mr. Chairman.

4 SENATOR GAETZ: Any questions for Mr.
5 Kelley?

6 Thank you for hanging with us throughout
7 this whole process, and, you know, we are not
8 done yet, we are just getting started.

9 MR. KELLEY: Thank you.

10 SENATOR GAETZ: Thank you. Next is David
11 Pleat. Mr. Pleat, thank you very much for
12 coming over, and you are recognized, sir.

13 MR. PLEAT: Thank you, Mr. Chairman, and
14 thank you, members of this committee, for this
15 opportunity to speak to you.

16 I am David Pleat. I am from Destin,
17 Florida. I am also affectionately known
18 locally as one of the three Democrats in our
19 town, and I also feel uniquely qualified to
20 talk about this issue, because I ran for House
21 District 7 last fall, which is one of the
22 craziest districts in the state. It is the
23 second-largest geographic district in the
24 state. It covers parts of nine counties, two
25 different time zones, and I put 20,000 miles on

1 my truck during the course of that year. And
2 what stood out to me the most during that year
3 of campaigning is the glaring difference in
4 issues of importance to the coastal communities
5 in south Walton County, Bay County, Panama City
6 Beach, versus, for example, Marianna, what was
7 important in Marianna or Crawfordville or in
8 Tallahassee, because part of that district was
9 in Tallahassee.

10 The other net effect of a district like
11 that is that voters are very confused. I think
12 we forget that one of the goals is to make sure
13 we get people out to vote. And when your
14 districts are so confusing, as I found out at
15 every meeting I went to when people said "What
16 district am I in, Mr. Pleat," and we all know
17 the more confusion, the less likely they are
18 going to vote. So I think common sense
19 boundaries are so important for this process.

20 And as a result, as I went through the
21 proposed maps, I concur with the comments made
22 by Mr. Kelley and the folks from Escambia
23 County. Everybody in our area along the coast
24 knows that there is a distinct difference
25 geographically south of Choctaw Bay, for

1 example, south of the Eglin Preserve, versus
2 north of those geographic boundaries. Good
3 people in the north, good people in the south,
4 but very different communities. So as Senator
5 Gaetz, being the coastal Senator for our area,
6 gets to concentrate on the unique interests and
7 needs, tourism, environment, et cetera, those
8 interests are different for Senators from the
9 north county who have a more rural county to
10 worry about.

11 As I went through the proposed plans, it
12 just happened, and I have never met Mr. Kelley
13 before, but I ended up finding three different
14 maps that I think make the most sense for our
15 area which acknowledges and represents the
16 difference between the north and the south. So
17 if you look at Senate district proposed map,
18 Mr. Kelley's map, number seven, which I think,
19 Senator Gaetz, is very similar to the existing
20 district that you serve, it preserves that
21 coastal community interest and again goes
22 east/west and not north/south, as has been
23 proposed in some other maps. State House map
24 18, which is also Mr. Kelley's, I think best
25 concentrates those same philosophies for the

1 House seats and then Congressional District 4,
2 which also is Mr. Kelley's.

3 So I would respectfully request that the
4 committee recognize what us locals in that area
5 understand is this unique north/south
6 difference, and give those voting areas and
7 those communities a voice that is concentrated
8 and collectively theirs. Thank you.

9 SENATOR GAETZ: Thank you, Mr. Pleat. Any
10 questions for Mr. Pleat? I have one, sir.

11 As a candidate for the Legislature, and I
12 know you put a lot of miles on your vehicle and
13 you were everywhere, as a -- and you happen to
14 be a Democratic candidate, so let me ask this
15 question with asking you to speak from your
16 experience as a candidate: Do you believe that
17 the maps that you just referred to, which you
18 said were preferable, would have -- would have
19 resolved some or all of the problems that you
20 described, which is a -- and if I
21 mischaracterize, I know you will correct me --
22 a substantial divergence of issues between
23 communities in the current House district that
24 you ran for? And then the second part of the
25 question -- and if you want to dodge this, you

1 sure can -- do you believe that you would have
2 had a fairer chance as a candidate with the
3 districts that you are suggesting would be
4 preferable for other reasons, would you or
5 another Democrat have had a fairer chance in
6 that district?

7 MR. PLEAT: As to the first part of your
8 question, Senator, I think it is just easier
9 for voters to understand in our area, if their
10 district is District 6 and it is south of the
11 bay, everyone knows where the bay is, it is
12 going to make it easier for them to understand
13 where they are going to vote and where they --
14 given where they reside.

15 As to the second question, was it fairer,
16 I think Representative Coley would probably
17 share this thought as well. Being on the
18 coast, I was more privy to the interests of the
19 coastal communities and their -- what they felt
20 was paramount -- of paramount concern. When I
21 get up to Marianna in Calhoun County, for
22 example, Representative Coley had a much better
23 grip on those issues, because that is where she
24 is from. So I think if you allow the
25 candidates the opportunity to concentrate more

1 in the area where they live, you just give them
2 a better chance to speak to the issues that
3 they are familiar with. So I think, yes, if
4 you align it like these maps show, candidates
5 on both sides, Democratic candidate and
6 Republican, will be able to focus more on a set
7 of issues as opposed to a great -- a great list
8 of issues across nine counties.

9 SENATOR GAETZ: Thank you, sir.

10 Any other questions or comments? If not,
11 thank you very much, Mr. Pleat.

12 MR. PLEAT: Thank you.

13 SENATOR GAETZ: Dawn Moliterno is next,
14 and then following Ms. Moliterno, Dr. Don
15 Riley.

16 Ms. Moliterno, are you here? There you
17 are. For those who don't recognize
18 Ms. Moliterno, let me just take a prerogative
19 of the Chair to say that she was the leader of
20 the coalition of counties in coastal northwest
21 Florida that worked with the Governor to bring
22 an extraordinary amount of funding from BP to
23 help promote tourism in our area in the period
24 of recovery from the Deep Water Horizon oil
25 spill, and all of Florida is thankful to you

1 because those revenues now can be shared with
2 the entire state, and certainly our areas,
3 thankful to you. So you are recognized, ma'am.

4 MS. MOLITERNO: Thank you, Mr. Chairman,
5 and committee members.

6 I don't have maps. I don't have programs.
7 I am going to just speak from experience that
8 having been at the Tourist Development Council
9 in south Walton for over a year and a half, but
10 previous to that, being the Chamber President
11 for Walton County for five years, clearly got
12 to see the difference in issues from not only
13 business, but geographical to cultural issues
14 that were very different, different concerns.
15 You learn very quickly that the issues that
16 face those in the coastal communities are very
17 different than those that are faced in the
18 north end.

19 We are a little bit different from the
20 standpoint, Walton County, most of our
21 population is in the north end of the
22 community. So the rural community actually has
23 the predominant population; however, the
24 coastline has the largest share of business.

25 So the coastal communities is one that is very

1 important for us to preserve. We think it is
2 important that the coastal Senate districts be
3 preserved, and that we do continue to have that
4 representation along the coast.

5 We did learn during the oil spill, which
6 none of us were prepared for, or had any
7 experience, that there was great benefit in
8 having leadership that understood that
9 coastline and those issues in a time of crisis.

10 The one thing that in Walton County the
11 people of Walton County do agree on is the fact
12 that we need to four-lane 331. I'm sorry, you
13 knew I had to do it. I know it is a different
14 committee. It is your slowest evacuation route
15 in the state of Florida, but beyond that, very
16 different needs, different issues.

17 So we think that map -- I believe it was
18 seven and 71 are the best maps. They should
19 serve as the guiding maps going forward.
20 Senate maps 56, 64 and 66 are not good for
21 northwest Florida.

22 We have with us today also is our
23 Vice-Chairman of the county commission and our
24 TDC Chairman, Mr. Scott Brannon, and Special
25 Counsel Atkinson, and so on behalf of Walton

1 County constituents, we do hope that you will
2 continue to preserve the Senate districts as
3 they currently are.

4 SENATOR GAETZ: Thank you, ma'am. Is
5 there -- is there any comment or question?

6 Thank you, Ms. Moliterno, for being here
7 today and for your service to coastal northwest
8 Florida.

9 MS. MOLITERNO: Thank you.

10 SENATOR GAETZ: Next we will have
11 Dr. Riley. Dr. Riley, are you here, sir? And
12 following Dr. Riley, Jim Bagby, the Honorable
13 Jim Bagby from the City of Destin, and then
14 Seegar Swanson from Navarre.

15 Dr. Riley, you are recognized, and thank
16 you for coming today.

17 DR. RILEY: Thank you, Chairman Gaetz and
18 members of the committee. I traveled here
19 today from Walton County. I reside in Miramar
20 Beach. And this is my second opportunity to
21 give testimony before this committee. In Ft.
22 Walton Beach, I shared with you my desire that
23 the redistricting of northwest Florida reflect
24 the unique coastal and northern communities in
25 our part of the state. We should have a state

1 Senate district for the northern portions of
2 the Panhandle, and we should have a separate
3 state district -- Senate district for the
4 southern portions of the Panhandle.

5 During our meeting in Ft. Walton Beach,
6 the vast majority of people spoke in favor of
7 Senate districts similar to those in existence
8 today, and with perhaps one exception thus far.
9 I think the same sentiments have been and will
10 continue to be echoed here today. Virtually
11 everyone wanted a northern district and a
12 coastal district, irrespective of their
13 political affiliation.

14 Today the committee is considering eight
15 Panhandle state Senate maps. Five of those
16 maps accurately, I believe, reflect the will of
17 the people as measured by the prior testimony,
18 both in Ft. Walton Beach, as well as here
19 today. All five of those maps of which I speak
20 preserve both those coastal and northern Senate
21 districts. The most desirable of these, I
22 believe, was submitted by Mr. Kelley. However,
23 three of the maps being considered today would
24 mark radical and I believe totally unwanted
25 shift in how northwest Floridians are

1 represented in the state Senate, maps numbers
2 56, 64 and 66 submitted by Messrs. Terrell,
3 Libby and King, respectively.

4 SENATOR GAETZ: I apologize, Doctor.
5 Would you give us those numbers again?

6 DR. RILEY: Fifty-six, 64 and 66 --

7 SENATOR GAETZ: Thank you, sir.

8 DR. RILEY: -- would harm our community.
9 These maps neglect to use the Eglin Reservation
10 boundary as the primary geographical, cultural
11 and political boundary in northwest Florida.
12 The Eglin Reservation is the true boundary that
13 separates rural agricultural northwest
14 Floridians from the tourism-driven coastal
15 neighbors to the south.

16 The Constitution requires the Legislature
17 to adhere to geographic and political
18 boundaries where practical. It is neither
19 practical nor desirable to adhere solely to
20 county boundaries when municipal and geographic
21 boundaries could create -- guide the creation
22 of constitutional districts that the community
23 clearly wants.

24 I have reviewed some of the maps that have
25 been submitted to the Florida redistricting

1 website, and the map submitted by Mr. Sessions
2 should also be considered as it uses the Eglin
3 Reservation and key roadways and municipal
4 lines to draw district boundaries. Please do
5 not neglect the Eglin Reservation boundary, and
6 please don't forget the overwhelming testimony
7 that northwest Floridians have given.

8 I have driven here today at my expense
9 because I am very concerned that maps 56, 64
10 and 66 are being considered. I would ask that
11 this committee instruct their staff to exclude
12 those maps from consideration as other
13 constitutional submissions clearly reflect the
14 will of the people. Thank you.

15 SENATOR GAETZ: Thank you very much,
16 Doctor. Any comments or questions? If not,
17 thank you very much for coming today.

18 Jim Bagby. Mr. Bagby is a member of the
19 City Council, City of Destin, and we are
20 delighted to welcome him to the Florida Senate.
21 Mr. Bagby, you will be followed by Seegar
22 Swanson and then by Rich Templin.

23 And you are recognized, sir.

24 MR. BAGBY: Thank you, Senator Gaetz and
25 members of the redistricting members and any

1 other members -- distinguished members of the
2 Legislature. It is good to see you again. I
3 had the opportunity to speak before some of you
4 in Ft. Walton Beach, and it is my pleasure to
5 come back and speak again today.

6 I want to thank you, first of all, for the
7 process that you've put in place. That meeting
8 in Ft. Walton Beach, I know the meeting in
9 Pensacola, the meeting in Panama City and all
10 over the state, people appreciate that, and the
11 transparency that you have provided in the
12 hearings and the ability to submit and draw
13 plans. I did not submit or draw any plans. I
14 have a full-time paying job as the Town Manager
15 of Rosemary Beach down in the far eastern end
16 of Walton County, I also have a part-time city
17 councilman's job, and like a lot of you, I
18 serve on committees, commissions, boards,
19 councils, in our region. But I want to thank
20 you for the openness of this process.

21 I have some recommendations though. I did
22 review all the plans that I think you were
23 going to review today, with the exception of
24 one, and I don't know, Mr. Guthrie, if it was
25 41 or 71, I couldn't hear over there, but where

1 I think most of the people in northwest Florida
2 agree, all the congressional plans, with the
3 exception of 20, are acceptable, and 20 is not
4 acceptable because, as I remember, it splits
5 the City of Destin, and as you may remember, or
6 some of you may remember from the meeting in
7 Ft. Walton Beach, that was one of the things --
8 the Mayor spoke, I spoke and others spoke.
9 Destin right now, a city of 13,000 people, sits
10 in two congressional districts and two state
11 legislative districts, and it is just wrong
12 that a town that small that is on a little spit
13 of land is split like that, and so hopefully
14 you will address that issue.

15 The Senate plans, we prefer number seven,
16 I haven't seen Mr. Session's plan, 25, and then
17 maybe that 41 or 71, I couldn't tell, and I
18 didn't have that map printed out when I was
19 reviewing the plans, but those are the Senate
20 plans.

21 And, again, I will speak to the
22 north/south issue as one of the people from the
23 south. I have friends, a lot of friends, on
24 the north end of the county, and they are
25 concerned about the south taking control of

1 legislative districts, because the majority of
2 the population is there along the coast. They
3 deserve their representation. They have great
4 representation now, we have great
5 representation now, and it falls into the if it
6 is not broken, please don't fix it category.
7 And our state Senate districts are not broken
8 in northwest Florida.

9 With respect to the House plans, I
10 strongly urge you to support number 27 or 45,
11 and maybe 18, I couldn't tell from my map where
12 it -- if it split Destin or not on 18. If it
13 does split Destin, then obviously I could not
14 support that.

15 And the big question is why. The statute
16 is now very clear, and we have talked about the
17 Voting Rights Act and the various sections
18 Mr. Guthrie covered, but when I was reading the
19 sections, the new additions to the
20 Constitution, I guess, I was struck by there
21 seems to be a lot of emphasis in a lot of these
22 plans on political boundaries, i.e., county
23 boundaries, and not a lot of emphasis on
24 geographical boundaries. And I think those of
25 you who were at Senator Gaetz' ceremony for

1 the -- to be the Senate President remember the
2 story about Senator Gaetz campaigning in
3 Alabama, okay, and that applies here, okay,
4 because people don't know necessarily the
5 county line is on this property or on that
6 property, unless they live right there. But
7 they know where Interstate 10 is, they know
8 where Highway 98 is, they know where the
9 Choctawhatchee Bay is, okay, everybody knows
10 that, so they know in an instant where they
11 are. But if they are looking at property up by
12 Alabama or over by Walton County line or over
13 by the Okaloosa County line, they may not know.
14 We have a lot of prominent citizens in Destin
15 who don't vote in Destin because they are
16 actually on the wrong side of the county line,
17 and they all think they live in Destin, but
18 they don't. And we have the same problem in
19 Destin, because that little spit of land, there
20 is an unincorporated part of the county there
21 that everybody thinks they are in Destin.

22 But I would just remind you of
23 subparagraph c that says, "The order in which
24 standards within subsections 1a and b of this
25 section are set forth shall not be read to

1 establish any priority of one standard over the
2 other within that subsection."

3 So please look at the geographical
4 boundaries, the bays, the rivers, the highways,
5 Eglin Reservation, when you are drawing the
6 lines in northwest Florida. And I just want to
7 thank you again. You all are doing a great
8 job, and I appreciate the opportunity to speak.

9 SENATOR GAETZ: Questions for Mr. Bagby?

10 Well, now the public record will show that
11 Senator Gaetz doesn't know where Alabama and
12 Florida are, which will not be a surprise to
13 members of this committee.

14 Seegar Swanson, and then following
15 Mr. Swanson, Rich Templin, and then Phyllis
16 Garrett.

17 Sir, thank you for coming, and we are
18 delighted to have you before the Florida Senate
19 today. You are recognized.

20 MR. SWANSON: Thank you, Mr. Chairman and
21 members of the Senate and the House that are
22 here. My Senator, you may know him, he is
23 Senator Gaetz, the -- I am here to speak
24 because I have some concerns about the House
25 districts, and I would like to say my expertise

1 lies in the fact that I worked on a campaign
2 committee for the present Representative from
3 that district for the last three campaigns, and
4 we lost three times, and we are talking about
5 Representative Ford who lives in Santa Rosa
6 County, precinct 22, the only precinct in that
7 House district that isn't in Escambia County.
8 Now, you would think that somebody working on a
9 campaign for a candidate from Escambia County
10 would be a slam dunk to beat a guy that lives
11 in the orphan district that is geographically
12 removed by a three-mile bridge across the bay,
13 but the truth of the matter is, as I can bring
14 some attention to the problems with Escambia
15 County, if you look in the population and the
16 voting -- number of voting people in Escambia
17 County on the first chart with the
18 congressional -- existing congressional
19 district, almost half of the population of the
20 first congressional district lives in Escambia
21 County, but their Congressman doesn't.
22 Congressman Miller is from Santa Rosa County.
23 There aren't any Senate -- State Senators from
24 Escambia County. One of them is from Okaloosa
25 County and the other one is from Santa Rosa

1 County. The -- when it comes to the House
2 representation, District 2 is 100 percent in
3 Escambia County, they got one. District 3 is
4 99 percent in Escambia County, they don't get
5 that one.

6 So this is my concern. I think -- I don't
7 know that that was the intention that that was
8 gerrymandered that way ten years ago to see
9 that the Escambia County was denied
10 representation in the House with that
11 configuration, but that seems to be the way
12 that it has worked out. And if you people have
13 a conscience and you are interested in giving
14 the minority a possible seat in the House from
15 the Panhandle, your best chance is with
16 District 3. And if you would look at those
17 minority statistics precinct by precinct when
18 you draw these lines, the -- it would be very
19 possible to have a House district that is not
20 50 percent minority, but close to 50 percent,
21 very close to 50 percent minority. And that is
22 the end of my comments, thank you.

23 SENATOR GAETZ: Comments or questions for
24 Mr. Swanson?

25 I have a question, sir. As you -- if you

1 have had a chance to look at the maps that we
2 are considering, the House maps, because that
3 is what you focused your testimony on, are
4 there House maps by number or by name that you
5 like better?

6 MR. SWANSON: Yes.

7 SENATOR GAETZ: And which are those,
8 please, sir?

9 MR. SWANSON: Sixty-seven, 18 and 27.

10 SENATOR GAETZ: Okay. Other comments or
11 questions? Senator Negron, you are recognized,
12 sir.

13 SENATOR NEGRON: Thank you, Mr. Chairman.
14 I just, with your permission, had a brief
15 rhetorical question just for all of us to be
16 thinking about as we go forward.

17 Where it says -- I think there is an
18 inherent tension between the directive that we
19 have here in subsection b that we are to
20 utilize existing political and geographic
21 boundaries, and then it says "where feasible,"
22 which I am not sure what that means, but -- so
23 that is going directly against what citizens
24 are telling us and we're -- you know, we're --
25 I am inclined to default to what the citizens

1 want and to give that great weight in our
2 deliberations, and yet I wonder what "where
3 feasible" means. Like could we say, "Well, the
4 reason why we didn't put Okaloosa all in one
5 state Senate district, it wasn't feasible
6 because of the flow of commerce didn't allow
7 it," or could we say, "There were unique
8 characteristics," or there was -- "There is --
9 98 goes through Escambia County in such a way
10 that it wasn't feasible"? I just think there
11 is this inherent tension between using these --
12 you know, if you are just going to use these
13 geographic and political boundaries, this will
14 be a very easy process, you could just get a
15 magic marker and a thing and just start doing
16 counties until you have the right number. So I
17 just -- I am wrestling as I'm -- I don't live
18 in northwest Florida, but I listened to the
19 citizens, and they clearly do not want us to
20 just use strict geographic boundaries in doing
21 these districts, and so I am wrestling in my
22 mind to what "where feasible" means. Do I have
23 the flexibility as a legislator to say, "It
24 wasn't feasible in northwest Florida to do it,
25 and here is why," or are we bound by the strict

1 language of the amendments?

2 So I think as we go forward, I would love
3 to hear what other members and our staff think
4 about what seems to me to be this inherent
5 tension between wanting to follow the clear
6 directions of our constituents, while at the
7 same time being bound to follow the letter of
8 the Constitution.

9 SENATOR GAETZ: Thank you, Senator Negron.

10 Yes, sir, did you wish recognition,
11 Senator Braynon? Just waving?

12 SENATOR BRAYNON: You know, yes.

13 SENATOR GAETZ: You would like
14 recognition? Please.

15 SENATOR BRAYNON: Listening to what
16 Senator Negron said, someone got up and said
17 that one of the lines was drawn using
18 geographical -- because when you say
19 geographical or political lines, geographical
20 could mean a river, could mean -- you know, it
21 could be a list of different things. Doesn't
22 particularly have to be a county line. So
23 someone said that before us, so, I mean, I
24 guess the tension is there if you only
25 constrain it to that definition, but there's

1 maps that have different things on it than just
2 the county.

3 SENATOR GAETZ: Thank you, Senator
4 Braynon.

5 Any other comments at this point? If not,
6 Mr. Swanson, thank you for coming all this way,
7 and we really appreciate your testimony.

8 Next is Rich Templin, and then Phyllis
9 Garrett, and then Chris Moore.

10 Mr. Templin, thank you for being here
11 today, and we recognize you.

12 MR. TEMPLIN: Good afternoon,
13 Mr. Chairman, thank you very much. And first
14 just let me make it clear that I am actually
15 here this afternoon representing myself, not my
16 employer. I guess if I am representing
17 anybody, it is Grace and Aster and Roland over
18 at 2038 Talaheni here in Tallahassee. And,
19 Mr. Chairman, if I may beg your pardon, I would
20 very much like to say congratulations to
21 Senator Gibson. It is very exciting to see you
22 here serving in this most august body. Thank
23 you, and congratulations.

24 As an individual citizen, I am fortunate
25 enough through my employer to be able to be a

1 Union member. And first let me say that I am
2 very proud to be one -- maybe one of the few
3 fourth-generation Floridians that you will
4 meet. My daddy's side of the family settled in
5 what is now Delray Beach in the 1800s, and my
6 mom's side of the family settled in south
7 Georgia and the northern part of the Panhandle
8 in the early 1900s.

9 As a Union member here in this area, I am
10 fortunate enough to be part of the Northwest
11 Florida Federation of Labor, and as such, I
12 have Union brothers and sisters between here
13 and Pensacola. And one of the things that I
14 have learned simply through fellowship with
15 them and working with them on different
16 projects and just in my free time, barbecues
17 and picnics and such, is a lot of what you have
18 heard here today, that their fundamental
19 experience, their work experience, their life
20 experience, is north of I-10 and in those areas
21 in the rural communities where most of them
22 reside. It is far different than the
23 experience of those folks who live in the
24 coastal areas. You know, they may travel to
25 the coastal areas to work, but they can't

1 afford to live there, so they turn around and
2 drive back north to their homes. And I think
3 that it is just -- it is just really important
4 when you are looking at this part of the state,
5 to just always keep that in mind, that there is
6 a fundamental difference between the
7 experiences of the folks living in these two
8 geographic areas, regardless of how close in
9 proximity on a map they may appear, and just
10 that you do everything that you can to look out
11 for them, to look out for the folks that work
12 perhaps in the prisons there or the folks that
13 work in the other state institutions in that
14 part of the state, to look out for the folks
15 that work for the farmers, there's Union
16 members who do agriculture work in that area,
17 and to just really keep an eye out when looking
18 at these maps, when you look at maps 64, 66,
19 map number 56, I believe, that really tries to,
20 you know, force those two disparate groups of
21 people together. I think that you should be
22 real concerned when looking at those, whereas
23 when you look at a map similar to the map
24 represented in number seven that maintains that
25 distinction between those two disparate

1 economic and socioeconomic groups of people, I
2 would just encourage you as an individual to
3 just really keep that in mind.

4 The folks over there have gone through a
5 lot lately, and I think that we don't want to
6 do anything to shut out their ability to have
7 representation that is truly accountable to
8 their needs, their interests. And I know a lot
9 of folks have said that today, and, you know,
10 just to even drive the point home, I mean, I am
11 a registered Democrat, I don't have a big
12 partisan interest in that part of the state at
13 all, but I am very concerned about -- about my
14 Union brothers and sisters that live there, and
15 I would hope and I am confident that you will
16 look out for their interests when going through
17 this important process. Thank you very much.

18 SENATOR GAETZ: Thank you, Mr. Templin.

19 Questions for Mr. Templin? If not -- I'm
20 sorry, did someone have a question? Thank you
21 very much, sir. We appreciate your testimony.

22 MR. TEMPLIN: Thank you.

23 SENATOR GAETZ: Phyllis Garrett, and then
24 Chris Moore, and then Joe, and I apologize,
25 Joe, I know I am not going to do this well,

1 Bourassa.

2 MR. BOURASSA: Correct.

3 SENATOR GAETZ: All right. I got one
4 right.

5 Ms. Garrett, thank you for being here, and
6 you are recognized, ma'am.

7 MS. GARRETT: Thank you, Mr. Chair. I am
8 a little conflicted with just filling out my
9 appearance card today, because even though I am
10 representing myself, I am a registered
11 lobbyist. But I am -- I live at -- I don't
12 even know where I live. I live at 1335
13 Castenau Court here in Tallahassee because of
14 my job. My family lives 5867 Quintet Road,
15 Santa Rosa County.

16 I found out just a minute ago that I have
17 something in common with Rich Templin. I am a
18 fourth-generation Floridian. My grandfather's
19 family came to Santa Rosa County and settled in
20 Chumucka, which had a population growth of I
21 think one about five years ago.

22 It is -- I was happy to see -- I don't
23 want to repeat anything, so I will say that I
24 was happy to see the gentleman from the
25 northern part of Escambia County, I was happy

1 to see the lady say that she represented the
2 business interests along the coast. We are
3 very different populations. My family is very
4 proud of their rural heritage. My grandfather
5 was a farmer. I have a very small plot of a
6 farm, about a half-acre. That is something
7 that we take pride in. The gentlemen who are
8 farmers, they take pride in that. They don't
9 have anything in common with the people that
10 live along the beaches and want to see those
11 areas developed to their maximum potential. We
12 like to have trees in our backyard and we like
13 to have gardens, and we don't want to see
14 high-rises everywhere, and we have that because
15 we are in north Florida -- the northern part of
16 the Panhandle. My grandson, sixth generation,
17 I want him to have those same things. I don't
18 want him to be represented by someone along the
19 coast -- and, no, please understand that I have
20 something that goes way back in my family,
21 which is the ability to put my foot in my
22 mouth, so don't think that I am trying to say
23 anything against anybody's opinions, but I do
24 know there is a big difference. I like to go
25 to the beach about once a year. That is all I

1 can stand. I prefer the northern part of the
2 county, again. I say that over and over. My
3 family has been there forever. I have a
4 husband who lives at 5867 Quintet Road. He is
5 a registered Democrat. I am happy to say that
6 two of my children are registered Democrats.
7 So we don't have a lot of say in the political
8 process, but we do have say in that little bit
9 of land that we own, and we like to know that
10 we are represented by somebody who has the same
11 interests.

12 And something I have heard, even though
13 people talk north/south, like north of I-10,
14 north of 98, nobody has said community of
15 interest today, and I believe that is in the
16 amendments as well. And the rural community of
17 interest in the Panhandle is nothing like the
18 southern community of interest in the
19 Panhandle. So those are my comments.

20 SENATOR GAETZ: Thank you very much,
21 Ms. Garrett.

22 Comments or questions for Ms. Garrett? If
23 not, we really appreciate your testimony.
24 Thank you for being here.

25 Chris Moore. Mr. Moore represents the

1 Leon County Supervisor of Elections Office, and
2 is here for information. Do you have some for
3 us?

4 MR. MOORE: Good afternoon, Mr. Chairman,
5 thank you for having me.

6 I would like to say, first of all, I am a
7 professional cartographer. I guess I am lucky
8 enough that I get paid to do this. I look at
9 these districts every day, all the time, the
10 precincts and the districts. And I first want
11 to congratulate the technical team and
12 Mr. Guthrie with the software that you've put
13 together. It is extraordinary, it is a very
14 good piece of software and it is very easy to
15 use.

16 Our mission at the Leon County Elections
17 Office is to clean up after this party. When
18 we get all the districts from all the different
19 bodies, we have to make a precinct plan and we
20 have to educate the voters on where they are
21 supposed to go and what these district lines
22 are.

23 One thing that would make that a lot
24 easier is by using what the census calls
25 visible landmarks. I think there was some

1 discussion about using geographic boundaries as
2 opposed to, you know, political boundaries, and
3 the census defines visible landmarks, you know,
4 as something like a railroad or a river or
5 something you could describe to a person. I
6 would probably shy away from trying to use city
7 boundaries, because cities change, they annex
8 property frequently, and some of the city
9 boundaries in Tallahassee in the south part of
10 town are some of the very hardest to describe.

11 So, you know, the ability to do that and
12 to use the visible features when you are
13 drawing these districts, I don't think it is
14 mutually exclusive between what you are hearing
15 from the discussion of the beach communities
16 versus the rural communities. When I look at
17 it, I look at Leon County amongst another
18 district, and there are opportunities to really
19 clean up the line work in the local area.

20 I looked at plan number 67, a House plan,
21 and I took that and, you know, was able to make
22 some adjustments to it and submitted a plan. I
23 think I was the one that submitted one earlier
24 this morning that wasn't quite ready, but there
25 are lots of opportunities to make that a better

1 plan for, you know, a micro-geography of Leon
2 County within a district. And from someone
3 like me who can look at this and knows what we
4 can do with it, you can get to the deviations
5 in the House and the Senate plan. The
6 congressional plan, you may be, you know, bound
7 by the deviations, have to do what you have to
8 do, but on those other two, I think you do have
9 the leeway to make some of those adjustments so
10 that you can have landmarks that are visible,
11 easy to describe and still fall within your
12 deviation and meet the social criteria that
13 other people are talking about. I think it is
14 achievable. You just have to find the right
15 people.

16 And so one of my questions is, how does
17 someone like me get that information to you
18 across all the plans? There's a lot of plans
19 that do the same thing. What is my best avenue
20 of communication to get information to you?

21 SENATOR GAETZ: Your best avenue is any of
22 the four people who are sitting at the table
23 next to you. If you have the time, we've got
24 the time to sit down with you and have you show
25 us where you believe some of those issues can

1 be best addressed and the lines can best be
2 drawn, and we would welcome your expert advice,
3 particularly given your position working with
4 the Supervisor of Elections.

5 MR. MOORE: Right. I know that you have
6 heard from many different representatives from
7 elections offices on your tour, and I think we
8 as a group are looking for some of the same
9 things. We are in part of a smaller district
10 and what we are looking at most of the times,
11 but you can submit partial plans, you can go in
12 and edit full plans, but there are so many of
13 them, you know, we need to kind of focus our
14 time on what is the most productive way to
15 communicate what some of these things are. And
16 I've found mostly they are by using major
17 roadways, that is the easiest thing you can do,
18 easy to describe and still, you know, fit your
19 needs. So --

20 SENATOR GAETZ: We would welcome your
21 expert advice. Please make an appointment with
22 our professional staff. We would welcome your
23 help.

24 MR. MOORE: All right. Thank you very
25 much.

1 SENATOR GAETZ: Thank you.

2 Any questions for this gentleman? If not,
3 thank you very much for your testimony.

4 Joe Bourassa. Bourassa?

5 MR. BOURASSA: Bourassa.

6 SENATOR GAETZ: Bourassa.

7 MR. BOURASSA: I --

8 SENATOR GAETZ: From Daytona Beach, from
9 Daytona Beach, all the way from Daytona Beach,
10 Senator Lynn.

11 MR. BOURASSA: Of course, I didn't come
12 here for this meeting. My primary interest
13 historically has been water, and, you know,
14 I've branched out --

15 SENATOR GAETZ: We are not the most
16 important thing on your plate today?

17 MR. BOURASSA: Pardon?

18 SENATOR GAETZ: You didn't come here just
19 to talk to us?

20 MR. BOURASSA: No, I don't want to talk
21 water. I said our primary case --

22 SENATOR GAETZ: Well, you are recognized.

23 MR. BOURASSA: Historically.

24 SENATOR GAETZ: If you have anything to
25 say about these districts in northwest Florida,

1 fire away.

2 MR. BOURASSA: The one thing I want to say
3 is first I want to meet after the meeting John
4 Guthrie, but I put together an interesting
5 subject that has population as its base, okay.
6 Typically, you know, you are dealing with the,
7 you know, U.S. Census numbers here, but
8 important to all of you people here are what
9 are the projections relative to the, you know,
10 potential historical growth of the population,
11 right.

12 Anyway, I put together some material here,
13 I want to see if you people might want to see
14 it, you know, at some other time. I am not
15 prepared to, you know, to really address the
16 issue here. All I want to bring up, though, is
17 BEBA, who is the official state-approved
18 population source, historically and growth wise
19 here, really has to depend upon the FDEC, the,
20 you know, Florida Demographic Estimating
21 Commission here, and somehow that is a
22 Legislature body here, you know, BEBA has a
23 seat on it, the Governor has a member on it,
24 the House and Legislature have members on it
25 here. And you know what, they've really gone

1 astray, okay, that I want to show, if you
2 people eventually are interested, going to show
3 that this afternoon.

4 I just wanted to bring the subject up that
5 the population growth rate that people keep
6 talking about, we are going to go way back to
7 where we are, has had no validity in what's
8 happened the last three years, okay. And with
9 the economic conditions the way they are and
10 appearing to deteriorate worldwide, okay, I
11 don't think we're going to see much population
12 growth in Florida in the next ten years, okay.

13 Thank you very much for your indulgence
14 for my --

15 SENATOR GAETZ: No, thank you, sir, for
16 being here and for your testimony.

17 Is there anyone else who came today who
18 would like to offer public testimony who has
19 not had the opportunity to testify? If so, we
20 would welcome your testimony. We would invite
21 you to fill out an appearance card. Is there
22 anyone else who would like to testify?

23 Yes, sir, Mr. Lux. Paul Lux is the
24 Supervisor of Elections from Okaloosa County,
25 and, Mr. Lux, if you will fill out an

1 appearance card, we would be delighted to hear
2 from you.

3 You are recognized, sir. And you can fill
4 out the card later. Thanks for being here,
5 Paul.

6 MR. LUX: Thank you, Mr. Chairman. My
7 Senator, Mr. Evers, is up here on the Board as
8 well, as is, from my county, Senator Gaetz.
9 And I just wanted to echo from a supervisor's
10 standpoint the comments made by the gentleman
11 from the Leon County office, and that is, when
12 you are drawing these lines, when you are
13 looking at these maps, make sure that you are
14 using boundaries that we can point to people,
15 because anyone who has seen where the
16 Congressional District 2 line jumps over into
17 the -- when it goes across Choctawhatchee Bay
18 and goes up into the Niceville area, it is
19 really hard to explain to people why the guy on
20 the other side of the street, or actually not
21 even on the other side of the street, is not in
22 Congressional District 2, and he is, because
23 the -- as soon as it crosses -- I was going to
24 say I hope that is not the current map, because
25 that doesn't even show it crossing the bay.

1 There we go. So it is really hard to explain
2 to somebody why that got picked the way it did.
3 If we can point to highways, roads,
4 railroads -- we have some district lines that
5 seem to follow, you know, power lines, and that
6 is not a good thing to have to point to
7 somebody to say, "Well, you know, you live on
8 the wrong side of the power line, that is why."

9 And so it is just very important that as
10 the person who has to explain to these
11 people -- well, there's two groups of people I
12 have to explain this to. First are your
13 constituents when they don't understand why
14 they are or aren't in your district, and the
15 second group of people we have to explain how
16 the lines ended up where they are are
17 candidates for those offices who say, "Well,
18 what do you mean I don't live in that district,
19 I have to run over in this district? Now I
20 don't want to run in that district."

21 So, again, just please make sure that you
22 do as a consideration follow no -- you know,
23 geographic features like Chris described,
24 because it really does make our job a lot
25 easier. I understand it is going to mean that

1 the skew, plus or minus five percent, is going
2 to -- is going to make things maybe not quite
3 as even as we might like them to be, but just
4 -- and thank you for your time today.

5 SENATOR GAETZ: Yes, sir, Mr. Lux. Before
6 you leave, any questions for Paul Lux?

7 Mr. Lux, I apologize if I am catching you
8 unawares here, but you've sat patiently and
9 listened to the testimony today, I know you
10 have been at others of our hearings. As you
11 have looked at the maps that have been
12 submitted, assuming you have looked at them,
13 are there maps for northwest Florida, either as
14 to congressional, Senate or House districts,
15 that you believe are troublesome given the
16 important point that you've just made, or you
17 believe are remedial in terms of the points
18 you've made?

19 MR. LUX: Thank you, Senator, and I don't
20 have a specific number to point to, but what I
21 can say feature wise, I see as very important
22 congressional maps that follow county lines,
23 that sort of political boundary, if you will.
24 I understand that occasionally it may have to
25 creep over one side or the other, but as long

1 as the -- those boundary lines for
2 congressional maps are following -- you know,
3 most everyone knows what county they live in.
4 Maybe when you get into some of the larger
5 municipal areas like in Orange County where
6 people can cross over into other counties
7 without, you know, moving from one apartment
8 complex to another and not realize it, but for
9 the most part, people know what counties they
10 live in. And so I prefer congressional maps
11 follow those type of boundaries where possible.

12 I understand the argument for, you know,
13 north/south, but I think that the argument for
14 east/west -- or, sorry. I understand the
15 argument for districts that are divided
16 horizontally, but I think the -- or vertically,
17 but I think the horizontal divide keeps the
18 rural interests well-represented, and Senator
19 Evers, former House member Evers, is a product
20 of that. I think that that is important when
21 considering Senate and House maps, that the
22 ones that have the district lines drawn
23 vertically I think are less preferred than the
24 ones that are drawn horizontally, just to keep
25 those community -- and someone else said

1 communities of interest, and I am not even
2 talking about it from that perspective, but
3 just the socioeconomic commonality of the
4 people who live north of Eglin Reservation and
5 the people who live south of Eglin Reservation
6 is important, and that representation, knowing
7 that, you know, you don't have the potential
8 for all of the Representatives to come from the
9 south who represent the entire north/south
10 corridor. So I think those are important
11 features.

12 SENATOR GAETZ: Thank you very much, sir.

13 Senator Braynon, did you wish recognition,
14 sir? Other Senators? If not, thank you very
15 much, Mr. Lux.

16 We -- I apologize to members for the
17 length of the meetings that we are having, but
18 these are meaty issues, and, therefore, we
19 really do need to have thorough debate and
20 discussion. And we are now at that point in
21 our session today where we are in order for
22 debate and discussion on congressional, Senate
23 and district boundaries for northwest Florida,
24 and we are at the place where we want to give
25 guidance to our professional staff as they

1 begin to develop a proposed committee bill.

2 Senator Latvala, you are recognized, sir.

3 SENATOR LATVALA: Thank you, Mr. Chairman.

4 I thought maybe I'd just try to lead off here
5 since I am a long way from the northwest
6 Florida, and therefore don't have any really
7 personal stake in it, and that is obviously
8 what the people wanted --

9 SENATOR GAETZ: Not according to the map
10 that I have drawn, no.

11 SENATOR LATVALA: Right. My district --
12 my district does not go up there.

13 You know, we have had a very compelling
14 series of testimony today on, you know,
15 continuing the pattern of representation that
16 we have had for the last at least 20 years in
17 the Panhandle of a coastal district and an
18 interior district, and, you know, to me, you
19 know, I think we need to listen to that
20 testimony, but it is a little bit of a
21 conundrum, because we have all this testimony
22 that really sort of in some respects
23 contradicts the compactness and county
24 boundaries and some of that sort of thing that
25 we have been talking about before, and I am

1 wondering if our attorney can give us any
2 guidance on that. I mean, you know, I would be
3 ready to do what these people want to do, and I
4 think a lot of us would. You know, what kind
5 of path are we on if we do that?

6 SENATOR GAETZ: Mr. Bardos, now you will
7 justify your salary.

8 MR. BARDOS: Or not. I think that the
9 Constitution says what it says, and we really
10 have no case law here in Florida interpreting
11 it, and I think it is for this body to
12 interpret it in as reasonable a way as it can,
13 in good faith, and to apply those words to
14 every factual situation it comes across, but we
15 really don't have case law in this state as to
16 what those terms mean.

17 We have some case law in other states as
18 to what "compact" means, and those states tend
19 to differ from one another. There are
20 different schools of thought. And so -- and it
21 would take probably more time than we have
22 remaining to go through those schools of
23 thought.

24 But I think we are writing on a clean
25 slate, we have to apply the terms in a way that

1 this body believes is reasonable and makes
2 sense according to their -- to their clear and
3 sort of common-sense interpretation, and beyond
4 that, I can't really justify my salary.

5 SENATOR GAETZ: You may just have.
6 Senator Latvala.

7 SENATOR LATVALA: To continue that just a
8 little bit, then, Mr. Chairman, I mean, from a
9 compactness standpoint, you know, these two
10 districts, or these three districts in the
11 Panhandle aren't going to be compact no matter
12 how we really try to do it, because they are
13 huge districts, there's a lot of counties
14 involved. But what we have had here today is
15 we've had Republicans, Democrats and a
16 Supervisor of Elections, who is generally very
17 knowledged to be kind of non-partisan, even
18 though they are elected as partisan officers,
19 but most of them take very seriously the
20 non-partisan nature of their job and try to do
21 things to the best of their ability, and the
22 response has been overwhelming from all those
23 people that we have heard of to have the
24 interior and have the coastal district. So for
25 what it is worth, which is very little, I

1 guess, but for what it is worth, I say let's do
2 what the people want to do.

3 SENATOR GAETZ: I'm sorry, other comments
4 or questions? Senator Lynn, and then Senator
5 Hays and then President Margolis.

6 SENATOR LYNN: I asked a question just to
7 the attorney here by my side earlier. As we
8 look at this, I guess in my mind we need to
9 look at the whole map in terms of what is our
10 philosophy approaching the map, and it is,
11 number one, fair districts. And I agree, I
12 think there is a very important issue here in
13 terms of the interests of the coastal as
14 opposed to the interests of the northern areas,
15 the agricultural. And while we are dealing
16 with that here, and I certainly approve that
17 and support that, we have a lot of other
18 districts as we get down further into the state
19 where I would like to do the same thing, and it
20 may not be possible and it may not be easy.
21 And I just wanted to establish -- I hope that
22 we can establish that we can treat one area in
23 one way, and it may not be the way we treat
24 other areas in other areas of the state. And I
25 just wonder -- there are some rural areas that

1 are close to city areas, very different kinds
2 of interests, and I wonder how we will be able
3 to accommodate those people when we get down
4 further into the intricacies of the map. That
5 is one concern that I have, although up here, I
6 like the fact that we would protect that, and
7 certainly the maps that show that we can
8 protect the minority interests, according to
9 one map, and that seemed a feeling as well.

10 I also think that we have to be very
11 careful that we are not protecting seats. I
12 think as we approach this, it's a whole new
13 ball game, and though everybody likes to have
14 the same seats, or the people would like to
15 have their same people representing them, that
16 may not be the best interest of drawing up a
17 map for fair districts.

18 So while I want to do exactly what Senator
19 Latvala suggested, in this area, I think it is
20 the way to go, but I also hope that we will
21 find a way to address the fact that we are not
22 doing it to protect something that exists and
23 something that the people have been quite
24 unsatisfied with.

25 SENATOR GAETZ: Thank you, Senator Lynn.

1 Senator Hays?

2 SENATOR HAYS: Thank you, Mr. Chairman. I
3 think we have, not only today, but in our
4 meetings across the Panhandle earlier this
5 summer, heard very clearly and very distinctly
6 from the people of northwest Florida that we
7 have two distinct communities of interest out
8 there: The coastal areas and the inland areas.
9 I think it is our responsibility to do
10 everything we can to respond to the wishes of
11 these people and draw the district lines
12 horizontally, taking into effect the various
13 highways and reservations, et cetera, that have
14 been noted today. But I just feel like that in
15 our representative form of government, it is
16 our obligation to give the people what they
17 want when they so clearly asked for it, and at
18 the same time, try to stay within the
19 boundaries that statutes may impose on us, and,
20 of course, the Constitution, but it is hard for
21 me to understand how anybody would challenge in
22 a proceeding, the wishes of the people. I know
23 there are people out there that might do it,
24 but at the same time, I think that our
25 obligation is to go ahead and draw the lines

1 the way the people have asked for us to.

2 SENATOR GAETZ: Thank your, Senator Hays.
3 Madam President.

4 SENATOR MARGOLIS: Yeah, the issue seems
5 to be communities of interest, and I think that
6 there is a lot of case law dealing with
7 communities of interest. I don't know about
8 how the Constitution fits with the case law,
9 and that is something that I really want to ask
10 our attorneys to comment on.

11 SENATOR GAETZ: Thank you, Madam
12 President. And Mr. Bardos stops me from
13 practicing law just about every day, but let me
14 just say that whatever plan we come up with for
15 whatever part of the state, whether it is
16 congressional, Senate or House plan, has to be
17 legally defensible. We have to have a reason
18 why we are doing what we are doing, and that
19 reason must draw from the testimony that we
20 have received, the maps that have been
21 presented, but also from the -- from the laws
22 that we have to abide by.

23 Yes, sir, Senator Montford.

24 SENATOR MONTFORD: Thank you, Mr. Chair.

25 First of all, I guess, an observation. I

1 didn't understand anything our attorney said,
2 so I guess he's earned his salary. So -- but
3 maybe -- I would like just what -- maybe what
4 the definition, when you are talking about
5 "compact." What is -- I've got my definition,
6 but I want to hear what his is before I get too
7 far out there on a limb.

8 SENATOR GAETZ: Mr. Bardos, back in the
9 Senate ring.

10 MR. BARDOS: I apologize, I was in a
11 conversation and I --

12 SENATOR GAETZ: Senator Montford wants to
13 know -- he has his definition of "compactness."
14 He wants to know what yours might be.

15 MR. BARDOS: Well, we don't have one in
16 Florida, and we have -- there are a number of
17 states that have compactness standards, and
18 their courts have interpreted it in different
19 ways. Some of them are pretty similar in their
20 definition. Some of them describe compactness
21 as a closely united territory. Others focus on
22 the regularity of their shape. There is a
23 different school of thought that describes
24 compactness as mandating effective
25 representational units, so those would be

1 districts in which travel and communication and
2 transportation are easy.

3 So there are different schools as to what
4 one focuses on territory and shape, another on
5 functionality. And there are some states which
6 tend to blend those a little bit and say that
7 they will allow a little more discretion as to
8 shape if it makes the district more functional,
9 others that emphasize functionality and then to
10 a lesser degree limit that by looking at the
11 shape or the territory of the district.

12 So there are different interpretations,
13 and I don't have one yet, because the Florida
14 courts don't have one yet, and that's in part
15 the responsibility of this body to begin to
16 develop what it believes it means in the
17 context of this Constitution and in the context
18 of the facts.

19 SENATOR MONTFORD: Thank you, Mr. Chair.
20 He deserves a raise, because I --

21 SENATOR GAETZ: Yes, sir.

22 SENATOR MONTFORD: -- I am totally
23 confused now.

24 SENATOR GAETZ: All my life I have prayed
25 for a one-handed lawyer.

1 SENATOR MONTFORD: He's good.

2 SENATOR GAETZ: Senator Sachs, did you
3 wish recognition, ma'am?

4 SENATOR SACHS: I always like recognition,
5 Mr. Chairman, but I don't have a --

6 SENATOR GAETZ: I'm sorry, I misunderstood
7 you. I thought you were seeking recognition.

8 SENATOR SACHS: I will take your
9 recognition anytime. Thank you very much.

10 SENATOR GAETZ: Senator Montford, had you
11 concluded, sir?

12 SENATOR MONTFORD: Let me -- and I am
13 certainly not an attorney, far, far from it,
14 but when you talk about -- couldn't you
15 consider this whole argument today as being one
16 that would support compactness? I mean, if
17 you've got a -- if you've got an entire
18 community that is alike and similar, whether it
19 is north and south, could you not consider
20 that, not compact in terms of tightness, but at
21 least compact in terms of similar interest?

22 SENATOR GAETZ: I gather that was a
23 question for Mr. Bardos, or is that --

24 SENATOR MONTFORD: I guess it's more of a
25 statement.

1 SENATOR GAETZ: A statement, okay. Yes,
2 sir, Senator Diaz de la Portilla.

3 SENATOR DE LA PORTILLA: It seems to me
4 that given the various definitions of
5 "compactness," that we can reconcile the
6 testimony with a number of those definitions,
7 because the fact of the matter is that if you
8 draw horizontal lines, that creates a uniform
9 shape, if you will, or close to uniformity in
10 shape, and, therefore, I could argue that that
11 is compact.

12 The other part is that compactness is just
13 one of the things that we look at, one
14 criterion, it is not the only, and then all
15 these things, you have to balance competing
16 criteria. You have to balance them out against
17 each other and come to a fair conclusion based
18 on the testimony that we have received, and it
19 seems that the testimony has been consistent,
20 at least as far as the Panhandle is concerned,
21 that, you know, folks do believe and think that
22 they are best represented when you have a --
23 boundaries that divide among social economic
24 interests and activities, agriculture versus
25 the more urban setting.

1 So I think the testimony fully supports,
2 to quote Senator Latvala, giving the people
3 what they want, because it does fall in the
4 definition of "compactness," at least one or
5 two of the definitions of "compactness" that
6 Mr. Bardos discussed. So that would be --
7 that's my observation based on what I have seen
8 and heard, not just here today, but also in
9 reviewing the transcripts of meetings that I
10 didn't go to in the Panhandle.

11 SENATOR GAETZ: Other comments or
12 questions? Senator Braynon.

13 SENATOR BRAYNON: Earlier I was talking
14 about geographic lines, and I just wanted to
15 get an opinion from our attorney about -- about
16 geo- -- is a bay considered a geographic line,
17 is a river considered a geographic line, a
18 geographic boundary? Are those considered
19 that?

20 SENATOR GAETZ: Mr. Bardos.

21 MR. BARDOS: And I will have to give
22 probably an equally imprecise answer to that as
23 I gave to the last one, and for the reason that
24 the Florida courts have not interpreted it. We
25 know as to political boundaries, that the

1 ballot language for the Fair Districts
2 amendments said cities and counties, and so
3 political boundaries probably begins with
4 cities and counties. Geographical boundaries,
5 we didn't have a similar explanation of. So I
6 think, again, at this point, it is something
7 that the committee just needs to look at and
8 apply common sense to it, and so probably
9 rivers and lakes and bays might be good
10 examples, but there might be others as well.

11 SENATOR BRAYNON: Can I --

12 SENATOR GAETZ: Senator Braynon.

13 SENATOR BRAYNON: So on map seven, I don't
14 know if you can pull that up --

15 SENATOR GAETZ: Would you -- which,
16 congressional or --

17 SENATOR BRAYNON: Senate.

18 SENATOR GAETZ: Senate map seven, please.
19 Is that the one you are looking for?

20 SENATOR BRAYNON: Yeah, one of the
21 gentlemen that came up and spoke said that this
22 map -- or maybe it was the person that drew
23 this map said it was along rivers, bays and the
24 edge of a park. Is that correct?

25 SENATOR GAETZ: My notes say that was

1 Mr. Sessions, yeah.

2 SENATOR BRAYNON: Would that -- could that
3 be considered a geographic boundary?

4 SENATOR GAETZ: Mr. Bardos, do you have --
5 do you believe that's -- let's put it this way:
6 In the questions that you are getting from
7 committee, and I know everyone wants you to be
8 the judge as opposed to being our counsel, but
9 let's file the question this way: Do you
10 believe that the elements in Senator Braynon's
11 question are legally defensible?

12 MR. BARDOS: I think it is an argument
13 that an attorney could make, and in that sense,
14 it would be legally defensible, yes.

15 SENATOR BRAYNON: Mr. Chair, may I ask
16 where we are in process as far as what we
17 are -- what we -- what we should be doing right
18 now in process?

19 SENATOR GAETZ: Well, we wanted to take
20 comments that were inspired by the testimony
21 and by the staff's presentation. Before we
22 conclude today, what I would like to be able to
23 do, if we can, if we can, I don't want to rush
24 anybody, I don't want to cut off debate, but if
25 we are able to, I would like the committee to

1 give our professional staff guidance as to the
2 congressional districts in northwest Florida,
3 how you want -- how you want the proposed
4 committee bill to be developed, Senate
5 districts and House districts. If we are ready
6 to do all of that, if we -- if there is a point
7 of view that most of the committee members
8 have, then the professional staff can take that
9 and use it as a building block as we go
10 forward, recognizing that what Mr. Kelley said
11 is true, if you drop a pebble in Choctawhatchee
12 Bay, you know, there is some effect, you know,
13 in Hobe Sound.

14 SENATOR BRAYNON: The -- so if we've
15 gotten testimony from people that are saying
16 that they wanted something specific, and I
17 am -- and if I am not mistaken, we have had
18 people talk about east/west, north/south lines,
19 and we are trying to find definitions for
20 "compactness" and "geographic," because it said
21 "compactness" and "geographic," I think that
22 was on one -- that was on one -- one tier, and
23 we found one that has compactness and
24 geographic, so the next step would be to say
25 something similar to this would be what we as a

1 committee want, is that where we are heading
2 towards?

3 SENATOR GAETZ: Yes, sir.

4 SENATOR BRAYNON: And we have had people
5 talk about it, and this has geographic lines,
6 not implying anything, but I -- whenever we are
7 ready.

8 SENATOR GAETZ: Well, we are ready.
9 Again, I don't want to cut off any questions or
10 any discussion or debate that any member of the
11 committee might have, but, you know, if anybody
12 would like to advance a statement that could be
13 termed guidance for the professional staff and
14 then we will see what folks think. We are not
15 going to take roll call votes, but we want to
16 find out what people think.

17 SENATOR BRAYNON: I think that was my next
18 question. We are not going to do a vote, we
19 are just saying, hey, what do you think about
20 this?

21 SENATOR GAETZ: Well, yeah, I mean, we
22 haven't scheduled on the agenda any roll call
23 votes, but we developed procedures, which were
24 rather ground-breaking procedures for this
25 committee by consensus, and I would like to be

1 able to do that. I would like this to be
2 bipartisan.

3 SENATOR BRAYNON: And what do you think
4 about this -- Chair, hey, what do you think
5 about this, all right, that is what I am
6 asking.

7 SENATOR GAETZ: Yes, sir.

8 SENATOR BRAYNON: That is what -- I said
9 that was the next step, so I am asking you,
10 hey, what do you think about this.

11 SENATOR GAETZ: What do I think?

12 SENATOR BRAYNON: To the body.

13 SENATOR GAETZ: What do we think about
14 what? I apologize, Senator.

15 SENATOR BRAYNON: Well, I just made a
16 point that people talked about it, this has
17 geographical lines. What do we think about
18 this configuration for northwest Florida?

19 SENATOR DE LA PORTILLA: Mr. Chairman?

20 SENATOR GAETZ: And now we have some
21 takers, Senator Lynn and then Senator Diaz de
22 la Portilla, then Senator Hays.

23 SENATOR LYNN: I have a question first.
24 What appeared to be the one priority that stood
25 out is separating north/south, the ag from the

1 coastal. That seemed to be what stood out for
2 me as the most important to the people who
3 spoke. We also mentioned the numbers and the
4 priorities for minorities. Would that be -- if
5 we decided that we would like to make sure that
6 those people were accommodated, would we be
7 able to do that constitutionally? Would that
8 be one of the reasons that we can use as a
9 constitutional backup? Would it be
10 constitutionally correct to have that as our
11 priority?

12 SENATOR GAETZ: Mr. Bardos, would you like
13 to opine on that?

14 MR. BARDOS: I'm sorry, I didn't quite
15 understand the questions.

16 SENATOR LYNN: Okay.

17 SENATOR GAETZ: Senator Lynn, would you
18 please restate your question?

19 SENATOR LYNN: Yes. Basically Senator
20 Latvala, several of the people have said, you
21 know, everybody seems to be looking so hard at
22 the northern part, which is more agricultural,
23 from the southern part, which is more coastal,
24 they are very different, and that would be
25 communities of interest, and I am saying if

1 we -- several of us seem to be thinking that
2 that is really important to people in this
3 area, would we be constitutionally supported by
4 making that kind of a decision or
5 recommendation?

6 MR. BARDOS: Well, I think one thing to
7 keep in mind is that communities of interest is
8 not in the Constitution, it was not one of the
9 mandates in Amendments 5 and 6. It was in
10 Amendment 7, which the Legislature proposed,
11 but that was not -- didn't make it to the
12 ballot. So communities of interest cannot in
13 its own right be used as a constitutional
14 justification, and so if this committee wants
15 to form districts that protect communities of
16 interest, it still is obligated to ensure that
17 the district is compact and follows political
18 and geographic boundaries. And that is the
19 judgment which the committee is really called
20 upon to make, whether that -- whether the
21 districts that it is looking at are compact and
22 follow political and geographic boundaries.

23 SENATOR LYNN: Well --

24 SENATOR GAETZ: Senator Lynn to follow up,
25 please.

1 SENATOR LYNN: Then I would like to have
2 us recommend, and I can only suggest if it's
3 what I believe, we should look at this
4 communities of interest, which seems to be such
5 a high priority, while taking into
6 consideration how you would do that, looking at
7 the requirements of the Constitution, which is
8 compactness and boundaries.

9 SENATOR GAETZ: Thank you, Senator Lynn.
10 Senator Diaz de la Portilla.

11 SENATOR DE LA PORTILLA: Mr. Chairman, in
12 terms of responding to Senator Braynon's
13 question and to give some guidance, at least
14 one Senator's guidance to staff on this issue,
15 it seems to me that given the testimony that we
16 heard here today and the testimony that was
17 received by the traveling committee that you so
18 ably presided over, Mr. Chairman, when you were
19 up here in the Panhandle, it seems to me that
20 we can guide staff and instruct staff to try to
21 draw districts in the Panhandle that are
22 divided along the lines that you can most
23 closely use to have agricultural areas in one
24 part and the coastal areas in another, and do
25 so in a way that is compact, defined as, of a

1 regular shape, as regular a shape as feasible,
2 and that is in the Constitution. I would just
3 like, you know, to point out that Article III,
4 Sections 20 and 21, guiding us in drawing these
5 district boundaries, part b, when it talks
6 about compactness, it says, "Unless compliance
7 with the standards of this subsection conflicts
8 with the standards in subsection a" -- which is
9 the one of not favoring party, an individual,
10 so on and so forth -- it says, "or with federal
11 law, districts shall be as nearly equal in
12 population as practicable, districts shall be
13 compact, and districts shall, where feasible,
14 utilize existing political and geographical
15 boundaries."

16 So in reading b, the language there allows
17 for interpretation. We have heard that you can
18 define "compact" as being of similar shape. I
19 think that testimony is right on line with what
20 b allows us to do, or Article -- subsection b
21 of Article III, Sections 20 and 21 of the
22 Constitution.

23 And so my guidance, if I were to give any
24 to staff, and I am not from the Panhandle,
25 would be to try to accommodate what the people

1 requested, and it is easily supported by the
2 testimony, in my opinion.

3 SENATOR GAETZ: Senator Hays.

4 SENATOR HAYS: Thank you, Mr. Chairman,
5 and basically I want to echo what my colleague
6 here just said, and I am reading a paragraph
7 here under the district help, labeled
8 "Districts are compact," and it refers to
9 those -- the Article III of the Constitution,
10 and it says, "while functional" -- well,
11 "Geometric compactness looks exclusively at the
12 shapes of particular districts, while
13 functional compactness looks to commerce,
14 transportation, communication and other
15 practical measures that unite communities and
16 promote the integrity and cohesiveness of each
17 district for representational purposes. A
18 district need not be compact if its compactness
19 would cause a conflict with any of the
20 standards outlined above."

21 I think that right there tells us to ask
22 the staff, very capable, professional staff
23 that's been here today, heard the whole
24 discussion, "Guys, go do what you do best, draw
25 the lines horizontally, keeping the

1 agricultural interests and the beach interests
2 in their separate communities."

3 SENATOR GAETZ: Senator Montford, and then
4 Senator Gibson.

5 SENATOR MONTFORD: Thank you, Mr. Chair.

6 If I may take discussion back to a former
7 life I had, and that was being involved in
8 rezoning of school districts. And if you think
9 this is -- may be contentious, you start moving
10 children around from one school to another, you
11 get the mamas' and daddies' attention real
12 quick. And I understand the need to follow
13 geographical boundaries, if you will, rivers,
14 creeks, railroads, lakes, whatever, but I also
15 know how important it is to keep those
16 communities whole and not split them up.

17 And I think what I heard today, the
18 testimony today, is in line with my -- with my
19 thinking, and that is, whether it is horizontal
20 or vertical, in this case, it is horizontal,
21 that that is important. To me, being compact
22 means keeping those communities together,
23 whether they are on one side of a railroad
24 track or another, or one whatever, whatever
25 that boundary might be. And I think it is

1 critically important, and I think what we heard
2 today was don't split our communities. To me,
3 that is what being compact is.

4 And so what I would suggest to staff, to
5 take -- at least my preference is to take a
6 look at, where you can, follow those
7 geographical boundaries, but not at the expense
8 of splitting up communities. And then you get
9 into the definition of what's a community. I
10 would suggest to you that the beach is a
11 community along, the rural areas is a
12 community. There are different definitions of
13 "community," but, to me, that is what's most
14 important, people that have a common interest
15 and, you know -- and just look for the same
16 type of representation, whomever that person
17 might be, to best represent them in this body.

18 SENATOR GAETZ: Thank you, Senator
19 Montford.

20 Senator Gibson, you are recognized, ma'am.

21 SENATOR GIBSON: Thank you, Mr. Chair, and
22 first I hope we won't vote on anything until
23 after the 19th, so I can have an opportunity to
24 officially weigh in, and secondly, I am trying
25 to understand a little bit more of the process.

1 I hear you're saying that you are looking for
2 recommendations today only on the northwest
3 Florida districts. So my question has to do
4 with then -- and I know it is a very large
5 state, so this committee is going to take each
6 region, if you will, and give recommendations
7 on specifically how to draw that region
8 independent of any other decisions there are to
9 use rivers, lakes and lines and counties and
10 cities in the other areas that are drawn, is
11 that what I am hearing?

12 SENATOR GAETZ: Excellent question,
13 Senator Gibson, and we have the disadvantage of
14 not having had your guidance at our preceding
15 meeting where we developed by consensus a way
16 forward for this committee's operation, and it
17 is enshrined in a memo that I hope by now our
18 professional staff has provided to you, but in
19 answer to your question specifically, the
20 answer is yes. What we decided was that we
21 would ask the professional staff to make
22 presentations to us and we would hear testimony
23 that would try to synthesize what we had heard
24 at public hearings around the state, but first
25 in the northwest Florida area, that if we felt

1 that there was a direction we could give to the
2 staff, that they -- they have to begin drawing
3 lines somewhere, and for a proposed committee
4 bill. If we could provide that guidance to
5 them today for northwest Florida, then at our
6 next meeting, we will discuss scenarios for
7 northeast and central Florida, your area, as
8 well as central Florida, and work our way in
9 the meetings of October 31st and November 14th,
10 respectively, to the southeast and southwest
11 portions of the state. And then, Senator
12 Gibson, our plan is that then prior to
13 Thanksgiving, we would have provided direction
14 to the professional staff on all areas of the
15 state.

16 Now, you are absolutely right that at some
17 point this has to be then knitted together, and
18 when it is knitted together, there may be
19 changes that we might have to make. In other
20 words, we might offer guidance about a
21 particular area of the state and say, "Please
22 go do this, this seems to be what we want to
23 do, it derives from the testimony we have
24 heard," but then the professional staff may
25 come back to us at the end, on or about

1 December 5th and say, "Well, we could do -- we
2 could do what you guided us to do, except in
3 these areas, it didn't fit. Now please help us
4 reconcile that." And then ultimately there
5 would be a proposed committee bill, and that
6 proposed committee bill would be -- would be
7 advertised well in advance so that you can
8 offer amendments to it, any Senator can offer
9 amendments to it, and then we would vote --
10 according to the discussion we had at the last
11 committee meeting, we would vote following the
12 Hanukkah/Christmas recess on a proposed
13 committee bill so that our presiding officer
14 and our rules Chair would have that bill to
15 schedule early in the legislative session,
16 which begins, as you know, in January.

17 So in answer to your other question, no,
18 ma'am, it would not be our intention to cast
19 any votes until after November, I think you
20 said 16th -- October 19th. There are no
21 committee votes -- no formal committee votes
22 scheduled until then, but until then, you have
23 a voice here, and your voice is just as
24 important as anybody else's voice in forming
25 the consensus of this committee, if there is a

1 consensus on any particular issue.

2 Does that help, Senator Gibson, or did
3 I -- I apologize if I have confused you or led
4 you astray.

5 SENATOR GIBSON: No, thank you very much,
6 that is helpful.

7 SENATOR GAETZ: Okay. Thank you, ma'am.

8 And now our minority leader, Senator Rich.

9 SENATOR RICH: Thank you, Mr. Chair. I
10 think I want to incorporate what I want to say
11 and connect it back to the -- to the memo that
12 you sent out that we didn't have before,
13 because I have reread the memo, and it does
14 reflect what I would consider to be a
15 procedural consensus on the operation of the --
16 you know, of the committee, and I think we did
17 have a consensus on those aspects, but I have
18 to say the discussion here right now about
19 compactness would lead me to believe we don't
20 have a consensus on what defines compactness.

21 I think, you know, one thing we can say
22 for sure, is, you know, that clearly there are
23 different measures and people can look at it in
24 very different -- in very different ways. The
25 one thing that I would like to say is that, to

1 me, if something is what you would consider to
2 be -- and it is partially in that same
3 paragraph, I believe, that Senator Hays quoted
4 from, that even though there are differences in
5 compactness, low compactness is considered to
6 be a sign of potential gerrymandering.

7 So whether we do it with the geographical
8 boundaries or political boundaries or whatever,
9 all the things we have been discussing today,
10 the one thing, you know, I think we need to
11 really focus on to be in line with Amendments 5
12 and 6 is, you know, not to have low
13 compactness. So I just wanted to say that.

14 And the other part is that I certainly do
15 agree with much of what has been said here,
16 that we have heard a lot of testimony about how
17 the people from all walks of life in northwest
18 Florida would like to see their districts
19 drawn, and clearly they have made a
20 recommendation to us reflecting the difference
21 in the coastal and rural communities and the
22 preference for east/west. So I would say
23 that -- you know, that is the direction we
24 should give to our staff, and I think the
25 compactness, somewhere else I read that you

1 know it when you see it, and I happen to think
2 that is probably what is going to happen here.

3 SENATOR GAETZ: Thank you very much. You
4 have heard the minority leader's suggestion as
5 to how we might go forward. I gather you were
6 talking about House and Senate districts, or
7 were you talking about congressional districts
8 as well, or would you reserve comment on that,
9 ma'am?

10 SENATOR RICH: I personally was referring
11 more to the Senate, but I assume that the
12 House, you know, could be done in the same
13 manner, you know, the reflection of what the
14 people said when they came here.

15 The congressional districts, it doesn't
16 appear to be that much of an issue from the
17 maps that we have here, they are much larger,
18 and I don't think there's that much of a kind
19 of a -- when you look at the Senate map, the
20 difference is in the way districts are drawn in
21 the coastal areas. That doesn't appear to be
22 as much of a factor, I think, in the
23 congressional district, but, you know, maybe
24 some people from north Florida would weigh in
25 differently on that as well.

1 SENATOR GAETZ: You have heard the
2 minority leader's suggestion. Is there anybody
3 on the committee who would disagree with the
4 comments of the minority leader at this point
5 as to how we might go forward? Yes, sir,
6 Senator Siplin.

7 SENATOR SIPLIN: I apologize, I didn't get
8 the gist of her recommendation.

9 SENATOR GAETZ: Leader, would you --
10 Senator Siplin would like you to restate your
11 views.

12 SENATOR RICH: Basically I was listening
13 to all the people that came before us, and I
14 know that Senator Gaetz held -- and the
15 committee held the testimony up in the
16 northwest, and it seems fairly clear that
17 the -- there was a big issue with urban versus
18 rural, coastal versus rural, and that there was
19 a common theme that the lines be drawn
20 east/west rather than north/south, and I think,
21 you know, we go out and we ask people what they
22 think, and they have come and told us what they
23 think, so -- and if I -- you know, if I had
24 heard a lot from the other -- from another way,
25 then, you know, maybe I would feel differently,

1 but right now, the people from whom we have
2 heard are pretty united in the ideas that they
3 have about how they would like their districts
4 to look.

5 SENATOR GAETZ: Thank you, Leader, and
6 again, when the Leader and I were -- I was
7 attempting to clarify my understanding of her
8 remarks, I believe, and she will correct me if
9 I am wrong, that her remarks in a sense related
10 to the State Senate and State House district,
11 not to the congressional district, which might
12 be a separate conversation. Does that satisfy
13 your question, sir?

14 SENATOR SIPLIN: Yes, Mr. Chairman, and if
15 I would --

16 SENATOR GAETZ: Please.

17 SENATOR SIPLIN: -- I think she is
18 absolutely right, you know. We have gone
19 across the state of Florida and taken testimony
20 from our constituents, and northeast area is no
21 different than the southeast area. They've
22 come here today and they have voiced their
23 opinions. And I think the courts will take a
24 look at what was testified and what was
25 recommended by the constituents that appeared

1 before our committees, and if we look at the
2 previous maps that were approved by the federal
3 courts, even though the State of Florida may
4 not have a concrete definition of
5 "compactness," the federal courts do look at
6 other definitions from other states, and if we
7 look back on the maps that were devised in 2000
8 that were constitutional by the Federal courts,
9 they were east and west, and they did take into
10 consideration rural areas and urban areas. So
11 I think we are going along the right lines at
12 this time.

13 SENATOR GAETZ: Any other comments? Yes,
14 Senator Lynn, and then Senator Diaz de la
15 Portilla.

16 SENATOR LYNN: Thank you, Mr. Chairman. I
17 didn't understand Senator Rich's comment about
18 low compactness. She seemed to express some
19 concern about the compactness issue, and she
20 referred to low compactness, and I would like
21 some clarification on what she meant.

22 SENATOR GAETZ: Leader, did you hear the
23 question? Would you respond, please, ma'am?

24 SENATOR RICH: Yes, certainly, Mr. Chair.
25 What I was referring to is that we have

1 been talking about all different kinds of
2 compactness, using different boundaries and --
3 as a measure for compactness. And the one
4 thing that I want us to be sure to do is not
5 have low compactness where you have, you know,
6 the opportunity for gerrymandering, because
7 that is a sign of gerrymandering when you have
8 low compactness and your districts, you know,
9 meander all over the place.

10 So whatever standards we use or whatever
11 we come up with, I just believe whether -- you
12 know, whatever the different measures are of
13 compactness, that we need to be sure that the
14 districts are compact in order to be in
15 accordance with the amendments in our
16 Constitution.

17 SENATOR GAETZ: Senator Lynn, did you have
18 a follow-up, ma'am?

19 SENATOR LYNN: It seems to me that is what
20 Fair Districts is all about, and it's -- you
21 have been constantly referring to the fact that
22 we are following the Fair District amendments,
23 so if they really are what they are supposed to
24 be and we are following those guidelines, I
25 don't know how we are going to end up with

1 gerrymandering.

2 It is not just low compact -- we are not
3 dealing only with a compactness issue. I think
4 there are a bunch of issues we will be dealing
5 with. So while we are talking a lot about
6 something that we see as being areas of
7 interest and perhaps a very wise way to divide
8 up, I don't quite get how that fits in with,
9 oh, we will end up with gerrymandering, because
10 I guess I am not seeing it that way.

11 SENATOR GAETZ: Leader, did you have any
12 further comments?

13 SENATOR RICH: Yes. I don't believe I
14 said we would end up with gerrymandering. What
15 I am saying is that low compactness is an
16 indication of gerrymandering. So whatever
17 measures we use for compactness, we have -- we
18 want to make sure, whether it is the
19 geographical, political, the county lines, city
20 lines, that we focus on having true compactness
21 as much as we possibly can, because that is
22 what Amendments 5 and 6 call for. And I don't
23 know whether we are following Amendments 5 and
24 6 right now, because, I mean, we haven't gotten
25 there yet. My hope is that these maps will

1 come out following Amendments 5 and 6 and the
2 Voting Rights Act.

3 SENATOR GAETZ: And, Leader, if I
4 mischaracterize, please stop me, but what I
5 take from the Leader's comments is that we need
6 to make sure whatever we do is legally
7 defensible. Compactness is in the
8 Constitution. So as our counsel has advised
9 us, and as the Leader reminded us, I think of
10 that old -- that terrible old joke where the
11 little boy is drawing and someone says, "What
12 are you drawing," and he says, "I am drawing a
13 picture of God." "Well, no one knows what he
14 looks like." "Well, they will when I am done."
15 You know, we have to make sure that what we are
16 doing is legally defensible.

17 SENATOR LYNN: Mr. Chairman --

18 SENATOR GAETZ: Yes, Senator Lynn.

19 SENATOR LYNN: -- is it not possible that
20 the compact issue would be described -- defined
21 in one way for this area of the state, as we
22 get into the central area of the state or the
23 southern area of state, we might still have
24 compactness, not low, but normal, high
25 compactness, but it might be based on something

1 else other than what we are talking about, the
2 north and the south, southern interest?

3 SENATOR GAETZ: It could be, and we will
4 certainly open that up for other people's
5 discussion. I sat through every single bit of
6 testimony from 1,700 people, and I can tell you
7 that compactness, as Leader Rich has indicated,
8 tends to be different in different people's
9 minds. And in some people's minds, it is keep
10 our community together. In other people's
11 minds, it is whatever you do, never, never,
12 never, never cross that county line, because it
13 is like the Berlin wall used to be. So -- and
14 as Mr. Bardos has said, and I know he will
15 correct me if I am wrong, we really won't know
16 what the courts think until there is a court
17 test. But, Leader, did I -- have I fallen off
18 the lines here or -- Senator Diaz de la
19 Portilla.

20 SENATOR DE LA PORTILLA: Just one more
21 shot at this compactness discussion, if I may.

22 One of the definitions of "compactness"
23 the courts have used has to do with
24 functionality, the focusing on functionality.
25 And the functionality aspect is analyzed by

1 looking at, well, does it facilitate commerce,
2 does it facilitate travel within the district,
3 or is it easy to travel, is it easy to engage
4 in commerce and similar activities, is it
5 easier to communicate.

6 And so based on the testimony that I have
7 heard, it seems to me from all that testimony
8 that clearly it is easier for folks in this
9 region to travel east to west, it would
10 facilitate commerce, it would facilitate
11 travel, it would facilitate communication with
12 their elected officials, whether they be in the
13 House, Senate or in Congress.

14 And so focusing on a -- on the
15 functionality definition of "compactness," I
16 think the testimony would support a direction
17 to the staff to draw these horizontal
18 districts, because they would be functional
19 districts, they would facilitate commerce, they
20 would facilitate travel and communication from
21 the folks who live here with whoever their
22 elected officials are or may end up being.

23 SENATOR GAETZ: Senator Storms -- I'm
24 sorry, did I cut you off, sir?

25 SENATOR DE LA PORTILLA: No, no, no, in

1 this area I was kind of responding to.

2 SENATOR GAETZ: Senator Storms, you are
3 recognized, ma'am.

4 SENATOR STORMS: Thank you, Mr. Chair.

5 And I -- in the issue of compactness, I mean, I
6 think that there are a couple of conversations
7 that are happening, but the first thing that I
8 would like to say at the outset and that I
9 would like to have the attorney hear me on this
10 is that we would do well not to have a fluid
11 definition of "compactness" that is not clearly
12 articulated. I think that it would not be --
13 it would not be offensive to a court to look at
14 the application of compactness and its outcome
15 being different in different geographical
16 areas, so long as the initial definition
17 included all of the terms of compactness. So
18 in any court case, in any statutory defini- --
19 in any statutory enactment, anything, we start
20 with the definitions. The court is going to
21 look at definitions.

22 And so whereas the outcome of the
23 utilization of compactness here might allow you
24 to have horizontal districts that might still
25 satisfy the definition of "compactness," in

1 another area of the state using the same terms,
2 it might -- it might -- the appearance might be
3 different. And I would think -- I don't know
4 what the court will do, but I would think so
5 long as we determined what the definition was
6 at the outset and we applied it just completely
7 without distinction according to the definition
8 that we said, the outcomes and the appearance
9 might be different.

10 I think that -- I think that we cannot
11 look at -- for the benefit of the members now
12 and not just talking to the attorney, but I
13 think that we cannot look at compactness as
14 having only to deal with land mass.

15 When I started driving -- when I started
16 this process and I started in the Panhandle
17 drawing it, without any benefit of the public
18 testimony, I started in the Panhandle and I
19 just did -- my lines were not east to west,
20 they were north to south, and so it created the
21 very divisions that -- exacerbated the very
22 divisions that we heard in public comment
23 today. I didn't know that. I just did it
24 based on population.

25 In this particular area of the state, it

1 is unique. Because the population is not
2 dense, you cannot rely on -- solely on land
3 mass to be compact. Your land mass is going to
4 be bigger. You have to achieve the population
5 results for the district. And so that will be
6 true, so what compactness will look like here
7 will be bigger than what compactness will look
8 like in Miami-Dade, because Miami-Dade has the
9 population density.

10 So I think that you have to have a
11 combination of land mass -- the definition has
12 to have a combination of land mass, it has to
13 have a combination of population in it, but I
14 think -- and, frankly, I think it has to have
15 something to do with straight lines. I mean,
16 you cannot have something that looks like we
17 have created an enclave of anything, or
18 something that makes it look like it is
19 bizarre. So maybe straight lines is not the
20 exact -- you know, exact term that you use, but
21 there has to be some sort of disinclination to
22 create something that looks like an enclave is
23 the best that I know how to describe it, and I
24 use enclaves from an incorporation perspective.
25 When we are talking about a city incorporating

1 part of the unincorporated county, you have
2 these issues of enclaves that occur. Courts
3 recognize what an enclave is, they already know
4 what that is, and there is a definition for it,
5 and we ought to avoid that in redistricting.

6 So I don't know if that helps or not, but
7 I just wanted to see us at the outset come up
8 with a definition. I really would like to see
9 us come up with a definition.

10 SENATOR GAETZ: We will recognize Mr.
11 Bardos, and then we will recognize Mr. Guthrie
12 to comment on this matter, and then we will go
13 to Senator Latvala.

14 MR. BARDOS: I agree, Senator Storms, that
15 we need to develop a consistent and apply a
16 consistent theory of compactness. I also agree
17 that it involves a number of elements. I think
18 that Senator Diaz de la Portilla's points are
19 right on target, and that, as you say, applying
20 that consistent theory to the facts on the
21 ground might result in different districts in
22 different parts of the state based on the
23 nature of the demographics and transportation
24 and other factors. So I think that is a very
25 good point.

1 SENATOR GAETZ: Mr. Guthrie, any comments
2 on this matter?

3 MR. GUTHRIE: And these standards do raise
4 very intriguing questions. It's -- I think the
5 committee is off to a great start today. It is
6 not your job to try to settle all these matters
7 today. We intentionally broke up the
8 discussion where we are going to move
9 sequentially through regions of the state, and
10 the kind of guidance that you are providing to
11 the staff all will be melded together. And
12 this committee, when you meet in December, will
13 have gone through all 26 of the public hearings
14 and all four of these regional focuses and will
15 have an opportunity to come up with a
16 consistent theory with what the standards mean
17 as applied in this diverse state in a way that
18 it will provide for the best representation for
19 all.

20 SENATOR GAETZ: Thank you, Mr. Guthrie.
21 Senator Latvala, and then I think there
22 was someone else. Senator Latvala.

23 SENATOR LATVALA: Thank you, Mr. Chairman.
24 First of all, I want to say what a
25 wonderful process you have set up here. You

1 know, as someone who was in this process ten
2 years ago and saw how it was done ten years
3 ago, I can look -- even though I was one of the
4 culprits, I can look at the difference here and
5 see night and day in terms of the transparency
6 that you are bringing to it and letting
7 everybody just physically be involved in
8 building these districts rather than bringing
9 them out of a back room one day and putting
10 them in front of us, and I appreciate that.

11 But also, as a little historical anecdote,
12 I remember one of the -- and this is a small
13 point on this map, but it is a point that I
14 want to make since I think we are zeroing in on
15 a final landing here. One of the flash points
16 in the state last time, ten years ago, on a
17 county being split up into multiple pieces was
18 Bay County. And I remember Bay County was a
19 difficult one, Marion County was a difficult
20 one, that they felt like they were split up too
21 many different ways. And I do notice that
22 there is a little -- there is a little piece of
23 Bay County left in the -- in the green district
24 in Mr. Kelley's map, and --

25 SENATOR GAETZ: May we put up Mr. Kelley's

1 map just so that we can --

2 SENATOR LATVALA: Or I guess in the blue.

3 SENATOR GAETZ: -- so we can see what
4 Senator Latvala is discussing here?

5 SENATOR LATVALA: There, right there. You
6 see there on the side right there, I don't know
7 how many people are there, but if -- you know,
8 if -- you just might want to consider seeing if
9 one of those small counties would equal that or
10 something like that, because I remember that
11 the people in Bay County were really exercised
12 ten years ago about the county getting split up
13 in so many different directions, and having
14 visited your beautiful new home in Bay County,
15 I wouldn't want to see eggs on the porch or
16 anything like that, so just pass that on for
17 what it is worth.

18 SENATOR GAETZ: Our majority leader,
19 Senator Gardiner.

20 SENATOR GARDINER: Thank you,
21 Mr. Chairman, and it is really a follow-up to
22 Leader Rich. I want to make sure, because this
23 low compactness term that has been thrown
24 around, that -- and Senator Storms alluded to
25 it, too. I want to make sure that when it

1 comes back, we are all on the same page,
2 because what I wouldn't want to see is we have
3 an idea based on the testimony that has come
4 before us today, and then at some point,
5 somebody changes the definition or attempts to
6 change the definition of "compactness" when we
7 are moving forward on what we believe
8 compactness to be. So it is more of a
9 statement, maybe a question to Leader Rich as
10 to what her definition of "low compactness"
11 would be so that we are not going in a
12 direction that ultimately may come back,
13 somebody may say, "Well, that is not what we
14 meant, you know, compactness should have been
15 something different, now we believe this to be
16 low compactness." So I just throw that out.

17 I think we are heading in the right
18 direction, I think we are all on the same page
19 of how this should go, but I sure would hate to
20 see the ball moved later when we are getting
21 ready to kick a field goal.

22 SENATOR GAETZ: Leader, did you wish to
23 comment on Senator Gardiner's remarks?

24 SENATOR RICH: No, but I will.

25 SENATOR GAETZ: I apologize, ma'am, I

1 simply wanted to give you a chance.

2 SENATOR RICH: You know, I think everyone
3 here will agree we have many gerrymandered
4 districts in our -- in our apportionment now,
5 and the goal is to abide by Amendments 5 and 6
6 and the Voting Rights Act.

7 We don't have a definition specifically,
8 as the attorney has said, of "compactness." A
9 lot of us have different ideas about it, and we
10 will see when we get the maps if we think that
11 that is compact or not based on what our ideas
12 are about compactness. But I find it kind of
13 interesting that the word "low compactness" has
14 created this kind of a stir. It is simply
15 another way of saying gerrymandering, and we
16 just want to make sure that we are not going to
17 be doing that, and whatever we do, we'll abide
18 by what is in our Constitution.

19 SENATOR GAETZ: Thank you, Leader, and I
20 think it is healthy that we -- that we -- that
21 we kick the tires, every time we step forward
22 into a -- into a prospective decision, that we
23 really do kick the tires and we have the
24 debate. And if there is a fear of illegal
25 gerrymandering -- and that might be a -- I

1 might be repeating myself there -- if there is
2 a fear of gerrymandering, we need to raise that
3 fear. I think that's well-spoken.

4 Other comments or questions? Yes, Senator
5 Sachs.

6 SENATOR SACHS: Thank you very much,
7 Mr. Chairman. I think that a comment that was
8 made some time ago by this -- a member of this
9 committee that we need to listen to the will of
10 the people, subject to constitutional
11 provisions, and that is what we are here for.
12 Everyone has their opinions on how it should
13 look or what the definitions of "compactness."
14 That is why we have a judicial branch. But I
15 think the will of the people, which is what has
16 been indicated in the maps, indicated by
17 testimony, I have been with you, Mr. Chairman,
18 on many of the various committee meetings
19 throughout this state, and we need to listen to
20 the folks who live there and talk about your
21 front porch and other things that I have never
22 seen before, but I think it is a matter of
23 record that -- that we listen to them, as we
24 are doing, and then we leave it up to the
25 courts to define "compactness" and some of

1 these other various definitions. So whether it
2 is kicking the tire or kicking the can, I think
3 we are on the right track. Thank you.

4 SENATOR GAETZ: Thank you, Senator Sachs.

5 I would like to get back to Senator
6 Latvala's point. And, again, I apologize to
7 Senators, I know there are other things we have
8 to do today, but we -- you know, we are noticed
9 until five o'clock, and this is important
10 stuff. Let's get back to Senator Latvala's
11 point.

12 Bay County is trifecta'd. You know,
13 currently Bay County is cursed by having three
14 Senators. And under what we will call the
15 Kelley plan, which is also -- I guess there is
16 a derivation of that that is the session's
17 plan, we see that Bay County again has three
18 Senators, and I am one of them, so this is a
19 little bit close to home, but I think that
20 Senator Latvala makes an excellent point.

21 So the question I would like to ask is
22 this: If we -- I see professional staff have
23 made good notes of Senator Rich's comments and
24 her recommendation. Is there -- is there any
25 objection to our taking Senator Latvala's

1 comments seriously and instructing professional
2 staff to find a way to ensure that Bay
3 County -- that that sliver of Bay County that
4 is in a third Senate district is removed from a
5 third Senate district, is made part of the
6 Senate district that it is closest to, whatever
7 that is, and that we then square out the
8 districts so that we have equity and maintain
9 the political and natural boundaries?

10 I don't know, Senator Latvala, if you want
11 to say anymore about your point in order to
12 make it, but I think you make a good point, and
13 notwithstanding the fact that it affects me,
14 and because it affects me, I think it is an
15 important point to make.

16 Is there any disagreement with what
17 Senator Latvala has suggested by anybody? If
18 not then, you have heard Leader Rich's
19 recommendation, which we will take as a
20 statement of consensus, you have heard the
21 other comments that have been made subsequent
22 to Leader Rich's comments, and you have heard
23 Senator Latvala's comment, to which there is no
24 objection, and so, therefore, as to the Senate
25 districts in northwest Florida, I think the

1 professional staff has clear direction from the
2 committee. Is that -- do you believe you do?
3 All right. And as to the House districts, you
4 believe you have clear direction as well. That
5 was taken into account, I believe, in the
6 Leader's comments.

7 Now let's go back to the congressional
8 districts, please, because we -- let's not pass
9 that up. Can you put up -- and, again, for --
10 we will blame Mr. Kelley. Will you put up the
11 Kelley -- put up the Kelley map for
12 congressional districts in northwest Florida?
13 All right. Is that it? Is that it?

14 All right. Again, Mr. Guthrie, would you
15 briefly characterize this map as to -- as to
16 what boundaries it follows, bearing in mind
17 Leader Rich's caution to us about
18 gerrymandering and low compactness or however
19 it may be styled? Do you believe -- and, Mr.
20 Bardos, be ready -- do you believe that there
21 is a defensible position for the committee were
22 we to adopt a map similar to this, and an
23 appropriate response to any suggestion of
24 gerrymandering or low compactness?
25 Mr. Guthrie.

1 MR. GUTHRIE: Thank you, Mr. Chairman,
2 and, of course, another requirement in the --
3 of the equal protection clause and in Tier II
4 of the Florida Constitutional Standards is that
5 districts be equal in population. This
6 particular plan, as Mr. Kelley conceded during
7 his testimony, is -- has not been zeroed out
8 yet, so there are deviations greater than what
9 you would want in the final plan. But as to
10 the point of --

11 SENATOR GAETZ: And excuse me,
12 Mr. Guthrie, just again, because we have it in
13 front of us here and it is a useful guide,
14 where -- how would -- how could one -- if one
15 chose to use this as a take-off point, how
16 would one cure, or how could one cure those
17 deviations, keeping in mind, again, the
18 requirements of Amendments 5 and 6?

19 MR. GUTHRIE: Yeah, and all the testimony
20 that we heard, including that from Supervisor
21 Lux earlier today. The committee might want to
22 keep the counties whole that are whole
23 presently.

24 In this particular plan, I believe there
25 are two counties in the Panhandle that are --

1 that are split, so what you would do is use
2 those counties, try to follow geographic
3 boundaries in a way that you could equalize the
4 population of the districts.

5 SENATOR GAETZ: And, Mr. Guthrie, would
6 that then move -- and under the plan that is in
7 front of us, the most western -- the most
8 northwestern district is labeled as District
9 26. Would that mean moving the District 26
10 line further to the east in order to achieve
11 that equity? You can't move it north, because
12 even though I don't know where Alabama is, you
13 know, some people do. You can't move it south
14 unless you want to get feet wet. So would you
15 move it east?

16 MR. GUTHRIE: It would be moving to the
17 west, that boundary would be -- because the
18 district has too many people right now.

19 SENATOR GAETZ: Okay.

20 MR. GUTHRIE: Bo by about 13,000, so you
21 would move the district to the west to take
22 out --

23 SENATOR GAETZ: You would move the line
24 that now separates 26 and 27 to the west by
25 about 13,000 people?

1 MR. GUTHRIE: Yes.

2 SENATOR GAETZ: Is there a way to do that
3 -- well, there are a lot of ways to do it, but
4 based on the professional staff's study of
5 these maps, what is -- what are the ways to do
6 that that would be most faithful to Amendments
7 5 and 6 and to the Voting Rights Act and the
8 other laws that we have to comply with?

9 MR. GUTHRIE: I believe what attorneys
10 would advise us is to do it in a manner that is
11 compact and does follow political and
12 geographic boundaries where feasible. So we
13 would, as was suggested earlier, seek out clear
14 geographic boundaries that created sensible and
15 identifiable demarcations between District 26
16 on the left and District 27 on the right.

17 SENATOR GAETZ: Okay. And, I'm sorry,
18 Leader, did you -- Leader Rich, were you
19 seeking recognition, ma'am? I apologize if
20 anybody else has anything to add.

21 Does the Kelley map, or this map as it is
22 now before us, and as you might mature that map
23 to fix the equity issue, does it cure the
24 problem that Supervisor Lux addressed as to the
25 invasion of, you know, part of a community by

1 the lines that are currently drawn for
2 Congressional District 2? Does it cure --

3 MR. GUTHRIE: Oh, yeah --

4 SENATOR GAETZ: -- the problem that Mr.
5 Lux --

6 MR. GUTHRIE: -- that particular problem
7 is obviously fixed, yes. All of Okaloosa
8 County is in a single district.

9 SENATOR GAETZ: Okay. Other comments or
10 questions? Is -- yes, sir, Senator Montford.

11 SENATOR MONTFORD: Thank you, Mr. Chair.
12 I am going to have to -- I don't understand
13 something. You have got -- you got 24 here.

14 SENATOR GAETZ: Would you pull your mike
15 up, Senator Montford?

16 SENATOR MONTFORD: You got 24 here and --
17 but how do you get -- I mean, you got St. Johns
18 listed here. Tell me how that --

19 MR. GUTHRIE: In the comments I made
20 earlier about this plan, Senator Montford,
21 there is a discontinuity. So District 24 in
22 yellow in the Big Bend also is paired with some
23 First Coast counties on the west, and that is
24 discontinuous. So that is another defect --

25 SENATOR MONTFORD: So we are not even

1 worrying about --

2 MR. GUTHRIE: -- that we would need to
3 correct, yes.

4 SENATOR MONTFORD: We're not worrying
5 about that right now, right?

6 SENATOR GAETZ: No, sir, we are not there
7 right now.

8 SENATOR MONTFORD: Thank you.

9 SENATOR GAETZ: Now, what about -- let's
10 go back to the young gentlemen who Senator Rich
11 knew who had some comments about the -- what I
12 will call the third, not the third district,
13 but a third district in northwest Florida which
14 achieved a 30 percent minority population. Do
15 you recall that? I think it was the first map
16 that we looked at today.

17 MR. GUTHRIE: Yes, sir, I believe that was
18 a Senate map.

19 SENATOR GAETZ: I'm sorry, that was not a
20 congressional map?

21 MR. GUTHRIE: That is correct.

22 SENATOR GAETZ: I withdraw the comment,
23 I'm sorry.

24 All right, Senator Rich.

25 SENATOR RICH: Just one question. I want

1 to make sure, for the purposes of what you are
2 directing staff to do, you are focusing just on
3 26 and 27, is that correct, not on --

4 SENATOR GAETZ: At the moment, yes, ma'am.

5 SENATOR RICH: Okay. Thank you.

6 SENATOR GAETZ: Are there other comments
7 as to the congressional districts?

8 Is there an objection to giving committee
9 staff the direction to follow this map, which
10 is the Kelley map, for what is now stated as
11 Districts 26 and 27, they might be renumbered
12 as Districts 1 and 1, or Districts 12 and 13,
13 but as to those districts, and then remedying
14 the equity issue of the, what was it, 13,000
15 voters?

16 MR. GUTHRIE: Correct.

17 SENATOR GAETZ: 13,000 population, I'm
18 sorry, 13,000 people, the dis-equity that is
19 existing there. Is there objection to using
20 this as a stepping stone by any member of the
21 committee?

22 All right, then. You have your guidance
23 as to northwest Florida. What other guidance
24 do you seek from the committee today?

25 In that case, Senator Margolis moves we

1 rise.

2 (Whereupon, the proceedings were concluded

3 at 4:38 p.m.)

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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF LEON)

I hereby certify that the foregoing transcript is of a tape-recording taken down by the undersigned, and the contents thereof were reduced to typewriting under my direction;

That the foregoing pages 2 through 173 represent a true, correct, and complete transcript of the tape-recording;

And I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Dated this 28th day of October, 2011.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014