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SENATE REAPPORTIONMENT COMMITTEE

ROOM KN 412

NOVEMBER 2, 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: This is the Senate  
3 Committee on Reapportionment, and if you are in  
4 the right place, we would encourage you to sit  
5 down and join us. If you are a member of the  
6 Committee, please take your place at the  
7 committee table. If you are a member of the  
8 audience, we would invite you to find a chair.  
9 If you came for the agriculture committee field  
10 trip, that was earlier, you missed it.

11 And so the Senate Committee on  
12 Reapportionment is called to order.

13 Will the administrative assistant please  
14 call the roll?

15 THE CLERK: Senator Gaetz?

16 SENATOR GAETZ: Here.

17 THE CLERK: Senator Margolis? Senator  
18 Altman?

19 SENATOR ALTMAN: Here.

20 THE CLERK: Senator Benacquisto?

21 SENATOR BENACQUISTO: Here.

22 THE CLERK: Senator Braynon? Senator  
23 Bullard?

24 SENATOR BULLARD: Here.

25 THE CLERK: Senator Dean?

1           SENATOR DEAN: Here.

2           THE CLERK: Senator Detert?

3           SENATOR DETERT: Here.

4           THE CLERK: Senator Diaz de la Portilla?

5           SENATOR DIAZ DE LA PORTILLA: Here.

6           THE CLERK: Senator Evers?

7           SENATOR EVERS: Here.

8           THE CLERK: Senator Florez? Senator

9           Garcia?

10          SENATOR GARCIA: Here.

11          THE CLERK: Senator Gardiner?

12          SENATOR GARDINER: Here.

13          THE CLERK: Senator Gibson?

14          SENATOR GIBSON: Here.

15          THE CLERK: Senator Hays?

16          SENATOR HAYS: Here.

17          THE CLERK: Senator Joyner?

18          SENATOR JOYNER: Here.

19          THE CLERK: Senator Latvala?

20          SENATOR LATVALA: Here.

21          THE CLERK: Senator Lynn?

22          SENATOR LYNN: Here.

23          THE CLERK: Senator Montford?

24          SENATOR MONTFORD: Here.

25          THE CLERK: Senator Negrón?

1 SENATOR NEGRON: Here.

2 THE CLERK: Senator Rich?

3 SENATOR RICH: Here.

4 THE CLERK: Senator Sachs? Senator  
5 Simmons?

6 SENATOR SIMMONS: Here.

7 THE CLERK: Senator Siplin?

8 SENATOR SIPLIN: Here.

9 THE CLERK: Senator Sobel?

10 SENATOR SOBEL: Here.

11 THE CLERK: Senator Storms?

12 SENATOR STORMS: Here.

13 THE CLERK: Senator Thrasher?

14 SENATOR THRASHER: Here.

15 THE CLERK: Quorum present.

16 SENATOR GAETZ: Quorum being present for  
17 the conduct of business, the Committee will  
18 come to order.

19 Good afternoon, members. We have four  
20 members of the Committee who have excused  
21 absences today. For the record, those are  
22 Senators Sachs, Braynon and Florez and  
23 President Margolis.

24 President Margolis is recovering from  
25 orthopedic surgery. Please keep her in your

1 thoughts and prayers. And our other three  
2 Senators have excused absences for today.

3 Today, Senators, we will continue moving  
4 through the state, region by region, discussing  
5 scenarios for drawing congressional and  
6 legislative maps based on suggestions and  
7 district parameters submitted by the public.  
8 And today, as our schedule provides, a schedule  
9 we agreed to unanimously, we will focus on  
10 southeast Florida.

11 Next time we meet, previews of coming  
12 attractions, next time we meet on November 15,  
13 we will consider southwest Florida, and  
14 specifically at that meeting we will be  
15 discussing the region from Tampa Bay all the  
16 way through Naples and as far east as Lake  
17 Okeechobee.

18 Yesterday, November 1st, was the deadline  
19 which this Committee established in a unanimous  
20 bipartisan agreement for the public, interest  
21 groups and Senators to submit maps for  
22 consideration in preparation of draft proposed  
23 committee bills.

24 Twenty-seven plans were submitted on the  
25 last day. Sort of like I used to do my college

1 term papers, the last hour, the last day, they  
2 are stamped in. We now have 148 submissions  
3 posted on the Senate redistricting website.

4 Five additional plans that arrived at the  
5 very end of the day yesterday are still being  
6 processed and bringing the total number of maps  
7 we have received from the very beginning of  
8 this process until the deadline yesterday to  
9 153 maps and proposals from members of the  
10 public across the state of Florida.

11 We are on schedule -- unless we find  
12 ourselves bogged down today or on the 15th of  
13 November, we are on schedule for professional  
14 staff to be directed by this Committee to  
15 develop and publish draft proposed Committee  
16 Bills, including maps, statistics and downloads  
17 before the end of November, and for this  
18 Committee to consider a motion to introduce  
19 proposed Committee Bills during the week of  
20 Committee meetings that starts December 5th.

21 This maintains the very timely schedule  
22 that we agreed to at the beginning of our  
23 deliberations, and I think would respond to the  
24 concerns of those who believe that somehow  
25 there might be a protracted or elongated

1 process that would be harmful.

2 That same week, the week of December 5, we  
3 would like to offer the public another bite at  
4 the apple, as we discussed previously in this  
5 Committee, and we would provide an opportunity  
6 for feedback on the proposed Committee Bills.

7 So once we consider a proposed Committee  
8 Bill or Bills, assuming those Bill or Bills are  
9 approved by this Committee, then before we do a  
10 dispositive vote and take PCBs to our presiding  
11 officers and our Rules Chair, we would give the  
12 public an opportunity to see the summative work  
13 of this Committee drawn from the maps and  
14 proposals we have received from the public from  
15 the 5,000 people who came to our 26 public  
16 hearings and from the 1,700 individuals who  
17 testified and provided their insights to the  
18 Committee.

19 Our staff has evaluated a number of  
20 options for how we might give the public a  
21 second bite at the apple; in other words, how  
22 the public might be able to respond to the PCB.

23 And we have determined -- our professional  
24 staff has determined that the best method for  
25 gathering this additional public testimony is

1 to take comments not in one media, but in  
2 several different media.

3 So as soon as the PCB becomes available,  
4 as soon as it becomes available, but before we  
5 vote to introduce it, we would begin gathering  
6 input, comments and testimony via YouTube,  
7 Twitter, the telephone, Facebook and e-mail,  
8 and The Florida Channel has agreed to develop  
9 an extended presentation of all the input we  
10 would receive from all of those media.

11 Then, of course, we will also hear  
12 testimony that week from those who choose to be  
13 here in person and are able to attend our  
14 meeting in December, but our goal is to make  
15 sure that if you are anywhere in Florida and if  
16 you have access to a postage stamp, to a  
17 telephone, to YouTube, to Twitter, to Facebook  
18 or any of the media that we have described,  
19 that you would have a way for us to get the  
20 benefit of your input.

21 Then with The Florida Channel developing  
22 that extended presentation, we would play or  
23 share that -- those comments at our meeting  
24 prior to any vote, or at a workshop prior to  
25 any vote.



1           It may be the case that if we get a lot of  
2           comments, which we hope we will, and if some of  
3           those comments are repetitive, that in the  
4           interest of time, we wouldn't be able to hear  
5           every single one of the repetitive comments,  
6           but what we will do is we will make those  
7           comments all -- regardless of how we've  
8           received them, available to all members of the  
9           Committee, so that everyone who has any input  
10          whatsoever on the PCB will have the opportunity  
11          to be heard, and their comments, criticisms or  
12          suggestions will come before this Committee.

13           This will maximize the number of people  
14          able to participate and increases the window of  
15          opportunity for input. Instead of having  
16          individuals having to go to a location and wait  
17          in line to provide their input, they can send  
18          it to us at their convenience and can begin  
19          submitting their testimony at the end of  
20          November when the proposed PCB would be  
21          available.

22           And Committee members will recall that by  
23          our unanimous agreement, there will be no PCB  
24          that is not publicly advertised, that is not  
25          publicly available, and that not only members

1 of the Committee, but also members of the media  
2 and the public would have an opportunity to  
3 view well in advance.

4 I think, Mr. Guthrie, did we not say seven  
5 days, at least seven days in advance? Seven  
6 calendar days, which gives a substantial  
7 opportunity for feedback.

8 In all likelihood, we will be holding our  
9 meeting on Tuesday of that first week in  
10 December in order to accommodate some of our  
11 members who have other commitments that week,  
12 but also to allow as much time as possible for  
13 public review of the PCB, also to keep from  
14 having to return to Tallahassee during the  
15 holidays.

16 I would suspect that we might begin to get  
17 a little bit of push-back from some of our  
18 Senators if we interfered with your plans in  
19 your district, with your families and your  
20 constituents for the holidays, so we will do  
21 everything we can to avoid that.

22 Now, before we go any further, are there  
23 any questions about the schedule or about the  
24 policies and procedures, timelines that we have  
25 established for the Committee? Any questions?

1 Senator Latvala.

2 SENATOR LATVALA: Thank you, Mr. Chairman.  
3 Just a point of clarification. You know,  
4 the -- at our first meeting, we did the  
5 northwest Florida region, and we came to sort  
6 of a consensus on what we would like to see  
7 with that region.

8 Then at our second meeting, we spent a  
9 couple of hours discussing northeast Florida  
10 all the way down to the Orlando area, but the  
11 only consensus we reached was to have the staff  
12 look at maximizing the minority access seats in  
13 that region, and I asked the question about  
14 when would we have an opportunity for further  
15 discussion on that region, and if I recall  
16 correctly, you said at the beginning of this  
17 meeting.

18 Now, it doesn't have to be at the  
19 beginning of this meeting, but I was just  
20 wondering whether, before we see PCBs  
21 published, we were going to go back and see the  
22 staff's work on that and what potential  
23 alignments that might necessitate in that  
24 region and be able to have some open discussion  
25 about that before we get all the way to a bill.

1           SENATOR GAETZ: Yes, sir, Senator Latvala,  
2           that is an excellent point and that is exactly  
3           our plan. The staff has -- in the absence of  
4           any specific guidance from the Committee, the  
5           staff has only begun to act or to consider  
6           options based on those directions that the  
7           Committee gave, which were to maintain minority  
8           voting rights, minority access districts in the  
9           northeast and central regions, but it is  
10          entirely in order that we might begin this  
11          meeting with any additional direction or  
12          guidance that any committee members may wish to  
13          articulate as to northeast Florida or north  
14          central Florida because of the additional  
15          information that we were able to share with the  
16          Committee at the last meeting.

17                   Senator Latvala.

18          SENATOR LATVALA: Well, the -- we did have  
19          extensive testimony at the last meeting, as I  
20          recall, and I guess that is why I sort of  
21          wanted to bring it up now while we could still  
22          remember that, regarding the Nature Coast area  
23          of the Gulf Coast, which is the area, you know,  
24          immediately southeast of Tallahassee, going all  
25          the way down to Citrus County. And as I

1 recall, we had three or four or five members of  
2 the public here making testimony with regard to  
3 the fact that they felt a great deal of kinship  
4 in that region, sort of like what some of the  
5 folks in the Panhandle had said about -- about  
6 their region and splitting that region up  
7 between the rural areas and the coastal areas,  
8 and I am -- I guess I am just wondering if,  
9 based on that testimony, we could sort of move  
10 in the direction of doing what the people asked  
11 us to on the Nature Coast area.

12 SENATOR GAETZ: Thank you, Senator  
13 Latvala. Let's take some discussion on that  
14 issue. Senator Bullard.

15 SENATOR BULLARD: Thank you, Mr. Chairman.  
16 I have a question regarding --

17 SENATOR GAETZ: Of course.

18 SENATOR BULLARD: -- the communication  
19 process that you mentioned. You had indicated  
20 that we would be -- we'd have access to  
21 information via Facebook, YouTube and some  
22 others. What type of information again did you  
23 say would be available to us, and who will be  
24 placing on those sites?

25 SENATOR GAETZ: Thank you, Senator

1 Bullard. What the Committee wanted to do was  
2 to make sure that when we had a proposed  
3 committee bill that would be presented to this  
4 Committee for a vote, that before a vote were  
5 taken, that the proposed committee bill would  
6 be publicly available and that we would be able  
7 to give the members of the public who wished to  
8 comment, so to speak, a second bite at the  
9 apple.

10 We've already had 26 public hearings,  
11 we've had hearings and meetings in this  
12 building where we've had additional comment,  
13 but the idea was making sure that if there was  
14 comment on a specific PCB, that there was an  
15 opportunity for it.

16 And if I can properly characterize, and I  
17 know members will correct me if I am wrong,  
18 there was concern that there are some people  
19 who might not be able to come to Tallahassee.  
20 And so, therefore, Senator Bullard, the idea  
21 was that our staff considered several different  
22 things, including remote site teleconferencing,  
23 but we find ourselves here, because of the  
24 schedule we had agreed upon, in the holiday  
25 time when some of our community colleges and

1 other places that have teleconferencing  
2 capabilities, you know, may be shut down for  
3 the holidays.

4 So then the question became what could we  
5 do? And so we went to our friends at The  
6 Florida Channel, and they said, "Look, here's  
7 what we can do. We can put together for the  
8 Committee a video that would -- that would  
9 feature any Floridian who wanted to call us,  
10 write us, who would want to send us testimony  
11 via YouTube or Twitter or Facebook or e-mail  
12 about the PCB, about the proposed committee  
13 bill, prior to any vote."

14 So it would be, in answer to your  
15 question, any citizen of Florida, we would  
16 provide an opportunity for them to have access  
17 to the Committee via this method, and then The  
18 Florida Channel would put together a  
19 presentation for us --

20 SENATOR BULLARD: Okay.

21 SENATOR GAETZ: -- as well as live  
22 testimony. Does that answer your question,  
23 ma'am?

24 SENATOR BULLARD: It does, and thanks to  
25 The Florida Channel.

1           SENATOR GAETZ: Yes, ma'am, yes, ma'am.

2           Senator Gibson.

3           SENATOR GIBSON: Thank you, Mr. Chair.

4           This goes back to a question that I had, I  
5           think it was at our last meeting or the meeting  
6           before that one, concerning the maps that  
7           were -- I think you said there were 27 given  
8           like at the deadline yesterday?

9           SENATOR GAETZ: There were 27 maps  
10          submitted yesterday, yes, ma'am.

11          SENATOR GIBSON: And since the public and  
12          others had until yesterday to submit maps, yet  
13          we have gone forward as far as at least  
14          northeast Florida, plus Orlando, with some  
15          consensus direction, what happens to the maps  
16          that were submitted that are relevant to areas  
17          that we have already covered?

18          SENATOR GAETZ: Those maps are available  
19          for the Committee to review, and should you  
20          find information or suggestions in those maps  
21          that you think that you -- that have merit, you  
22          have the opportunity as a member of this  
23          Committee to offer an amendment to the PCB, or  
24          to provide, prior to the PCB, your comments to  
25          the Committee to see if we can get consensus on



1 the Committee, that may or may not agree with  
2 your comments, to give direction to the staff.

3 But even if you can't get consensus on the  
4 Committee now, if you have a particular idea --  
5 and we would welcome your idea, welcome your  
6 map -- you certainly would have the  
7 opportunity, as a member of the Committee, as a  
8 member of the Senate, to offer an amendment to  
9 the PCB.

10 SENATOR GIBSON: And can I have one more?

11 SENATOR GAETZ: Yes, of course, ma'am.

12 SENATOR GIBSON: The maps that came in by  
13 the deadline, are they posted already, or do we  
14 have a number -- do we have any relative number  
15 as to how many of them go to the areas that we  
16 have already covered? Are ten of them we have  
17 already gone over, are there seven that we have  
18 yet to get to those areas, how does that break  
19 out, if you know?

20 SENATOR GAETZ: Well, ma'am, there are 148  
21 maps that have been posted, 153 total maps by  
22 the time of the deadline, because I think there  
23 were about five maps that came in at the end  
24 that are still being processed so that they can  
25 be posted, but what we have requested, not

1 always gotten, but what we have requested is  
2 that anyone who develops a map for, say,  
3 southwest Florida, give us a statewide map if  
4 they can which would include all regions of the  
5 state, because we can't just redistrict for one  
6 part of Florida, because of the consequences  
7 and the ripple effects on the rest of the  
8 state.

9 So in answer to your question, one would  
10 hope that most of the maps that we have  
11 received -- and Mr. Guthrie might want to  
12 comment on that -- most or almost all of the  
13 maps we have received have been statewide maps.  
14 Although the intent of a particular mapmaker or  
15 proposer might be just to look at her or his  
16 own area, you know, we really can't do it in a  
17 vacuum, we have to understand what the  
18 consequences are for the rest of the state. So  
19 one would hope that there would be statewide  
20 maps by all, or nearly all.

21 But Mr. Guthrie, I know we have had some  
22 folks who have submitted just regional maps.  
23 Could you answer Senator Gibson's question? Of  
24 those maps that have come in just recently, how  
25 many of them were statewide maps as opposed to

1 just regional maps?

2 MR. GUTHRIE: The resource I used for  
3 plans submitted by the public, and plans that  
4 later will be submitted by Senators and  
5 Representatives, is the Senate redistricting  
6 web page. On the web page, we have a link to  
7 "Submitted Plans." If you click on that link,  
8 you will see all of the plans that have been  
9 submitted to the Senate so far. Now, we are  
10 showing on this site not only the plans that  
11 are submitted to our Committee, but also the  
12 plans that are submitted to the House  
13 Committee.

14 So what we know -- and actually, Senator  
15 Gaetz, since I provided the numbers to you  
16 earlier this morning, they have changed. We  
17 are actually up to 156 plans. I checked my  
18 inbox, and there were some plans that came in  
19 yesterday afternoon, three additional ones.

20 So plan number 156 is going to be last one  
21 received as of November 1, 2011. We have 156,  
22 155 and 154. Those were put on the website  
23 just this morning. Then we have, as Senator  
24 Gaetz said, plans 1 through 148, which -- many  
25 of which have come in during the last several

1 days.

2 And if we look at the plan details column  
3 of the grid here, we can see for each plan how  
4 many districts it includes. So this House plan  
5 with 120 districts is a complete House plan.  
6 The Senate plan with 40 districts is a complete  
7 Senate plan.

8 The congressional plan with 27 districts  
9 is a complete congressional plan. But then  
10 this next plan by Mr. Spooney of Orlando has  
11 six Senate districts, so it is not a complete  
12 Senate plan.

13 We also show, so that you will see it  
14 before you even get started looking at a plan,  
15 what the overall deviation is for that plan,  
16 and whether the districts within that plan are  
17 complete and contiguous. So you've got a lot  
18 of detail.

19 And what we are seeing, just scrolling  
20 down the list, is of the first ten plans, all  
21 of them are complete except three. We can go  
22 to the next page, and we see complete,  
23 complete, incomplete, incomplete, complete,  
24 incomplete, complete. So it is a mix of  
25 complete and incomplete plans. But you can

1 scroll that list just as I am doing and see  
2 exactly what plans have been submitted.

3 If there is one you would like to take a  
4 quick -- a closer look at, you simply click on  
5 the plan name, and it opens a page which shows  
6 you who submitted it, where they are from, the  
7 vital statistics of the plan. Down below you  
8 can access reports, statistics or downloads  
9 that you can take to another redistricting  
10 system or to Google Earth. And we have a real  
11 handy application which I have been using at  
12 our committee meetings called District  
13 Explorer, where if you click on that, the plan  
14 will open up in your browser.

15 It is an interactive map, so as you zoom  
16 in closer and closer, you see more and more  
17 detail about the exact location of the  
18 districts and how they relate to Florida's  
19 many, many communities.

20 SENATOR GAETZ: And before we go on, Mr.  
21 Guthrie, if there are -- are there any other  
22 questions as to schedule or process or  
23 procedure before we go back to Senator  
24 Latvala's point? Senator Detert.

25 SENATOR DETERT: Thank you, Mr. Chair. It

1           was my understanding, correct me if I am wrong,  
2           that we were going to do what I -- my  
3           interpretation was we were going to have like a  
4           blank map of Florida and do the minority plans  
5           as an overlay first just to see what it looked  
6           like, and then blend in with that. Was that  
7           incorrect?

8                     SENATOR GAETZ: Senator Detert, I think  
9           you are right. The consensus, to which no one  
10          on this Committee objected at the last meeting,  
11          was that as to -- as to northeast Florida and  
12          central Florida, which is the first place that  
13          we ran into the issue of minority access  
14          districts, that our direction to professional  
15          staff was that when they began to develop a  
16          PCB, that they have to start with the minority  
17          districts --

18                    SENATOR DETERT: Oh, okay.

19                    SENATOR GAETZ: -- and then, as Senator  
20          Latvala has indicated, we may have further  
21          guidance for professional staff as to how they  
22          might fill in around those minority districts.  
23          But, yes, ma'am, in general, you are right.

24                    SENATOR DETERT: And if I could follow  
25          that up?

1           SENATOR GAETZ:  Of course, ma'am.

2           SENATOR DETERT:  I really think that would  
3           be helpful to people that criticize us for  
4           gerrymandering if they saw just what the state  
5           of Florida looks like blank, then you overlay  
6           just the minority districts and nothing else,  
7           and then you see how we have to blend in with  
8           those districts and that is how we are going to  
9           get other districts that may look oddly shaped.

10          SENATOR GAETZ:  If you have a -- if you  
11          have a piece of geometry that is  
12          necessitated -- a piece of oddly-shaped  
13          geometry that is necessitated by the protection  
14          of minority voting rights, then, obviously, the  
15          geometry that is right next to it has at least  
16          one border that is oddly shaped, you know.  So  
17          you are exactly right.

18          Any other questions or comments as to  
19          procedure or schedule?

20          Let me just remind you before we go back  
21          to Senator Latvala's point that if any Senator  
22          would like a particular plan for southwest  
23          Florida -- now we are looking ahead to our  
24          November 15th meeting -- if any Senator would  
25          like a particular plan for southwest Florida to

1 be included on the agenda for November 15th,  
2 please make sure to notify the staff before  
3 Monday, November 7, so it can be included in  
4 the meeting notice that is due before noon that  
5 day.

6 What we have instructed our professional  
7 staff to do is to look at the testimony that we  
8 have received, look at the public submissions,  
9 and give us scenarios that are representative  
10 of the input we have received. But if there is  
11 a particular plan that you want to make sure is  
12 on our discussion agenda for the 15th of  
13 November for southwest Florida, all you have to  
14 do is tell us, and it will be there.

15 And so let's go back to Senator Latvala's  
16 point. Is there any discussion that would be  
17 in response to the Senator's request for I  
18 would say additional guidance to the staff as  
19 to northeast and central Florida?

20 Senator Latvala.

21 SENATOR LATVALA: Do you want me to repeat  
22 that since it's been a while ago?

23 SENATOR GAETZ: Yes.

24 SENATOR LATVALA: My suggestion was that  
25 we had significant testimony from people that



1 live along the Nature Coast in Taylor, Dixie  
2 and Levy Counties, I think, particularly at the  
3 last meeting about the uniqueness of that area,  
4 the fact that that is an area of the coast that  
5 doesn't have beaches, that area is all  
6 connected by U.S. Highway 19 as an artery, and  
7 a lot of similarities in the population of  
8 those areas, that we would try to do the same  
9 kind of thing that we did in northwest Florida  
10 in keeping those like counties together along  
11 the Nature Coast to form the basis of a Senate  
12 district there as much as possible.

13 SENATOR GAETZ: Comments or questions?  
14 Observations?

15 Mr. Guthrie, is there a chance that you  
16 might be able to take us back to the scenarios  
17 that we had for the Nature Coast area of the  
18 state from our last meeting and let's see how  
19 close or not close we come to Senator Latvala's  
20 point? Can we do that? Is that doable?

21 MR. GUTHRIE: Let's pick one of the plans.  
22 Ben, what would you suggest as a good one to  
23 start with? Would it be maybe --

24 SENATOR LATVALA: Mr. Chairman?

25 SENATOR GAETZ: Yes, sir, Senator Latvala.

1           SENATOR LATVALA:  There was a map that had  
2           like a double name, one of those southern  
3           names, like Molly Sue or Bonnie Sue or  
4           something like that.  That is one of -- that's  
5           one of those Taylor County names, I think.

6           A VOICE:  All right.  So we are looking  
7           for the Molly Sue map here.

8           SENATOR GAETZ:  Ben, what have we got  
9           here, buddy?

10          A VOICE:  Yes, it is taking just a second.

11          SENATOR GAETZ:  Bonnie Sue, Bonnie Sue.  
12          Senator Latvala, you remembered the "Sue," that  
13          is good.  Why don't we have a look at that,  
14          then, if we may, please, Mr. Guthrie?  And this  
15          may spark some conversation.

16          MR. GUTHRIE:  My Internet connection is  
17          running a bit slow here this morning -- or this  
18          afternoon.

19          SENATOR GAETZ:  It is number HPUBS0080,  
20          which would be submitted map number 80.

21          MR. GUTHRIE:  Okay.  So as Senator Latvala  
22          suggested, this particular map holds together  
23          the counties of Taylor, Dixie, Levy, Citrus and  
24          a part of Hernando County, plus pieces of -- a  
25          piece of Marion, all of Gilchrist, all of

1           Lafayette and Gilchrist Counties, and a portion  
2           of Columbia County.

3           SENATOR GAETZ: Mr. Guthrie, let me just  
4           ask you this, and, Ben, if you had some  
5           analysis on this map, feel free to chime in,  
6           could you characterize this map in terms of,  
7           first of all, equity, statistical variation,  
8           and then secondly, compactness, natural  
9           boundaries, any minority access issues? Could  
10          you sort of help us get our arms around are  
11          there any inherent issues here with respect to  
12          this map?

13          MR. GUTHRIE: Well, the one bit of tension  
14          that you have here with having a district  
15          include -- a Nature Coast district include all  
16          of Taylor Counties is that is going to force  
17          the districts coming out of the Panhandle to  
18          extend further to the east. So rather than  
19          ending in, say, Madison County, the district  
20          that includes the capital area extends in this  
21          scenario east to include all of Hamilton County  
22          and a portion of Columbia County.

23          So a consequence is that the capital area  
24          district gets pushed further to the east by  
25          virtue of having a Nature Coast district

1 include all of Taylor County.

2 SENATOR GAETZ: Are there any other -- are  
3 there any other remarkable comments that you  
4 would make about this particular proposal in  
5 terms of its compliance with legal  
6 requirements?

7 MR. GUTHRIE: That is, I believe, the most  
8 salient -- salient point.

9 SENATOR GAETZ: Senator Latvala, did you  
10 wish to offer some comments about this map?

11 SENATOR EVERS: Mr. Chairman?

12 SENATOR GAETZ: I'm sorry, he was --

13 SENATOR EVERS: Mr. Chairman?

14 SENATOR GAETZ: Sure, Senator Evers and  
15 then Senator Latvala.

16 SENATOR EVERS: I had a question. Looking  
17 at the map, are those whole counties -- that  
18 blue area, isn't that pretty much all whole  
19 counties up there?

20 MR. GUTHRIE: This map has a portion of  
21 Bay County --

22 SENATOR EVERS: Okay.

23 MR. GUTHRIE: -- all of Calhoun, Gulf,  
24 Liberty, Gadsden, Franklin, Wakulla, Leon,  
25 Jefferson, Madison, Hamilton and a part of

1 Columbia County.

2 SENATOR EVERS: Okay. And then that in  
3 the yellow coming down, are those pretty well  
4 whole counties also?

5 MR. GUTHRIE: Partial counties are  
6 Columbia, Marion and Hernando. Whole counties  
7 are Citrus, Levy, Dixie, Taylor, Lafayette and  
8 Gilchrist --

9 SENATOR EVERS: But --

10 MR. GUTHRIE: -- and Suwannee.

11 SENATOR EVERS: But, for the most part, I  
12 mean, it is pretty well whole counties, and  
13 those folks have a common interest and -- on  
14 the Nature Coast there.

15 SENATOR GAETZ: Senator Latvala, did you  
16 wish to comment, sir?

17 SENATOR LATVALA: My memory doesn't work  
18 quite as well as it used to, but I believe that  
19 all the counties, except the portion of  
20 Columbia, were in the map that we came to  
21 consensus on for District 3 before. I think  
22 it -- I think the District 3 map that we looked  
23 at in that committee meeting came all the way  
24 over and included Hamilton County.

25 And so really the only -- it is a question

1 of you split Taylor County or you split  
2 Columbia County, I guess, and that would just  
3 be -- I mean, that would be a matter for  
4 someone to decide, but I don't think your -- I  
5 think Hamilton was included in that District 3  
6 before that this map was obviously modeled  
7 after.

8 SENATOR GAETZ: Any other comments?  
9 Senator Dean.

10 SENATOR DEAN: I believe I can answer that  
11 part. Hamilton County is in the old district.  
12 That part of Columbia County is just reversed.  
13 The old district, the upper part of Columbia  
14 was in the district, the south part of Columbia  
15 was not. So that has been changed on this map.  
16 And then, of course, the admissions then would  
17 be the Jefferson, Leon and Madison County and  
18 that area, then Hamilton. But the reverse role  
19 is in Columbia County.

20 SENATOR GAETZ: Other comments or  
21 questions? Observations?

22 Senator Latvala, would you like to  
23 articulate a proposed direction to committee  
24 staff, please?

25 SENATOR LATVALA: Yes, Mr. Chairman, thank

1           you. I just think while the -- obviously, you  
2           know, the edges of the map are going to have to  
3           be modified into -- to make them work with  
4           other districts and perhaps the minority  
5           districts that might come out of Jacksonville  
6           based on the staff input, I think this would be  
7           the basis for following the requests of  
8           numerous citizens that came to our hearing the  
9           last time of keeping the Nature Coast together.

10                    SENATOR GAETZ: Other comments?

11                    Senator Dean.

12                    SENATOR DEAN: Again, another alternative  
13           that could be considered, if you looked at the  
14           difference in Columbia County and then take all  
15           of that into another district, say towards  
16           five, that then the addition of below Highway  
17           44 into Sumter County might be an addition to  
18           there and compared to the upper piece of  
19           Hernando County and the numbers that you would  
20           exchange, but therein the numbers are very  
21           close, around four hundred seventy some  
22           thousand people in that district.

23                    SENATOR GAETZ: Any other comments? You  
24           have heard Senator Latvala and Senator Dean's  
25           comments, Senators. I -- correct me if I am

1 wrong -- I'm sorry, Senator Storms.

2 SENATOR STORMS: Mr. Chair, I am trying to  
3 look at what Senator Dean is saying by way of  
4 understanding, and I don't know if there is a  
5 way for someone to point, or is there a cursor,  
6 Mr. Guthrie, that you can show as he says that  
7 so I can see exactly what he is talking about?

8 SENATOR GAETZ: Why don't you illustrate  
9 what you understand Senator Dean's point to be.

10 MR. GUTHRIE: I believe what Senator Dean  
11 was suggesting is that District 5 could include  
12 the lower portion of Columbia County, which  
13 would reduce the -- or under-populate District  
14 4 in this scenario. In order to make up  
15 additional population in District 4, what  
16 Senator Dean was suggesting is you might travel  
17 into Sumter County and include a northern  
18 portion of Sumter County in with District 4 --

19 SENATOR DEAN: Southern portion.

20 MR. GUTHRIE: The southern portion of --

21 SENATOR DEAN: From 44 east.

22 MR. GUTHRIE: Okay.

23 SENATOR DEAN: Which is the north/south  
24 corridor -- east/west corridor, south.

25 MR. GUTHRIE: Okay.



1           SENATOR STORMS: Mr. Chair, if I could  
2 just --

3           SENATOR GAETZ: Sure, Senator Storms, then  
4 Senator Hays.

5           SENATOR STORMS: So as I understand what  
6 we are talking about, what the effect of that  
7 would be, Mr. Guthrie, would really be to kind  
8 of square it up. I mean, because you would lop  
9 off the top -- I can't see it now, but it looks  
10 like what he is saying is lop off the top  
11 protrusion right there --

12          MR. GUTHRIE: And then --

13          SENATOR STORMS: -- and then add it,  
14 square it up on the bottom, cut that off and  
15 square it off on the --

16          MR. GUTHRIE: Yes, take this territory,  
17 Lake City and south in Columbia County, and  
18 then add territory south of State Road 44 in  
19 Sumter County. And I won't make a  
20 characterization --

21          SENATOR STORMS: I believe the way he said  
22 it was Sumter.

23          MR. GUTHRIE: Sumter County, that is it.

24          SENATOR GAETZ: Senator Hays.

25          SENATOR HAYS: Thank you, Mr. Chairman.

1           With that same map there, Mr. Guthrie, if  
2 we could, I would like to suggest that we --  
3 since we already have the northern part of  
4 Hernando County, and Sumter County is intact  
5 completely, do you think it would be more in  
6 keeping with the intent of Amendment 5 if we  
7 leave Sumter County intact and then just go  
8 further down into Hernando County there in  
9 District 11?

10           MR. GUTHRIE: That would -- I think you  
11 are beginning to get a feel here of the huge  
12 variety of opportunities that are available to  
13 this Committee for solving these puzzles.

14           SENATOR GAETZ: Senator Montford.

15           SENATOR MONTFORD: Thank you, Mr. Chair,  
16 and if -- I am not sure what the process  
17 requires. If we are going to get down to  
18 sitting here today, start drawing, I would  
19 suggest let's go back and start over again in  
20 northwest Florida, because I believe -- in the  
21 maps, I believe if you go -- go west.

22           MR. GUTHRIE: Go west?

23           SENATOR MONTFORD: Yeah. I believe in the  
24 maps we had before. For example, I believe  
25 that part of Bay -- where are we? I believe

1 that was in -- I don't even recognize that one.

2 I guess --

3 MR. GUTHRIE: Yes, having -- Mr. Chairman?

4 SENATOR GAETZ: Of course.

5 MR. GUTHRIE: Having District 3 extend  
6 into Panama City is not a common concept among  
7 the plans we have seen submitted from the  
8 public.

9 SENATOR MONTFORD: Well, it was up there a  
10 minute ago.

11 MR. GUTHRIE: Well, it is here now, yes.

12 This is --

13 SENATOR MONTFORD: That is --

14 MR. GUTHRIE: This is the Bonnie Sue Abner  
15 plan.

16 SENATOR MONTFORD: But if we are really  
17 going to -- I mean, obviously, this has a  
18 domino effect. So if we are going to start  
19 changing, then let's go back and start over in  
20 Pensacola. Or at what point do we say, you  
21 know, we are moving on? I am not saying I  
22 would necessarily object to what is being  
23 proposed. It is just I find it difficult to  
24 sit here today and talk about areas and roads  
25 and streets that I don't even know about.

1           SENATOR GAETZ: Sure. Well, what we want  
2 to have is an open discussion. We have had a  
3 very open discussion. Every agreement that we  
4 have come to so far has been without any  
5 objection by any member of the minority or  
6 majority parties.

7           If Senator Latvala wants to offer a  
8 precise suggestion as to where a particular  
9 district might start or stop in terms of  
10 streets or boundaries, he is welcome to do so,  
11 but unless this Committee decides otherwise, I  
12 will then ask, is there objection to that, or  
13 is there a feeling that, you know, that we  
14 are -- that we are getting too deep in the  
15 weeds. And if so, then, you know, we won't  
16 take that suggestion.

17           But I think Senator Latvala's point is in  
18 order, and that is that we did hear testimony  
19 about the Nature Coast -- and I don't mean to  
20 speak for Senator Latvala, I don't know that he  
21 is particularly in love with one map or  
22 another, but I think he is trying to make a  
23 general point, and we may have kind of gotten  
24 away from ourselves, you know, as we have  
25 gotten more specific, but you are welcome at

1 any point or later to offer an amendment to any  
2 PCB that goes back or forward or sideways  
3 anywhere in the plan, Senator.

4 SENATOR MONTFORD: I'm aware of that. I  
5 remember, I believe too that when we talked --  
6 when we were in northwest Florida, we agreed  
7 and we talked and we supported and we came to  
8 consensus about a -- the coast area, and now  
9 the Nature Coast area, but I don't believe we  
10 got -- when we were discussing northwest  
11 Florida, I don't think we got down into the  
12 streets and the roads --

13 SENATOR GAETZ: Yes, sir, you are right.

14 SENATOR MONTFORD: We did not do that.

15 SENATOR GAETZ: You are right.

16 SENATOR MONTFORD: And if we are going to  
17 do that, then I need to be prepared to at least  
18 familiarize myself with what we are talking  
19 about.

20 SENATOR GAETZ: Well, we would encourage  
21 all members of the Committee to study in detail  
22 all of the maps that are on the agenda for each  
23 committee meeting so that you can discuss at  
24 whatever level of detail you wish to discuss.

25 But, Senator Latvala, you are recognized if you

1 want to help us out of the woods here.

2 SENATOR LATVALA: Thank you, Senator  
3 Gaetz.

4 My -- my suggestion, not a motion, but a  
5 suggestion was that we respect the concept of  
6 trying to keep the Nature Coast area together  
7 based on the testimony that we heard at our  
8 hearing. And I did not get into, you know,  
9 exactly which map or exactly which parts of  
10 which counties. It was the concept. And that  
11 is what I am suggesting is we ask our staff as  
12 they are formulating the map to respect keeping  
13 the concept of the Nature Coast together, and  
14 then as they formulate the PCB, they can work  
15 around the edges to make the numbers come out  
16 right. That is my suggestion. It is a  
17 concept, not a specific map.

18 SENATOR GAETZ: Senator Dean.

19 SENATOR DEAN: I, too, support that  
20 concept. I was just trying to clarify where  
21 the various differences in the population  
22 centers are since I serve that area. I am  
23 agreeable. It should be kept in concept.

24 SENATOR GAETZ: Other comments or  
25 questions? Senator Lynn.

1           SENATOR LYNN:  When we were in the  
2           northern part, we talked about the geographic  
3           separation, we talked about possible road  
4           separation north and south, and then we talked  
5           about the coastal area having more in common  
6           and the northern area having something in  
7           common, so we seem to have a philosophy there.  
8           And when I hear the comment about the Nature  
9           Coast, are we speaking again about the fact  
10          that the coastal areas have something in  
11          common, for which reason we would keep them  
12          together?

13                 And then I would go to the next question,  
14                 is that generally going to be our position in  
15                 terms of coastal areas, that coastal areas have  
16                 a great deal of interests in common,  
17                 similarities in a variety of ways, geographic  
18                 as well as other ways, and we work our way  
19                 around the state that way?

20                 And I just want to have a reason for why  
21                 we are just -- I understand the people talked  
22                 about the Nature Coast and the other coastal  
23                 areas, so is that basically a philosophy that  
24                 we are extending?

25                 SENATOR GAETZ:  Well, let me -- I will

1 take a crack at the second part of the  
2 question. I am going to yield -- recognize  
3 Senator Latvala to characterize his answer on  
4 the first part of the question.

5 I think that Leader Rich probably laid it  
6 out best for us, and if I -- if I misstate, I  
7 know she will correct me, and that is that  
8 decisions that we make are made for that part  
9 of the state and the conditions and the legal  
10 strictures that we face in a particular part of  
11 the state, but that we are not hamstringing  
12 ourselves -- my word, not yours, Leader -- to a  
13 particular point of view that then obliges us  
14 to deal with every issue in exactly the same  
15 manner, regardless of local conditions. Is  
16 that a fair characterization, Leader? Please,  
17 you are recognized.

18 SENATOR RICH: Thank you, Mr. Chair.

19 I just wanted -- as I was listening to the  
20 conversation, I just wanted to clarify the fact  
21 that I had said that following the discussion  
22 we had on the northwest Florida coast --  
23 coastal issue, it was brought to my attention  
24 that the information that we were basing our  
25 decision on that day was kind of based on



1 people who came that particular day to talk to  
2 us here, and that there were many people back  
3 home who had come to the public hearing who had  
4 a different opinion, or at least there was a  
5 difference of opinion, and that I wanted us to  
6 make sure that we did not make a decision based  
7 on just the few people that might come here and  
8 voice, you know, their positions that day  
9 without really going back and looking at --  
10 assuming that everything was constitutional and  
11 abided by Amendments 5 and 6, you know, that we  
12 would -- you know, that we would take certainly  
13 into consideration the people's point of view,  
14 but make sure that we go back and look at and  
15 remember what people had said in the public  
16 hearings, because there were a lot more people  
17 there than came here that day. So that was  
18 really my --

19 SENATOR GAETZ: And I would agree with the  
20 Leader. I think that all of us now, I mean, we  
21 are down -- we are down to the short strokes,  
22 we need to go back and review the public  
23 testimony that was taken at these hearings, we  
24 need to take a look at the maps that have been  
25 presented by the public, so that we operate, as

1 the Leader has indicated, from a full spectrum  
2 of input and information as we -- as we give  
3 direction to our professional staff.

4 Senator Latvala and then Senator Thrasher.

5 SENATOR LATVALA: You know, Senator  
6 Thrasher, at our earlier meeting -- you know,  
7 when we talk about the concepts and we talk  
8 about, you know, how we are building this whole  
9 bill, you know, we got to remember  
10 constitutional amendment and the order in which  
11 things are laid out, you know, respecting our  
12 minority populations, not drawing a map for any  
13 incumbents or any political parties,  
14 compactness and respecting the county  
15 boundaries. I mean, I think that this map that  
16 we had up there and we're able to do all of  
17 those things and still respect the people who  
18 came and testified.

19 We are elected by the people to try to do  
20 what the people want us to do, and I don't  
21 think there is any conflict with the concept of  
22 keeping the Nature Coast together and those  
23 four principles that this Committee set up. So  
24 that is the reason I made the suggestion.

25 Now, we haven't had that kind of comment,

1           that kind of local input, into all the  
2           districts. So then when we don't have the  
3           local input, then we can fall back on our four  
4           principles and the constitutional amendments  
5           that the people adopted.

6                     SENATOR GAETZ: Speaker Thrasher.

7                     SENATOR THRASHER: Mr. Chairman, and  
8           again, thank you, I think I agree with Senator  
9           Latvala. What we are doing, as I understand  
10          it, is we are building a PCB as best we can, a  
11          proposed committee bill, by giving the staff  
12          instructions based upon testimony we have  
13          heard, maps that have been presented, the  
14          principles in which Jack -- or Senator Latvala  
15          just outlined that we had talked about last  
16          meeting, and at some point in time, based on  
17          your schedule, that PCB is going to be put  
18          together, just like any other bill we construct  
19          in a committee.

20                    And then, as I understand it, that bill  
21          will come back to us and we are going to have a  
22          chance, as all members of the Committee, and  
23          probably anybody else who has input, to make  
24          adjustments to that PCB.

25                    But what we are doing right now is

1            basically dealing in broad concepts within the  
2            framework of the principles that we have  
3            adopted, and that we are going to do the best  
4            we can to adjust those down the road based upon  
5            testimony and the impact of one district  
6            against another.

7            And at some point in time, we are going to  
8            call balls and strikes, and the Chairman is  
9            going to come through with a committee bill  
10           that we are going to dissect and look at and  
11           have an opportunity to make adjustments to  
12           before that bill is actually presented to the  
13           full Senate.

14           I think we are on the right direction, but  
15           I think if we get off in the weeds,  
16           Mr. Chairman, and talking -- and I am not  
17           suggesting anybody was, but if we get too far  
18           into the weeds in terms of the individual, you  
19           know, districts and borders and things like  
20           that, we're probably not going to have time to  
21           get it done. So we need to move ahead, in my  
22           opinion.

23           SENATOR GAETZ: Thank you very much,  
24           Senator Thrasher.

25           Senator Latvala has articulated a

1 conceptual direction to our professional staff.  
2 I think you all heard him articulate it. It  
3 was the concept of maintaining the Nature Coast  
4 together as not necessarily exactly as  
5 indicated on this map, but in general following  
6 the notion that these counties that share  
7 common cultures, boundaries and interests  
8 would, in conformance with Amendments 5 and 6,  
9 be taken together.

10 Is there any comment on Senator Latvala's  
11 conceptual direction to staff? Senator  
12 Simmons.

13 SENATOR SIMMONS: Thank you, Mr. Chair.

14 I would just like to point out that I  
15 think that this makes sense. I do point out in  
16 reading constitutional Amendment 5, it does not  
17 contain any provision for communities of  
18 interest, interestingly enough, but it does  
19 contain the requirements of political or  
20 geographic boundaries, obviously compactness.  
21 This appears to do that, but interestingly  
22 enough, the constitutional amendments don't  
23 preclude us from considering the communities of  
24 interest, and the case law that I am aware of  
25 actually uses communities of interest -- cases

1           so far have used communities of interest as an  
2           important ingredient in crafting one of  
3           these -- one of these districts.

4           And so, therefore, it seems the  
5           appropriate thing to do, for us to not only  
6           make sure that we comply with the  
7           constitutional amendments, you know, by their  
8           word and by their spirit, but also we are  
9           entitled to take into consideration the  
10          communities of interest that have been  
11          discussed here in this committee meeting.

12          SENATOR GAETZ: Thank you very much.  
13          Other comments or questions on Senator  
14          Latvala's proposed conceptual direction to  
15          committee staff? Are there any -- I'm sorry.  
16          Senator Storms.

17          SENATOR STORMS: Mr. Chair, I just -- I  
18          think that we would do well to start -- as you  
19          might in drawing any subject, and that is to  
20          draft first the general outline, and then to --  
21          after you have the general working draft, then  
22          to go in for the details and straighten out the  
23          edges. If you start with the detail first,  
24          then the whole general big picture is not as  
25          successful and can be completely out of skew.

1           So I just think that if we start with broad  
2           strokes at first, and that's -- this strikes me  
3           as a broad stroke in general, we want to keep  
4           this together and this will give us our big  
5           picture, putting together our big picture.  
6           Later we can come in and fill in the details  
7           and straighten out the borders that need to be  
8           straightened out and work out the details.

9           SENATOR GAETZ: Other comments or  
10          questions from any member? Are there any  
11          objections? Are there any objections to  
12          Senator Latvala's proposed direction to  
13          committee staff?

14          Then let the record show that Senator  
15          Latvala's direction is adopted by unanimous  
16          consent without any objection from any member  
17          of the Committee.

18          Senator Latvala, did you have anything  
19          else from the last meeting that you wished to  
20          carry forward, sir?

21          SENATOR LATVALA: No, I think I will quit  
22          while I am ahead.

23          SENATOR GAETZ: Does any other Senator --  
24          Leader Rich.

25          SENATOR RICH: Thank you, Mr. Chair.

1           You know, I understand that you want to  
2           have a consensus for the direction for the  
3           staff, but I have some discomfort about  
4           agreeing -- you know, some of us don't know the  
5           areas as well, because they are not the areas  
6           in which we live, and so I think, you know, in  
7           general, I understand what you are trying to do  
8           and what certainly Senator Latvala is trying to  
9           do, but, you know, again, I don't know what all  
10          the people think in that area.

11          Maybe they like it, maybe they don't like  
12          it. I have some discomfort with the idea that  
13          we are all just saying, okay, this is the way  
14          it should be. And, you know, I just, again,  
15          don't know what the impact is and I don't know  
16          the district well enough to know if this is the  
17          best way to do it or not.

18          So I just wanted to say that on the  
19          record, because I think it is a little -- as I  
20          said, there's a little discomfort there when --  
21          you know, when you don't know the geographics,  
22          the demographics, of the district.

23          SENATOR GAETZ: Well -- and I understand  
24          that, Leader Rich, that is a good point, and we  
25          are about to get into your backyard where you



1 will know every backwater and street and eddy,  
2 and I won't, and where we need to listen to  
3 your guidance.

4 But also I would point out that the  
5 comments that you made previously have to be  
6 taken seriously. Before we come to these  
7 committee meetings and we begin to give general  
8 or conceptual or specific direction to  
9 professional staff, we have to do our homework.  
10 Five thousand people came to tell us their  
11 views or show us support for someone else's  
12 views, 1,700 people testified, 71 hours of  
13 testimony were taken just on our 26 hearings  
14 around the state, and plus all of the other  
15 input that we have received, the one hundred  
16 and now what, fifty-six, fifty-eight maps.

17 So this is an immense amount of  
18 information, and we can't expect to have it all  
19 in our heads, but that is why we have the  
20 District Builder software, that is why we have  
21 access electronically to go back to any hearing  
22 and review any part of any testimony.

23 Of course, all of us don't know every  
24 detail of every part of the state, but we are  
25 the ones who get paid to call the balls and

1 strikes, and so, therefore, we have to be as  
2 prepared as possible.

3 If there is objection, if you have an  
4 objection to a direction that we are taking,  
5 please feel free to articulate that objection.

6 I would like to proceed as we have up  
7 until this point with our direction being a  
8 consensual direction. If we have to get down  
9 to taking committee votes, that is fine, but I  
10 think so far this has been a very bipartisan,  
11 open process, and I would like to keep it that  
12 way.

13 Yes, Senator Detert.

14 SENATOR DETERT: Thank you, and just a  
15 quick comment.

16 I felt the same discomfort as Senator  
17 Rich, it is not our area, but the people -- the  
18 irony of it is that the Senators who do  
19 represent that area, we can't draw a district  
20 to either adversely impact or protect them, but  
21 we do have to kind of look to their expertise  
22 as the experts in the area, as the people who  
23 do know the area, and I think Senator Latvala's  
24 proposal there took into consideration what the  
25 people who live there, including the elected

1           representatives, felt about it, and the public  
2           input, so I feel comfortable with going with  
3           that plan.

4           SENATOR GAETZ:   Senator Lynn.

5           SENATOR LYNN:   I just wondered if Senator  
6           Latvala could tell us where the Nature Coast  
7           starts, it looks like it is up at Taylor, and  
8           how far down it goes, to what county, and then  
9           how far west that would extend -- I mean, east  
10          it would extend.

11          SENATOR GAETZ:   Senator Latvala.

12          SENATOR LATVALA:  Well, I think when I was  
13          here in Senate in 1996 we voted on the naming  
14          U.S. 19 from the Hernando/Pasco County line  
15          north to the Taylor/Leon County line, the  
16          Nature Coast Highway.

17                 So that would be closest description I  
18          could give you would be everything from  
19          Hernando through Taylor County, which is what  
20          is incorporated pretty much in that map there  
21          to the extent that the population allows it.

22          SENATOR GAETZ:  Other comments?  Other  
23          questions?  Senator Gibson.

24          SENATOR GIBSON:  Thank you, Mr. Chair.

25          And just going back to your point of consensus,

1 I think consensus in moving forward is good. I  
2 am just wondering about the process  
3 application, for lack of a better term.

4 So when we were doing the northwest -- the  
5 Panhandle, rather, we talked about keeping the  
6 coastal people separate from the rural, and  
7 then as we move along now, we're talking about  
8 keeping the nature people together, and I don't  
9 know, maybe farther we will keep the orange  
10 groves or whatever. So what happens when we  
11 get to the areas where there's no nature, there  
12 are no oranges, there are no rural, what  
13 criteria are we going to use to keep those  
14 constituents together?

15 SENATOR GAETZ: Well, we will use  
16 Amendments 5 and 6, we will use the Voting  
17 Rights Act, the Federal Voting Rights Act, and  
18 we will use the case law that is instructive in  
19 this matter and we will use the testimony  
20 provided by 1,700 people.

21 We will have -- use the input that is  
22 expressed in 158 maps and the testimony that we  
23 receive today and the best -- the best wisdom  
24 and best lights that we as committee members  
25 can bring to bear on the issue. But in just a

1           few moments, we will find out, because we will  
2           move to southeast Florida, and, again, we will  
3           have the opportunity to hear from -- from our  
4           professional staff, we will take into account  
5           all the testimony that we heard, the maps that  
6           we received and the discussion that we will get  
7           at this committee table.

8                     But the answer to the question is that we  
9           do not operate without a compass. Our compass  
10          is the laws and constitutional provisions that  
11          govern redistricting.

12                    Any other comments? If not, Mr. Guthrie  
13          and professional staff, you have heard the  
14          direction that you have been given as  
15          articulated by Senator Latvala and as accepted  
16          without objection by the Committee.

17                    And now this week we had on our agenda  
18          staff presentations of scenarios for drawing  
19          Senate districts in southeast Florida. I would  
20          invite Senators to turn to tab four. Mr.  
21          Guthrie is recognized to present scenarios  
22          which are drawn from the testimony and the maps  
23          and the input we've received from the public  
24          for, first, congressional districts in  
25          southeast Florida. Mr. Guthrie.

1           MR. GUTHRIE: Thank you, Chairman Gaetz,  
2           and before we get into taking a look at the  
3           particular plans that have been submitted by  
4           the public for southeast Florida, I thought it  
5           would be useful for the Committee to take a  
6           quick look at the -- some of the overall  
7           currents that have been going on with  
8           demography in southeast Florida.

9           You might remember from months ago we took  
10          a look at a slide of how the population of  
11          Florida has changed over the years and how that  
12          has affected the number of constituents per  
13          district.

14          Currently, or with the new census, 2010  
15          census, and the 18.9 million people we have in  
16          Florida, each congressional district will be  
17          696,345 people, Senate districts will be  
18          approximately 470,000 people and House  
19          districts will be 157,000 people.

20          What does that mean for the area in  
21          southeast Florida? And let me grab this chart  
22          that we used at the public hearings as we  
23          traveled around the state. What this chart  
24          shows you for the State House, State Senate and  
25          State congressional districts is which areas

1           have grown and need more people in the district  
2           in order to come up to equal population, those  
3           areas are shown in red, and which areas are too  
4           large at the present time, so they need to  
5           contract in order to come to equal population,  
6           and those areas are in blue.

7                   And for congressional districts, we see  
8           that the overwhelming color is blue, because  
9           Florida was blessed by getting two additional  
10          congressional seats by the 2010 census. For  
11          House districts and Senate districts, it's more  
12          of a zero-sum game, so we have equal amounts of  
13          blue and red on the map.

14                   The point of that is that for southeast  
15          Florida, there is a lot of red. And so what  
16          this means, and this is going to be a  
17          significant consequence for the Committee to  
18          deal with, is that for congressional districts,  
19          again, where we got the two additional seats,  
20          we actually get more representation in  
21          Miami-Dade, Broward and Palm Beach Counties.  
22          Currently, if you take the population of those  
23          three counties, it would work out to be 7.8  
24          congressional districts. With the new census  
25          and the 27 districts in Florida, those three

1 counties will be getting eight districts, eight  
2 whole districts, or portions -- you know,  
3 portions to add up to eight whole districts.

4 For State Senate districts, though, we get  
5 a different picture. We aren't able  
6 constitutionally to increase the size of the  
7 Senate to more than 40 members. So with a  
8 40-member Senate, based on the 2000 census,  
9 Miami-Dade, Broward and Palm Beach Counties --  
10 and they are shown -- they are stacked upon one  
11 another here. So Miami-Dade gets five and a  
12 half Senate districts, Broward gets another  
13 one, two, three -- another four, and Palm Beach  
14 gets another three. So all told, 12 and a half  
15 districts in southeast Florida for -- based on  
16 the 2000 census.

17 Based on the 2010 census, where growth in  
18 the state as a whole proceeded at 18 percent,  
19 Miami-Dade, Broward and Palm Beach Counties did  
20 not keep up with that rate of growth, and as a  
21 result, the area will be getting 11.8  
22 districts, or seven-tenths of a district less  
23 than what was provided based on the 2000  
24 census.

25 And with State House districts, you get



1 the same picture.

2 SENATOR GAETZ: Mr. Guthrie, just a  
3 moment, please. Senator Bullard, you are  
4 recognized.

5 SENATOR BULLARD: Thank you, Mr. Chairman.

6 Mr. Guthrie, I -- can you explain to me  
7 the reduction, I guess? You have in the 2000  
8 census, 12.5 districts, and then it is reduced,  
9 although the population has increased? Is that  
10 -- will you explain to me what happens --

11 SENATOR GAETZ: Mr. Guthrie.

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

13 Yes, the way that this calculation made is  
14 we simply take the statewide population, which  
15 in 2000 was about 16 million people --

16 SENATOR BULLARD: Uh-huh.

17 MR. GUTHRIE: -- in 2010, the state  
18 population grew to almost 19 million people, so  
19 both of those numbers we divide by 40, and that  
20 determines how many people you have per Senate  
21 district. And then I added together the  
22 population of Miami-Dade, Broward and Palm  
23 Beach Counties, and divided that by 470,000  
24 people, and that's where I got the 11.8  
25 district number.

1           For 2000, the population per district was  
2           400,000, quite a bit less than the 470,000 that  
3           are required based on the 2010 census. And so  
4           if your population just stayed even, you are  
5           going to need to gain 70,000 people in order to  
6           constitute a Senate district of equal  
7           population under the new census.

8           SENATOR GAETZ: Or stated another way,  
9           Senator Bullard --

10          SENATOR BULLARD: Uh-huh.

11          SENATOR GAETZ: -- south Florida grew, but  
12          not as much as the whole state grew.

13          SENATOR BULLARD: I understand. So he is  
14          using the, Mr. Chairman --

15          SENATOR GAETZ: Yes, ma'am.

16          SENATOR BULLARD: -- the state formula, he  
17          is using it by statewide --

18          SENATOR GAETZ: Yes, ma'am.

19          SENATOR BULLARD: -- and then -- now, I  
20          will recall, I go back to the slide before, the  
21          numbers now are increasing per district, is  
22          that correct?

23          MR. GUTHRIE: That is correct, yes.

24          SENATOR BULLARD: Thank you.

25          SENATOR GAETZ: I'm sorry, Leader, did you

1 wish recognition?

2 Please, Mr. Guthrie, you are recognized.

3 MR. GUTHRIE: And House districts are very  
4 similar to Senate districts. There, instead of  
5 a .7 district decline, we have a 2.1 district  
6 decline in Broward, Palm Beach and Miami-Dade  
7 Counties based on the 2010 census.

8 So one of our take-a-ways or big picture,  
9 broad-stroke conclusions here is that  
10 Miami-Dade, Broward and Palm Beach Counties  
11 will get less representation after the 2010  
12 census than they have in the current districts.

13 I also wanted to take a look at the racial  
14 breakdown of the state population and how that  
15 has changed over the ten-year period. So on  
16 these pie charts, the -- I wish I had made  
17 these colors more distinguishable. The light  
18 blue color is the non-Hispanic, white  
19 population, the purplish color is the  
20 non-Hispanic, black population, the light blue  
21 is the Hispanic population and white is the  
22 other population.

23 So based on what we see, the conclusion  
24 from these two pie charts is going from 2000 to  
25 2010, the African-American percentage of the

1 state population increased from 12.8 to 14.2  
2 percent, the Hispanic population increased from  
3 16.1 to 21.1 percent, and the population of  
4 whites declined accordingly. Okay. So that is  
5 looking at the state as a whole.

6 If we now flip to Miami-Dade, Broward and  
7 Palm Beach Counties, we see a bit of a  
8 different picture, or a more extreme example of  
9 that increase in minority populations. Based  
10 on the 2000 census, in Miami-Dade, Broward and  
11 Palm Beach Counties, African-Americans made up  
12 16.5 percent of the population. Based on the  
13 2010 census, African-Americans make up 18.5  
14 percent of the population, a two percent  
15 increase. And for Hispanics, based on the 2000  
16 census, in those three counties, Hispanics made  
17 up 34.2 percent of the voting age population.  
18 Based on the 2010 census, Hispanics make up  
19 41.3 percent of the voting age population, and  
20 the share of the white population has declined  
21 accordingly.

22 If we look at Miami-Dade County alone, the  
23 black share of population declined from 17.5  
24 percent to 16.2 percent, the Hispanic  
25 population increased from 59.8 percent of the

1 population to 66.4 percent of the voting age  
2 population and the white population declined by  
3 five percent from 20.5 to 15.3 percent.

4 So in Miami-Dade, your African-American  
5 percentage declined a bit, your Hispanic  
6 population grew appreciably and your white  
7 population declined.

8 Broward County, again, it started out  
9 being less Hispanic than Miami-Dade, but you  
10 saw -- you see a substantial change, an eight  
11 and a half percent change, in the Hispanic  
12 population from 15.8 percent of the population  
13 to 24.1, the African-American population in  
14 Broward County grows from 18 and a half to 24.3  
15 percent of the population and the white share  
16 of the population declines from 62.1 percent to  
17 47.1 percent.

18 And Broward -- and Palm Beach County,  
19 which has the smallest numbers of minority  
20 population both before and after the 2010  
21 census, you see the same trend, although the  
22 numbers, as we flip from one to the other, are  
23 tilted more toward -- you have a higher white  
24 share of the population in Palm Beach County.

25 So what we are seeing in all of southeast

1 Florida is significant increases in the  
2 minority populations, and I believe that will  
3 have a consequence on how the Senate,  
4 congressional and House maps are drawn.

5 SENATOR GAETZ: Questions? Comments? If  
6 not, Mr. Guthrie, please proceed.

7 MR. GUTHRIE: So what we are going to do  
8 is start by looking at some lines on the map  
9 for congressional districts. What we see here  
10 is the current congressional map. It has three  
11 Hispanic majority districts and two  
12 African-American majority districts in  
13 southeast Florida. The African-American  
14 districts are District 17 in downtown Miami and  
15 surrounding areas and Congressional District  
16 23, which includes parts of Broward, Palm  
17 Beach, Martin, St. Lucie and Hendry Counties.  
18 The Hispanic districts all are anchored in  
19 Miami-Dade County. Districts 18 and 25 include  
20 parts of Monroe County, 25 also goes into  
21 Collier County, and District 21 extends into  
22 Broward County. So that is our existing  
23 congressional map.

24 The first scenario that we wanted to look  
25 at for -- or share with the Committee's

1 attention is plan number one. This is the very  
2 first of 156 public plans that were submitted  
3 to the Committee. This came from Nicholas  
4 Ortiz, a Columbia University Law School student  
5 who hails from Florida.

6 One thing he did that is kind of  
7 interesting and unique is he started numbering  
8 at the bottom of the state, whereas tradition  
9 has started numbering in the northwestern part  
10 of the state, but there is no requirement that  
11 that be done.

12 Mr. Ortiz in his map retained the three  
13 Hispanic majority seats and retained the two  
14 African-American majority seats. So that is --  
15 and I think you see that he squared off his  
16 districts, other than the minority districts,  
17 as best as he was able. And, again, this was a  
18 very, very early proposal.

19 SENATOR GAETZ: And, Mr. Guthrie, let me  
20 ask you this: As to this proposal, since we  
21 know that congressional districts have to be,  
22 not proximately equal, but truly equal, are  
23 there problems with this scenario as to equity?

24 MR. GUTHRIE: In terms of the equality of  
25 the population, I will click on the plan name

1 and go to the District Summary Population  
2 Report, and what we see on deviation is that  
3 Mr. Ortiz got his deviations to within one  
4 person.

5 SENATOR GAETZ: Wow. Are there any  
6 legal -- any other legal criteria that you have  
7 applied to this particular proposal, which  
8 represents proposals like it, any other legal  
9 criteria that you have applied that you believe  
10 are remarkable?

11 MR. GUTHRIE: Yes. This one we selected  
12 primarily -- well, because it was a very early  
13 submission, because it respects the Tier 1  
14 focus on not diminishing opportunities for  
15 racial minorities to elect candidates of their  
16 own choice, and it does a pretty good job of  
17 holding counties and ci- -- following county  
18 and city lines.

19 SENATOR GAETZ: Are there comments or  
20 questions? This is where we really do need now  
21 the input of our friends from southeast  
22 Florida. We've had substantial testimony,  
23 please keep that in mind, we've had substantial  
24 submissions from the public, but it would be  
25 very helpful for those of us who live in the



1 other part of the state to get the perspective  
2 of those who live in the neighborhoods and  
3 communities of southeast Florida.

4 Senator Bullard.

5 SENATOR BULLARD: Yes, thank you,  
6 Mr. Chairman.

7 The frame before me, that frame, is that  
8 the description or the depiction of what we --  
9 the Florida Senate seats?

10 SENATOR GAETZ: These are congressional  
11 seats, ma'am.

12 SENATOR BULLARD: They are congressional?  
13 Okay, congressional, thank you.

14 SENATOR GAETZ: Senator Detert.

15 SENATOR DETERT: Since it is  
16 congressional, we probably all need to probably  
17 comment on it. The part that would affect my  
18 current congressional district, and it is hard  
19 to get the numbers right since he renumbered  
20 starting at bottom, but I am in Congressional  
21 Seat 13, which currently covers Sarasota,  
22 Manatee, Charlotte, DeSoto and Hardee. They  
23 have to lose some numbers, as I understand, and  
24 the public testimony we took over and over, you  
25 will probably remember it we heard it so often,

1           was keep Sarasota and Manatee County together.  
2           Under this map, it does not keep Sarasota and  
3           Manatee together. It splits -- it takes  
4           Charlotte out of that district, it does a whole  
5           lot of things that would be a surprise to my  
6           community and the residents. It isn't what we  
7           heard in public testimony.

8                     SENATOR GAETZ: Other comments or  
9           questions? And, obviously, we welcome comments  
10          or questions, observations on any part of these  
11          congressional maps, but particularly as to  
12          southeast Florida, we would be extremely  
13          interested in your comments and your  
14          discussion.

15                    Senator Bullard.

16                    SENATOR BULLARD: Does it show that we are  
17          picking up any additional seats?

18                    SENATOR GAETZ: Mr. Guthrie.

19                    MR. GUTHRIE: What all of these plans that  
20          are equal population will be doing is resulting  
21          in a two-tenths of a seat, from 7.8 to eight  
22          seats, congressional seats, in the three  
23          southeast Florida counties.

24                    SENATOR GAETZ: But, Mr. Guthrie, the map  
25          that we are looking at and the other scenarios

1           that you will present all include the two  
2           additional congressional seats that Florida  
3           gets.

4           MR. GUTHRIE: That is correct, yes. I'm  
5           sorry, I misunderstood the question.

6           SENATOR BULLARD: But we don't know where  
7           that -- Mr. Chairman?

8           SENATOR GAETZ: Yes, ma'am.

9           SENATOR BULLARD: Does that mean that we  
10          -- we know where those seats -- or we've not  
11          determined where they are yet?

12          SENATOR GAETZ: Yes, ma'am. Each of the  
13          plans that were submitted that articulate all  
14          of the congressional seats in the state show  
15          where the two additional congressional seats  
16          would be. Yes, ma'am.

17          And, Mr. Guthrie, maybe for the  
18          Committee's benefit you might indicate where  
19          the two additional congressional seats tend to  
20          pop up on this map, please.

21          MR. GUTHRIE: That -- only in cases where  
22          districts kind of -- by -- in the main keep the  
23          cores of existing districts are you able to say  
24          that. I mean, we have -- we are going from 25  
25          districts to 27, so it is -- and different

1 areas of the states grew at different rates.

2 SENATOR GAETZ: But, in general, Mr.  
3 Guthrie, help us, in general, the additional  
4 population was disproportionately where?

5 MR. GUTHRIE: Disproportionately we saw  
6 population growth, and it shows -- it shows on  
7 this chart. For congressional districts,  
8 disproportionately you had population growth in  
9 the areas north of Tampa and in southwest  
10 Florida.

11 SENATOR GAETZ: There you have it.

12 SENATOR BULLARD: Okay. So there isn't --  
13 there aren't any in the southeastern region --

14 SENATOR GAETZ: No, ma'am.

15 SENATOR BULLARD: -- so I can run for  
16 Congress?

17 SENATOR GAETZ: You can run for Congress  
18 anytime you want, but there's not a new  
19 congressional district there.

20 Other comments or questions as to  
21 southeast Florida, as to this map? If not, Mr.  
22 Guthrie, what's the second scenario that you  
23 wish to present to us today? I'm sorry, Leader  
24 Rich.

25 SENATOR RICH: Thank you. Mr. Guthrie,

1           could you just -- since the numbering and  
2           everything is -- and the shapes of everything  
3           are so different, could you give some kind of  
4           just a scenario of how -- you know, before you  
5           gave the way in which certain people drew the  
6           maps, keeping counties together, you know, what  
7           would you -- what would your analysis be of  
8           this map?

9           MR. GUTHRIE: I believe that the  
10          overriding theme that Mr. Ortiz tried to  
11          follow -- and he wrote a legal memorandum, by  
12          the way, to -- in support of his plan, which we  
13          have among our public records for the  
14          Committee, but he said that he was trying to  
15          comply with the provisions of Amendments 5 and  
16          6, he got the population deviation down to one  
17          person, he avoid -- he tried to avoid  
18          diminishing opportunities for racial minorities  
19          to elect candidates of choice, and he tried to  
20          follow county and particularly city boundaries  
21          where feasible.

22          So if we wanted to evaluate how good a job  
23          Mr. Ortiz did in doing that, District Explorer  
24          provides a tool for helping you with that. You  
25          can click the city's background, and let's turn

1 off roads and turn off road labels, and so now  
2 we see the city boundaries of districts  
3 indicated in color and how the districts  
4 interplay with those counties. So Pembroke  
5 Pines is split, but Cooper City, Southwest  
6 Ranches, Davie -- our fellow here, he's tracing  
7 the border of Weston and Sunrise for this  
8 district, the border of Tamarac and North  
9 Lauderdale for this district.

10 So it is -- it takes a lot of analysis to  
11 sort of sort it out in detail what these  
12 districts are doing, but as I said, District  
13 Explorer provides you a clever visualization  
14 that will help you make your evaluation of the  
15 extent to which district boundaries do follow  
16 county and city boundaries.

17 SENATOR DIAZ DE LA PORTILLA: Mr.  
18 Chairman?

19 SENATOR GAETZ: Leader, is that responsive  
20 to your question?

21 SENATOR RICH: Yes, thank you.

22 SENATOR GAETZ: I'm sorry, someone --  
23 Senator Diaz de la Portilla.

24 SENATOR DIAZ DE LA PORTILLA: Thank you,  
25 Mr. Chairman.

1           Mr. Guthrie, is there a way to -- with the  
2 program, to get the -- these maps, these  
3 submittals, and put them side by side with  
4 existing congressional boundaries so that you  
5 could compare them with the other?

6           MR. GUTHRIE: Sure. Would you like me to  
7 show you, Chairman, how to do that?

8           SENATOR GAETZ: Please do.

9           MR. GUTHRIE: Yes, let's -- let's get rid  
10 of city labels in order to make the map a  
11 little less busy, and then we can turn on --  
12 let's color the existing map, color the  
13 districts, and we will take away the reference  
14 line for districts, that is the black line that  
15 surrounds the district, and we will put on the  
16 map the district lines for the existing  
17 districts. So this is now showing you the  
18 overlay of -- whoops, I said Senate. We want  
19 the existing congressional districts. So this  
20 is showing you now the overlay of existing  
21 congressional districts outlined in green, and  
22 the proposed new districts colored in various  
23 colors. So that is a visualization of how the  
24 districts compare.

25           SENATOR GAETZ: Senator Diaz de la

1 Portilla.

2 SENATOR DE LA PORTILLA: If I may, since I  
3 can't control my map here, can you move down a  
4 little bit and take a closer look at current  
5 Congressional District 25 and what the Ortiz  
6 map does to it?

7 MR. GUTHRIE: Okay. So the current  
8 Congressional District 25 is -- in Miami-Dade  
9 County is the area west of this green line,  
10 okay. And what this proposed map is doing is  
11 putting some of that territory into District 18  
12 and most of the rest of that territory into --  
13 well, let me get his numbers up, let's see. I  
14 said 18. It is his District -- his District 1.  
15 So the area -- the area currently in District  
16 25 west of the green line and east of the black  
17 line would be in District 1. The area west of  
18 the black line would be put in what Mr. Ortiz  
19 is calling District 5.

20 SENATOR DIAZ DE LA PORTILLA: Okay.

21 SENATOR GAETZ: Is that responsive,  
22 Senator?

23 SENATOR DE LA PORTILLA: Yes,  
24 Mr. Chairman, thank you.

25 SENATOR GAETZ: Other comments or



1 questions? Yes. Go ahead, please, Senator.

2 SENATOR GIBSON: Thank you, Mr. Chair.

3 Now, can you go up -- there seemed to be  
4 something that wasn't quite compact. There was  
5 a little -- what is that right there? No. Go  
6 back to the -- no. The previous screen, not  
7 the --

8 MR. GUTHRIE: Oh, you want to see the  
9 current districts?

10 SENATOR GIBSON: Oh, that is current --

11 MR. GUTHRIE: Yes, ma'am.

12 SENATOR GIBSON: -- where the 6 is, where  
13 the line goes like over and a little zigzag?

14 MR. GUTHRIE: Right. The easiest --

15 SENATOR GIBSON: Am I going towards  
16 Broward there? Okay. So what does that look  
17 like -- do you see what I am saying? Go up to  
18 6. Uh-huh.

19 MR. GUTHRIE: This area right here?

20 SENATOR GIBSON: Yes, that little --  
21 whatever that is. So what does that look like  
22 on the map we are looking at? I think that is  
23 Mr. Ortiz' map?

24 MR. GUTHRIE: Right. I think you can see  
25 that the black lines in this proposed new map

1 are less circuitous than the green lines in the  
2 current map, okay. So the perimeter of the  
3 districts and -- is -- would be less in the  
4 proposed new map than they are in the map that  
5 it is replacing.

6 SENATOR GIBSON: Uh-huh.

7 MR. GUTHRIE: Or proposed to replace.

8 SENATOR DIAZ DE LA PORTILLA: Mr.  
9 Chairman?

10 SENATOR GAETZ: Is that responsive, ma'am?

11 SENATOR GIBSON: Yes.

12 SENATOR GAETZ: Senator Diaz de la  
13 Portilla.

14 SENATOR DE LA PORTILLA: Just a quick  
15 question. I didn't really notice when you  
16 first brought it up. Is the Ortiz map a  
17 complete map for the whole state? I think you  
18 said it was.

19 MR. GUTHRIE: It is, yes.

20 SENATOR DE LA PORTILLA: What does it do  
21 to what we were -- what we've talked about in  
22 the last few meetings as far as the Panhandle,  
23 the northwest coast of Florida and the  
24 northeast? What does the Ortiz map -- how does  
25 it impact those congressional districts?

1           MR. GUTHRIE: Through the Panhandle, it is  
2 very similar to many of the proposals that the  
3 committee looked at for northwest Florida. In  
4 the northeast and central Florida area, it  
5 retains the outline of the existing  
6 Congressional District 3. It is being numbered  
7 Congressional District 26 in this proposal, but  
8 it follows the same general outline of the  
9 existing District 3.

10           SENATOR GAETZ: Other comments or  
11 questions?

12           MR. GUTHRIE: The other districts  
13 surrounding District 3 in northeast Florida are  
14 more compact than I believe most people would  
15 conclude the districts in the existing  
16 congressional map are.

17           SENATOR GAETZ: Senator Detert.

18           SENATOR DETERT: Thank you, Mr. Chair. I  
19 am just curious as to why we are spending the  
20 amount of time we are spending on a map  
21 submitted by a guy I don't know. I mean, don't  
22 we have a staff map to react to rather than --  
23 I mean, we are giving this some pretty serious  
24 consideration, it seems.

25           SENATOR GAETZ: Well, Senator Detert, what

1           this map is is one of I believe three  
2           scenarios. Is it three?

3           MR. GUTHRIE: I think it is six that we  
4           had for --

5           SENATOR GAETZ: Okay. One of several  
6           scenarios that this map -- the professional  
7           staff was asked to look at all of the maps that  
8           we have received for Congress, for State Senate  
9           and State House for southeast Florida, and to  
10          try to show us some maps that represent what  
11          are common themes. So there might be 20 other  
12          maps like this map. It isn't that the Ortiz  
13          map has some special significance or  
14          insignificance, but, rather, that it is like a  
15          lot of other maps that were presented to us  
16          that do approximately the same thing. So we  
17          are not going to go through 156 maps in this  
18          regard, although we can.

19          SENATOR DETERT: No.

20          SENATOR GAETZ: We are going through maps  
21          that are representative of groups of maps that  
22          say or depict about the same thing.

23          SENATOR DETERT: And to -- the other part  
24          of the question is, do we have maps that our  
25          own staff drew up that they consider a fair

1 map?

2 SENATOR GAETZ: No. And the reason is  
3 because we have -- our direction to  
4 professional staff was to show us maps that --  
5 that were scenarios that were drawn off of the  
6 testimony and the submissions that we've  
7 received from the public, from interest groups,  
8 from others, and then we are giving direction  
9 now to our staff as to how to draw a PCB that  
10 we will see --

11 SENATOR DETERT: Okay.

12 SENATOR GAETZ: -- and vote on prior to --  
13 prior to our going away for the  
14 Hanukkah/Christmas recess.

15 If there are no other -- Leader, did you  
16 have something?

17 SENATOR RICH: Thank you, Mr. Chair. I  
18 wonder as we go along -- you mentioned about --  
19 I think that was the Jacksonville district, the  
20 one that goes all the way down?

21 MR. GUTHRIE: Yes.

22 SENATOR RICH: And then is another  
23 District 22, current 22, and I am just  
24 interested as we move along to know whether you  
25 think that those two, for instance, would

1           comply with the new criteria in the maps that  
2           you are showing us.

3           SENATOR GAETZ: Mr. Guthrie, any comment?

4           SENATOR RICH: In other words, you know,  
5           would the new standards apply to the old  
6           districts and the new ones that you are showing  
7           us?

8           SENATOR GAETZ: Please, sir.

9           MR. GUTHRIE: That is sounding more like a  
10          legal question to me, and I never went to law  
11          school.

12          SENATOR GAETZ: We will punt to Mr.  
13          Bardos.

14          MR. BARDOS: Looking at the minority  
15          districts, I think it would require a little  
16          more analysis than what we can see -- can see  
17          on the screen. I think we can -- I think we  
18          need to look a little deeper than simply the  
19          shape of the district and the numbers. It's --  
20          it can at times be a pretty complex analysis,  
21          so that is -- that is something that I wouldn't  
22          feel comfortable doing immediately in the  
23          context of a committee meeting like this, but  
24          we can certainly analyze them over -- if you  
25          have specific requests as to districts, and we

1 can analyze those and review the statistics in  
2 greater detail and provide you with an opinion.

3 SENATOR GAETZ: And perhaps you might meet  
4 with Leader Rich as to that question.

5 MR. BARDOS: Certainly.

6 SENATOR GAETZ: Was there something else?  
7 If not, that is one scenario. Take us to the  
8 next scenario for Congress. Yes, Senator  
9 Storms.

10 SENATOR STORMS: So, Mr. Chair, as part of  
11 my due diligence and since we were just on the  
12 Ortiz -- I stepped out for a minute, so I don't  
13 know if we are on a different plan, but when I  
14 left, we were on the Ortiz plan.

15 SENATOR GAETZ: We have just moved.

16 SENATOR STORMS: Okay. So I just have one  
17 quick question. As part of my due diligence, I  
18 went through all the maps. I looked and -- and  
19 I looked down at the checks that we have, and  
20 it says, "all geography assigned, true," "all  
21 districts contiguous," and that is either true  
22 of false or it is blank. So how can I tell  
23 when I am looking at these maps if the  
24 geography is -- if it has a "false" there by  
25 "all geography assigned," where do I find that

1           they left off a piece of dirt in their map, and  
2           then how can I tell which district is not  
3           contiguous? By -- is there an easy way to do  
4           that?

5                     SENATOR GAETZ: Mr. Guthrie.

6                     MR. GUTHRIE: What you would do, Senator  
7           Storms, is in order to determine if there was a  
8           discontiguity, is simply look at the plan  
9           details page for that map. We are now on  
10          Mr. Libby's map, and it says, as you said,  
11          right at the top that the plan is complete.  
12          That means that every piece of geography in  
13          Florida, every block, is assigned to some  
14          district, and it is contiguous, which means  
15          that with the exception of the Dry Tortugas,  
16          Fort Jefferson, every part of the state is  
17          physically connected to -- or every part of a  
18          district is physically connected to the other  
19          parts.

20                    SENATOR STORMS: Mr. Chair, I understood  
21          that. I just wanted to know, in looking at the  
22          individual maps -- because I put -- what I did  
23          was I am figuring out some way to sort, yes  
24          this map, not that map, yes this map. But one  
25          of the disqualifiers is did they assign



1 everything -- just for me, you know, one of the  
2 disqualifiers is did they assign everything and  
3 is everything contiguous. And then I want to  
4 see where is their contiguity problem --

5 MR. GUTHRIE: Yes.

6 SENATOR STORMS: -- so I know. Did they  
7 -- how bad is it is what I would like to know,  
8 because maybe that is fixable if we fiddle  
9 around with it in some other way.

10 MR. GUTHRIE: And answering that question  
11 is a bit -- a bit more of a challenge than --  
12 what -- the true way to do it would be to  
13 download the DOJ file from the Senate website  
14 and then to go into District Builder, sign on  
15 to your account, upload that plan, and we have  
16 a contiguity checker and a completeness checker  
17 within District Builder.

18 SENATOR STORMS: Thank you.

19 MR. GUTHRIE: An easy solution, Senator  
20 Storms, would be for you to tell staff that you  
21 like the general framework of a district, but  
22 you see that the plan has contiguity problems,  
23 and ask us to address the contiguity issues for  
24 you.

25 SENATOR GAETZ: Is that responsive,

1 Senator? What we would like to do, Mr.  
2 Guthrie, is let's take two additional scenarios  
3 for Congress too, and then we will move to  
4 State Senate, because we want to have time at  
5 the end of our session today, ample time, for  
6 members of the public who have traveled here  
7 from afar to have an opportunity to provide  
8 public testimony.

9 So why don't you move to two additional  
10 scenarios for Congress, then we will go to  
11 State Senate. And, Senator Thrasher, would you  
12 please take the Chair for a moment?

13 SENATOR THRASHER: Mr. Guthrie, do you  
14 want to go to the next plan?

15 MR. GUTHRIE: Thank you, Mr. Chairman.  
16 What I am going to do is flip to plan 103,  
17 which is two down in your meeting packet by  
18 Emilio Perez and Anthony Suarez on behalf of  
19 the Puerto Rican Legal Defense Fund.

20 This map does exactly what Senator Detert  
21 was suggesting the Committee might want to  
22 consider doing. It focuses on minority  
23 districts in southeast Florida. This plan  
24 keeps the two Hispanic majority districts --  
25 excuse me, the three Hispanic majority

1 districts and the two African-American majority  
2 districts in southeast Florida, but does not  
3 propose a solution to how the surrounding  
4 districts would be constituted.

5 The proposed replacement for Congressional  
6 District 23 in this case includes just Ft.  
7 Lauderdale and Palm Beach, it does not extend  
8 into Hendry or Collier Counties, and the  
9 proposed district is 54.4 percent black voting  
10 age population. So this is one we could look  
11 at.

12 The other example I would like to turn to  
13 real quickly is two more down, which is plan 31  
14 by Sean Phillippi. That plan is an example of  
15 what the consequences are likely to be if you  
16 try to strictly follow county and city lines  
17 and you -- and the criterion of making  
18 districts look circular. Mr. Phillippi's map  
19 has no districts that are majority black voting  
20 age population, and the Hispanic percentages  
21 are considerably less as well than the  
22 percentages in the current map. So -- and  
23 there is an example of Tier 1 focus from the  
24 Puerto Rican Legal Defense Fund, and here --  
25 and then Mr. Phillippi's submission, which

1 focuses more on Tier 2 criteria and what the  
2 consequences of that would be. So that is a  
3 quick run-through of some scenarios for  
4 congressional plans.

5 SENATOR THRASHER: Any comments or  
6 questions on either of those maps? If not,  
7 then, Mr. Guthrie, move ahead, then, I think,  
8 to the Senate maps.

9 MR. GUTHRIE: Okay. So let's look at our  
10 current Senate districts. We are all familiar  
11 with the existing Senate districts. In  
12 southeast Florida, we have three  
13 African-American -- well, two African-American  
14 majority districts, one African-American access  
15 district in Miami-Dade, Monroe, Collier and  
16 Hendry Counties. That district currently is  
17 about 29 percent African-American voting age  
18 population and 43 percent Hispanic voting age  
19 population. And the other significant -- we  
20 have three Hispanic majority districts in  
21 Miami-Dade County.

22 The first scenario we chose to highlight  
23 for the Committee is plan 84 by Micah Ketchel.  
24 What he does is keeps the three minority access  
25 seats for African-Americans and -- well, I

1 think that is kind of -- the key point for  
2 Mr. Ketchel's plan is that he does a good job,  
3 better than some of the other public  
4 submissions, of keeping the percentages up for  
5 the existing minority districts.

6 I will note here that some of the plans  
7 that I was -- forgive me for being a little bit  
8 discombobulated. I was up late last night  
9 processing into the website all those new plans  
10 that were coming in. As I was looking at some  
11 of those, some of the later plans do a better  
12 job than the examples that we had earlier in  
13 terms of focus on the Tier 1 -- Tier 1  
14 requirements. The next map we wanted to --

15 SENATOR THRASHER: Before we move to --  
16 let's see if there's any comments on that  
17 particular map. Do you have a comment, Senator  
18 Lynn?

19 SENATOR LYNN: I think it is generally as  
20 we are looking at maps and protection of the  
21 minority seats, do the maps that we are looking  
22 at tend to protect the Hispanics in one area  
23 and the African-American others, or are they  
24 mixed in some cases? Or do they have to be  
25 separate?

1           MR. GUTHRIE: I believe that the  
2 requirements -- the Tier 1 requirements relate  
3 to all minority groups in the state.

4           SENATOR LYNN: So they could be mixed?

5           MR. GUTHRIE: Well, the -- Mr. Chair, I  
6 wonder if that is a question of Mr. Bardos.

7           SENATOR THRASHER: We will see. Andy.

8           MR. BARDOS: I think it really depends on  
9 the voting preferences of the different groups.  
10 I think there are some places where -- where  
11 minority voters of different races could  
12 support the same candidates, and then we find  
13 that they have similar preferences, and in that  
14 case, for at least some of our legal  
15 requirements, we could view them collectively.  
16 In other cases, we would find that -- or we  
17 might find that they would support different  
18 candidates. And so it really depends on a  
19 district-by-district analysis and a very  
20 fact-intensive analysis based on voting  
21 histories and election performance.

22           SENATOR THRASHER: Senator Lynn for  
23 follow-up.

24           SENATOR LYNN: And that is past -- based  
25 on past performance, but things have changed a

1 great deal in the political world, and, you  
2 know, you find people voting for candidates who  
3 are not necessarily like them exactly, and so  
4 how do you make sure you are following the  
5 guidelines correctly?

6 SENATOR THRASHER: Mr. Bardos.

7 MR. BARDOS: One thing that experts often  
8 look at is performance from even fairly recent  
9 elections. They look at elections since the  
10 last redistricting plan was drawn, so they'll  
11 look at the last five general elections, for  
12 example, and analyze it even on a precinct  
13 level -- at the precinct level. So there are  
14 some pretty strong inferences that can be drawn  
15 from that sort of statistical analysis as to  
16 whether -- who the candidate of choice would be  
17 for particular minority groups in particular  
18 areas of the state.

19 SENATOR LYNN: So a final question?

20 SENATOR THRASHER: Final question, Senator  
21 Lynn.

22 SENATOR LYNN: Thank you.

23 So in some areas of the state, it might be  
24 that the groups -- they are grouped together,  
25 each of the separate minority groups are

1 grouped together, and others, based on history,  
2 it could be that they would be separate?

3 MR. BARDOS: That is correct.

4 SENATOR LYNN: Thank you.

5 SENATOR THRASHER: Senator Latvala, you  
6 had a question.

7 SENATOR LATVALA: Thank you, Senator  
8 Thrasher.

9 John, you made a comment there right near  
10 the end of your remarks that there were some of  
11 the later maps that had just come in that did a  
12 better job of the Tier 1 -- meeting the Tier 1  
13 requirements. Is it possible for you to  
14 elaborate on that any? In other words, I  
15 noticed that this map, for instance, basically  
16 still has three Hispanic majority seats, a  
17 fourth one is real close, but I am wondering is  
18 -- do you mean that you have seen some maps  
19 perhaps that got to four reliably Hispanic  
20 seats?

21 SENATOR THRASHER: Mr. Guthrie.

22 MR. GUTHRIE: Mr. Chairman, there are a  
23 number -- we are going to look at some  
24 proposals here this afternoon that include four  
25 and even five, although the one with five, they



1 are bare majority, some of the districts are  
2 bare majority districts. But we will see  
3 examples of greater than three Hispanic  
4 districts in Miami-Dade County.

5 SENATOR THRASHER: Any further questions  
6 on that? Senator Bullard.

7 SENATOR BULLARD: Thank you, Mr. Chairman.

8 Mr. Guthrie, I see 39 here, but I am not  
9 certain because of the closeness of the drawing  
10 of the map -- 39 is in here. Is there anyway  
11 to kind of show me where 39 runs on this  
12 particular map? Because the map prior to this  
13 shows that 29 percent of black population --  
14 according to what you said, right, is that  
15 correct? The one prior -- the frame prior to  
16 this one.

17 MR. GUTHRIE: Yes.

18 SENATOR BULLARD: And this is -- this is  
19 an issue that has been an issue, but I wanted  
20 to know, in terms of this particular 39, it is  
21 now going to take in what areas? Because I see  
22 it looks like it is going out into the ocean,  
23 but it is out --

24 SENATOR THRASHER: Let's -- can you get on  
25 39, Mr. Guthrie, and kind of go through it for

1 Senator Bullard?

2 SENATOR BULLARD: Excuse me, Mr. Guthrie?

3 SENATOR THRASHER: That was me, Senator  
4 Bullard.

5 SENATOR BULLARD: I'm sorry, Mr. Chairman.

6 SENATOR THRASHER: That was me. You  
7 remember me?

8 SENATOR BULLARD: I know you very well.

9 SENATOR THRASHER: All right. He is going  
10 to get on -- right, you are going to get on 39,  
11 John, and let's look at it more closely?

12 MR. GUTHRIE: So the proposed plan here,  
13 Senator Bullard, does -- takes a different  
14 course for the district that includes Monroe  
15 County. The district in Monroe County,  
16 District 40 --

17 SENATOR BULLARD: Uh-huh.

18 MR. GUTHRIE: -- is now a 70 percent  
19 Hispanic district --

20 SENATOR BULLARD: Okay.

21 MR. GUTHRIE: -- but the Perrine/Cutler  
22 Bay area, which is currently in District 39, is  
23 put together with Ft. Lauderdale and the  
24 Everglades agricultural area and Palm Beach  
25 County and Hendry and Collier. So some

1 portions of 39 are going into this District 38,  
2 which is thirty -- excuse me, is 48.9 percent  
3 African-American.

4 SENATOR BULLARD: Okay. Mr. Chair?

5 SENATOR THRASHER: Senator Bullard, you  
6 had a follow-up?

7 SENATOR BULLARD: Yes.

8 SENATOR THRASHER: Okay.

9 SENATOR BULLARD: Thank you, Mr. Chairman.

10 So on this particular map that we see, 40  
11 now takes in all of Monroe County?

12 MR. GUTHRIE: Not all of Monroe County.

13 SENATOR BULLARD: The majority?

14 MR. GUTHRIE: The Everglades portion of  
15 Monroe County in this proposal is in District  
16 26.

17 SENATOR THRASHER: All right. Senator  
18 Sobel, you had a question?

19 SENATOR SOBEL: Yes.

20 SENATOR THRASHER: We are going to go to  
21 some other maps, Senator Bullard. This is just  
22 one scenario of a potential map, but we will go  
23 to some others.

24 Senator Sobel.

25 SENATOR SOBEL: I have a question about

1 the yellow Senate 34 on Micah Ketchel's map.

2 Is that contiguous?

3 SENATOR THRASHER: Did you hear the  
4 question?

5 SENATOR SOBEL: No.

6 MR. GUTHRIE: It looks like you got to  
7 zoom in very closely, but if you do, you will  
8 find that by the definition of "contiguous"  
9 that has been implemented by the Florida  
10 Supreme Court, that is indeed contiguous,  
11 because it constitutes a single polygon.

12 SENATOR THRASHER: Okay. Are there other  
13 questions?

14 Are you going to go to another map, now,  
15 John, another Senate map?

16 MR. GUTHRIE: Sure.

17 SENATOR THRASHER: How many more do you  
18 have, Senate maps?

19 MR. GUTHRIE: For Senate, we have one,  
20 two, three -- four more, and I think we can  
21 move through those relatively quickly.

22 SENATOR THRASHER: Okay.

23 MR. GUTHRIE: We will take a quick look at  
24 map 71 by John Libby. We chose this plan  
25 because it provides an example of following

1 county boundaries except as required to meet  
2 Tier 1 requirements.

3 This, too, is an example of a plan that  
4 creates a fourth Hispanic majority seat,  
5 although it is not a high majority. It is 53.7  
6 percent Hispanic.

7 Plan number 72 --

8 SENATOR THRASHER: Senator Lynn, do you  
9 have a question on that, ma'am?

10 SENATOR LYNN: Well, you know, the map  
11 that we -- I know we are considering a lot of  
12 different maps, but the map that was just shown  
13 to us that is contiguous, if you really want to  
14 stretch the point, which it is stretched, it is  
15 really stretched up there, and I thought that  
16 that was something that everything we heard  
17 from the people was do not give us those kinds  
18 of districts again, we want them to be as  
19 compact, we want them to be as squared off or  
20 whatever, but that is the kind of thing that we  
21 have now in some cases that speaks to, you  
22 know, the nasty word that begins with a G, and  
23 I thought that that was something we were in  
24 every case going to try to avoid, and I would  
25 hope that we would not consider that.

1           SENATOR THRASHER: Do you want to answer  
2           that, John, or do you want Andy to help?  
3           Either way. I think it starts with the  
4           understanding of the constitutional amendments  
5           and the understanding that minority access  
6           districts are paramount in our first  
7           consideration.

8           SENATOR LYNN: Yes, Chairman, I agree with  
9           that and I support that. I also know that in  
10          many of the maps that we have been looking at,  
11          we have not seen this kind of --

12          SENATOR THRASHER: True.

13          SENATOR LYNN: -- what I would call almost  
14          a distortion, and I would hope that we would  
15          not do that.

16          SENATOR THRASHER: Okay. We will pass  
17          that on as guidance to the staff in respect to  
18          that particular one.

19          The next map, John. Have you got another  
20          one?

21          SENATOR GIBSON: I've got some questions.

22          SENATOR THRASHER: Senator Gibson, do you  
23          have a question? You are recognized.

24          SENATOR GIBSON: Thank you, Mr. Chair, and  
25          it kind of goes back to something I mentioned

1 earlier. The shape and the length, based on  
2 the things that we have been -- the maps we  
3 have been looking at and the criteria we have  
4 been discussing and the groupings, again, of  
5 interests such as the -- what was it, the  
6 Nature Coast and the coastal versus rural, and  
7 if the line has to stretch to keep communities  
8 or constituencies together that have something  
9 in common like the Nature Coast and the fruit  
10 coast and the whatever, then I am not so sure  
11 that it is the -- how far the line stretches as  
12 it is the commonality among the -- so I would  
13 like to offer that as an advisement.

14 SENATOR THRASHER: Exactly, and I think  
15 that is the point that Senator Simmons was  
16 making earlier in respect to our interpretation  
17 of the constitutional amendments, that  
18 communities of interest, while they are not  
19 specifically outlined in the constitutional  
20 amendments, are certainly not prohibited  
21 either, in our opinion, and I think that is  
22 exactly right, and I think the staff will be  
23 guided by that as they look at these individual  
24 districts, particularly those that are a little  
25 more problematic in the over-populated south

1 Florida area.

2 John.

3 MR. GUTHRIE: Okay. So we will move next  
4 to --

5 SENATOR THRASHER: I'm sorry. Before you  
6 go, Leader Rich, you had a question, and the  
7 Chairman is back, thank God.

8 SENATOR RICH: I have a comment. I am not  
9 quite sure how far this coastal district goes,  
10 but it certainly was never anything I heard at  
11 the public hearings. It is on the Libby map.  
12 It would be Senate District 34.

13 MR. GUTHRIE: Right.

14 SENATOR RICH: That is obviously an  
15 attempt at a coastal district. It goes up  
16 through multiple counties.

17 MR. GUTHRIE: Yes, from Port Everglades to  
18 the Palm Beach County line.

19 SENATOR RICH: Yeah. And, again, I don't  
20 -- I would suggest that nobody recommended that  
21 in any of the public hearings that I attended  
22 in either county. So that is another one.

23 SENATOR GAETZ: Thank you very much,  
24 Senator Thrasher. Was there someone else at  
25 the -- at that end of the table who wished to



1 make a comment or ask a question? Any other  
2 comments or questions?

3 If not, John, why don't you proceed,  
4 please. I'm sorry, Senator Latvala.

5 SENATOR LATVALA: With regard to the  
6 question that Leader Rich asked about that, I  
7 couldn't tell on that map. I wonder if you  
8 could blow that up a little bit more. Is --  
9 you've got a coastal district there, but do you  
10 have a small district right butted up against  
11 it up along U.S. 1 that would be a minority  
12 access seat on that? Is that the reason why  
13 that coastal district is there?

14 MR. GUTHRIE: Yes, similar, Senator  
15 Latvala, to the existing map, this proposal has  
16 a district extending from Ft. Lauderdale to  
17 West Palm Beach, and that district is -- am I  
18 on the wrong plan? I am on the wrong plan.  
19 That district is 58 percent African-American  
20 VAP, which is one percent less than the current  
21 district.

22 What we have seen is that keeping the  
23 African-American percentage of that existing  
24 district, which is under-populated by about  
25 70,000 people, in the vicinity of where it is

1 today is going to require extending from Ft.  
2 Lauderdale to West Palm Beach.

3 SENATOR GAETZ: And I think Senator  
4 Latvala makes an excellent point, and we would  
5 ask our colleagues who had some very  
6 appropriate observations about these districts  
7 if they would care to make any observations  
8 about the minority access district, which, as  
9 Mr. Guthrie has indicated, tends to imply the  
10 coastal district, or could tend to imply the  
11 coastal district, we would wonder if you had  
12 any observations about that minority access  
13 district or about how one would take into  
14 account then the coastal area if one maintained  
15 the minority access district, any thoughts?

16 Yes, Senator Bullard.

17 SENATOR BULLARD: Mr. Chairman, I -- you  
18 know, since I have served in the Legislature,  
19 I've always had a minority access -- an access  
20 seat, and I want -- once it was 33 and a third,  
21 33 and a third, 33 and a third, then  
22 58 percent, and it was -- the others were  
23 broken down in other areas, but --

24 SENATOR GAETZ: I'm sorry, Senator  
25 Bullard, we are having a little trouble hearing

1           you.  Could we have a bit of quiet in the  
2           committee room, please?  And, Senator Bullard,  
3           would you pull your mike up so that we may hear  
4           you better?

5                     SENATOR BULLARD:  I do --

6                     SENATOR GAETZ:  Thank you, ma'am.

7                     SENATOR BULLARD:  I am, thank you.

8                     I have -- I have found that, in fairness,  
9           just my experience, when you represent people  
10          fairly, they tend to not even care.  So I am  
11          just wanting to know that in drawing these  
12          maps, it is a possibility that we may have some  
13          access, and if we have those access districts,  
14          it would probably give us an opportunity to  
15          have more districts that are fair to all of the  
16          Legislature and all of those who are  
17          representing people.  We are all human first,  
18          and the Rs and the Ds come later, far down the  
19          line.

20                    So I just want to ask that in moving  
21          forward, some people may not want an access  
22          seat, but I have never had a problem with an  
23          access seat.

24                    SENATOR GAETZ:  Thank you very much,  
25          Senator Bullard.

1           Any other comments on this -- on this  
2 question? Any other thoughts? Senator  
3 Latvala, I think you were seeking recognition.  
4 Any other thoughts you have, sir?

5           SENATOR LATVALA: No, sir, I just didn't  
6 want to let that comment go unnoted about that  
7 we were creating a coastal district that did  
8 not appear to have a rationale when -- or in  
9 this map created a coastal district that didn't  
10 have a rationale, since obviously it did have a  
11 rationale from a standpoint of preserving a  
12 minority seat, and you can't go through the  
13 seat to attach it to an interior area. So  
14 there obviously are people there that have to  
15 be represented along the coast.

16           SENATOR GAETZ: Indeed. Leader Rich, yes,  
17 ma'am.

18           SENATOR RICH: There are other maps that  
19 do that coastal district, I believe, in other  
20 ways, are there not, that don't make that  
21 long -- quite as long a run through the county?

22           SENATOR GAETZ: Mr. Guthrie.

23           MR. GUTHRIE: Mr. Chairman, I think what  
24 we are seeing generally is the districts -- the  
25 counties that -- or the proposals that keep the

1           general outline of the existing Senate District  
2           29 in place tend to have a coastal district  
3           beside it. Plans that don't keep the outlines  
4           of the existing 29 in place may not.

5           SENATOR GAETZ: Is there a district map,  
6           Senator Rich, that you would like to recommend  
7           that we look at?

8           SENATOR RICH: There -- I think that you  
9           mentioned there were other maps coming in, so I  
10          have not looked at all the maps as none of us,  
11          I assume, have --

12          SENATOR GAETZ: Well, if there is a map  
13          that you would recommend, a map that you  
14          believe would solve the issues that you  
15          outlined --

16          SENATOR RICH: So far I haven't seen one.

17          SENATOR GAETZ: -- better than those that  
18          have been presented, we would welcome that --

19          SENATOR RICH: Thank you. So far I  
20          haven't seen one.

21          SENATOR GAETZ: -- now or at the next  
22          meeting.

23          Other comments or questions? Yes, Senator  
24          Negrón.

25          SENATOR NEGRÓN: Thank you, Mr. Chairman.

1 I just want to make a comment on the Libby map  
2 and just remind us that we heard testimony at  
3 the public hearing in Stuart and also the one  
4 in Palm Beach County, that the Martin, St.  
5 Lucie and Indian River Counties, particularly  
6 in the coastal areas of those counties, are  
7 known as the Treasure Coast, and, secondly,  
8 that northern Palm Beach County is -- there is  
9 a nexus between northern Palm Beach County and  
10 the Treasure Coast. Many people in the  
11 southern part of the Treasure Coast in Martin  
12 County have substantial relationships, business  
13 and otherwise, with northern Palm Beach County.  
14 So we had testimony also from residents and  
15 business interests in northern Palm Beach  
16 County saying that they supported northern Palm  
17 Beach County being in the same Senate district  
18 as the Treasure Coast counties of Martin, St.  
19 Lucie and Indian River County. So I just  
20 wanted to point that out.

21 SENATOR GAETZ: Other comments or  
22 questions at this point? Any other  
23 observations on the issue that we are dealing  
24 with, which is the minority access district,  
25 and then the geographic -- the incontestable

1 fact that the geography to the east of that  
2 minority access district becomes a coastal  
3 district, and any ideas about what one would do  
4 with that, other than what is presented here?  
5 Any comments?

6 If not, Mr. Guthrie, please go forward.

7 MR. GUTHRIE: So the next plan that staff  
8 chose to present to the Committee here is plan  
9 72 by Matthew Boyle. It is the -- our example  
10 today of a plan that has five Hispanic majority  
11 districts, although, as I intimated earlier,  
12 two of those are bare majorities. One is 53.2  
13 percent Hispanic VAP, and the other is 55.9  
14 percent Hispanic VAP.

15 This map does not retain the same  
16 orientation of districts in Broward and Palm  
17 Beach Counties, so it does have a coastal  
18 district though extending from North Miami  
19 Beach in Miami-Dade County to Highland Beach in  
20 Palm Beach County. So it is another way of --  
21 and I guess it is noteworthy here that District  
22 33 in this plan is six -- that is not right --  
23 is 61 percent African-American. How is that?

24 SENATOR GAETZ: I'm sorry, are there  
25 questions?

1           SENATOR BULLARD: Mr. Chairman?

2           SENATOR GAETZ: Senator Bullard.

3           SENATOR BULLARD: We are -- based on the  
4 statement just made --

5           SENATOR GAETZ: I apologize, ma'am, I  
6 can't hear you well.

7           SENATOR BULLARD: Based on the statement  
8 just made, Mr. Guthrie, I just want to ask,  
9 where is that district and where -- the  
10 61 percent?

11          SENATOR GAETZ: For -- so that everybody  
12 can follow us, we are on plan 72, and could you  
13 be responsive to Senate Bullard's query,  
14 please?

15          SENATOR BULLARD: What district is that?

16          MR. GUTHRIE: There is a District 33 here  
17 that includes Miramar, Pembroke Pines,  
18 Hollywood, Dania Beach, Ft. Lauderdale, North  
19 Lauderdale, Pompano Beach, and extends up to  
20 Deerfield Beach, and that district in this  
21 proposal, District 33, is 61 percent  
22 African-American voting age population.

23          SENATOR BULLARD: Mr. Chairman, for a  
24 follow-up?

25          SENATOR GAETZ: Yes, of course, Senator



1 Bullard.

2 SENATOR BULLARD: So is this a newly  
3 created district on this map? I mean, I know  
4 the district was there, but it is different  
5 than it was before, is that correct?

6 SENATOR GAETZ: Yes, ma'am, it is  
7 different, and Mr. Guthrie, would you point out  
8 the major remarkable differences between the  
9 existing minority access district and what is  
10 labeled here as District 33?

11 MR. GUTHRIE: Sure. So the District 33,  
12 as we were saying, extends from the Miami-Dade  
13 county line north to the Palm Beach County  
14 line --

15 SENATOR BULLARD: Uh-huh.

16 MR. GUTHRIE: -- from Miramar/Pembroke  
17 Pines all the way up to Deerfield Beach. The  
18 existing Senate District 29 includes downtown  
19 Ft. Lauderdale and then extends north through  
20 Pompano Beach, Deerfield Beach, to West Palm  
21 Beach in Palm Beach County.

22 SENATOR BULLARD: Okay. Mr. Chairman, for  
23 follow-up?

24 SENATOR GAETZ: Yes, ma'am.

25 SENATOR BULLARD: So, now, District 39 is

1 now all in the Everglades. Where are the --  
2 where is it? I mean, I see the number, but  
3 what area is that covering? Can you tell me?

4 SENATOR GAETZ: Would you back up the map,  
5 give us a wider view, so that Senator Bullard  
6 can see District 39 on this map?

7 MR. GUTHRIE: So Monroe County plus --  
8 Monroe County plus Collier County is in -- in  
9 this proposal is in District 36.

10 SENATOR BULLARD: Uh-huh.

11 MR. GUTHRIE: District 36 is one of -- is  
12 the bare majority Hispanic district, 53.7  
13 percent Hispanic and 6.7 percent  
14 African-American. Portion of the existing  
15 District 39 is in District 37 in this scenario.  
16 District 37 in this scenario is 59.9 percent  
17 Hispanic and -- excuse me, 37, 55.9 percent  
18 Hispanic and 18.6 percent African-American.

19 We also have portions of District 39 that  
20 are in the proposed District 40 and the  
21 proposed District 35, but District -- District  
22 35 is the district that, by and large, includes  
23 the same territories in the current Senate  
24 District 33, and District 40 in this scenario  
25 is a majority Hispanic district.

1           So out of Miami-Dade County, there is one  
2           district proposed with a significant  
3           African-American population, that being  
4           District 35, which is 64.8 percent  
5           African-American VAP.

6           SENATOR BULLARD: I hear you.

7           MR. GUTHRIE: Okay.

8           SENATOR BULLARD: Thank you.

9           SENATOR GAETZ: Thank you, Senator  
10          Bullard.

11          Other comments or questions on this  
12          scenario?

13          SENATOR JOYNER: Mr. Chair, Mr. Guthrie --

14          SENATOR GAETZ: Yes, Senator Joyner.

15          SENATOR JOYNER: -- you said something  
16          about there would be 61 percent  
17          African-American. Which one of those districts  
18          is that?

19          MR. GUTHRIE: District 33 in Broward  
20          County extending from Miramar through Hollywood  
21          through Ft. Lauderdale to Deerfield Beach is  
22          61 percent African-American VAP.

23          SENATOR JOYNER: Are we improperly  
24          over-packing the district with minority voters  
25          if we do more than what is necessary to achieve

1 a minority seat and violate other criteria?

2 SENATOR GAETZ: Excellent question, and  
3 why don't you start answering that question by  
4 telling us what the African-American percentage  
5 is now in that district -- in the district that  
6 is closely aligned to that?

7 MR. GUTHRIE: Closely aligned would be a  
8 bit of an exaggeration, but the district that  
9 includes Ft. Lauderdale --

10 SENATOR GAETZ: Yes.

11 MR. GUTHRIE: -- District 29, is  
12 59 percent African-American VAP, and in this  
13 proposal, the district is 61 percent  
14 African-American VAP.

15 SENATOR GAETZ: Any other questions?  
16 Comments?

17 SENATOR JOYNER: I want -- I have a  
18 question.

19 SENATOR GAETZ: Senator Joyner.

20 SENATOR JOYNER: So if -- I think Senator  
21 Lynn asked a question about a district with  
22 minority representation, and whether minority  
23 was Hispanic, black or a combination of both.  
24 And I would like to know if it was all  
25 African-American with 80 percent, would it

1           violate the Constitution, or if it was a  
2           combination of African-American and Hispanic,  
3           would it violate the Constitution?

4           SENATOR GAETZ: I think we will punt that  
5           to Mr. Bardos.

6           MR. BARDOS: I think "packing" has  
7           different connotations in political science and  
8           in law. I think in political science, as a  
9           concept, it is -- it is -- it is -- people  
10          think about high numbers and they think about  
11          different things than what Section 2 of the  
12          Voting Rights Act considers.

13          I think in a legal context, packing claims  
14          are generally brought under Section 2, and they  
15          are, relatively speaking, uncommon. The -- to  
16          establish a successful packing claim, one would  
17          have to show the @jingles criteria and then  
18          establish that under the totality of the  
19          circumstances, minorities have less opportunity  
20          than other members of the electorate to  
21          participate in the political process and elect  
22          candidates of their choice. But really the  
23          analysis is aimed at whether it is possible to  
24          create more majority-minority districts than  
25          what the current map creates.

1           So, for example, there was a case in the  
2           Dakotas not long ago where there was an Indian  
3           reservation where two districts were created,  
4           and one of them was 30 percent Native American  
5           and the other was 90 percent Native American,  
6           and the court said that the State could have  
7           created two 60 percent districts instead, and  
8           it ordered that that be done.

9           But in this case where there is a district  
10          that is 60 percent minority, unless it can be  
11          shown that there is a neighboring district  
12          which could have been differently divided so  
13          that a greater number of majority-minority  
14          districts could be created, under Section 2, I  
15          think it would be very difficult to establish a  
16          packing claim. I think beyond that, there  
17          might be considerations as a matter of public  
18          policy for the Committee, but as a legal  
19          matter, I think that threshold showing would  
20          have to be made.

21          SENATOR GAETZ: And Senator Joyner will  
22          correct me if I am wrong, but I think the other  
23          part of her question was is packing created  
24          when African-American and Hispanic voters are  
25          put together, and if say there were 60 percent

1 African-American and 20 percent Hispanic,  
2 creating 80 percent non-white, does that  
3 definitionally create packing? Is that also  
4 part of your question, ma'am?

5 MR. BARDOS: And I think that question is  
6 really an open one. In Bartlett versus  
7 Strickland, the United States Supreme Court  
8 expressly declined to answer the question  
9 whether Section 2 claims can be brought  
10 collectively by different minority groups. And  
11 a number of lower court decisions have held  
12 that they can, there's at least one Circuit  
13 Court of Appeal that has held that they cannot,  
14 but the general weight of case law seems to be  
15 in favor of allowing Section 2 claims to be  
16 brought by -- collectively by minority voters,  
17 assuming that they are politically cohesive.

18 SENATOR GAETZ: Senator Detert.

19 SENATOR DETERT: Probably another legal  
20 question, but what would be the minimum  
21 requirement? More than 50 percent? I mean, if  
22 61 percent is considered too high, what is  
23 considered the floor?

24 SENATOR GAETZ: And I think it is fair to  
25 say that we did not get an opinion that

1           61 percent was too high, but -- Mr. Bardos.

2           MR. BARDOS: I wouldn't say that there is  
3           a single threshold looking at a district in its  
4           -- in isolation. I think you would have to  
5           look at the neighboring areas, you would have  
6           to look at the districts that border on the  
7           district which might have the large minority  
8           population, and then you would have to consider  
9           can that region be divided differently so that  
10          it creates a greater number of  
11          majority-minority districts. So if there is a  
12          district that has, say, a 70 percent minority  
13          population, but there are no neighboring  
14          districts that have any significant minority  
15          population, then by dividing it differently,  
16          you might create two 35 percent districts, but,  
17          again, Section 2 of the Voting Rights Act since  
18          Bartlett has required a majority-minority  
19          threshold. So if you could show, for example,  
20          that there is a 90 percent district next to a  
21          30 percent district, that would be -- that  
22          could meet one criterion at least of a Section  
23          2 showing. If it were divided differently, it  
24          could create two 60 percent districts. But it  
25          really depends on an analysis of the region and



1 not just one district in isolation.

2 SENATOR GAETZ: Other comments or  
3 questions at this point?

4 If not, Mr. Guthrie, why don't we -- if  
5 you can summarize where we are at this point.  
6 We want to provide additional opportunities if  
7 the Committee members wish to provide proposed  
8 guidance to professional staff, and then we  
9 have several individuals who have traveled that  
10 we want to make sure to get an opportunity to  
11 speak to the Committee.

12 MR. GUTHRIE: We can take, Senator, a very  
13 quick look. We will skip over for the time  
14 being plan 95 and move to plan 86 by Bruce  
15 King. We have looked at Mr. King's proposals  
16 before. It is a good example of what the  
17 consequence is if you try to strictly apply a  
18 concept of applying a grid-like pattern or  
19 rectangular shapes to your districts without  
20 much regard to minority voting opportunities or  
21 political and geographic boundaries. And so  
22 the result of that is that you have a lot of  
23 cities and counties that -- county boundaries  
24 that are not followed, and the opportunities  
25 for racial minorities in Mr. King's plans are

1 less than in some of the other proposals.

2 And I think with that, we can close the  
3 book on our southeast Florida proposal --  
4 Senate proposals.

5 SENATOR LATVALA: Mr. Chairman?

6 SENATOR GAETZ: Senator Latvala.

7 SENATOR LATVALA: Would not the same  
8 charge that we gave to the staff at the last  
9 meeting with regard to the districts in  
10 northeast Florida on the maximizing the  
11 minority populations of the districts as our  
12 Tier 1 responsibility, would that not also  
13 apply to the rest of the state? Or was that  
14 just northeast Florida that we did that?

15 SENATOR GAETZ: It was in the context of  
16 our northeast Florida meeting, but I took it,  
17 and I stand to be corrected, as an admonition  
18 to the professional staff everywhere in the  
19 state.

20 SENATOR LATVALA: Okay. Well, there were  
21 a couple of those maps that obviously did not  
22 -- you know, did not even meet -- come anywhere  
23 near that criteria, this one for one, and the  
24 one that took the minority voters in Palm Beach  
25 out of an existing minority district obviously

1           would be the same kind of situation. They  
2           would not be given the opportunity to vote for  
3           the candidate of their choice, you know, since  
4           they are in that district now and they wouldn't  
5           be in the future. So, I mean, I just wanted to  
6           reiterate that that is what we wanted the staff  
7           to do.

8                     Now, if -- once we get into Miami-Dade,  
9           then would that charge also include, you know,  
10          maximizing, you know, both the African-American  
11          and the Hispanic access seats?

12                    SENATOR GAETZ: Well, that is a good  
13          question that perhaps we should take some  
14          committee discussion on, and we would certainly  
15          look for guidance to those who know those  
16          communities well. But all members who have had  
17          a chance to review all of the testimony that we  
18          have taken, all of the submittals that we have  
19          received, is there comment or discussion on  
20          that point? We either have a very tired  
21          Committee or a very -- or there is Thorazine in  
22          the water.

23                    Senator Gibson, I knew we could count on  
24          you.

25                    SENATOR GIBSON: Thank you, Mr. Chairman.

1 I'm getting a little hazy here, but we are  
2 speaking to the point of what, again?

3 SENATOR GAETZ: The question, Senator  
4 Gibson, is as we -- and Senator Latvala will  
5 correct me -- that as we move into Miami-Dade  
6 and as we look generally at southeast Florida,  
7 is professional staff to be guided by --  
8 continue to be guided by the same direction  
9 that we provided earlier, and that is that we  
10 need to follow the -- follow the admonition, if  
11 you will, that minority voting rights need to  
12 be a Tier 1 consideration before we go to other  
13 considerations in the development of a PCB for  
14 this area. That is the -- that is the topic on  
15 the table, and we would certainly be happy to  
16 hear your opinions.

17 Senator Siplin.

18 SENATOR SIPLIN: Thank you, Mr. Chair.

19 I thank the attorney would agree with me,  
20 we can't have protection of minority seats in  
21 one section of the state and not do the same  
22 for the other section of the state. So, I  
23 mean, it is just common sense legally, as an  
24 attorney, worked for a federal judge, that the  
25 criteria that we establish for our staff must

1 be a consistent criteria, particularly when it  
2 deals with Fair District, and Fair District  
3 says that we cannot reduce or do away with  
4 minority seats, as well as the U.S.  
5 Constitution, as well as the Voting Rights Act.  
6 So I think we got three prong requirement to  
7 make sure that we -- in drafting any of these  
8 seats around the state of Florida, that we take  
9 care of those -- those seats first.

10 A VOICE: Mr. Chair?

11 SENATOR GAETZ: Senator Gibson, did you  
12 have a comment, ma'am, before I go to the other  
13 side of the table?

14 SENATOR GIBSON: Thank you, Mr. Chair, and  
15 certainly I concur with some of Senator  
16 Siplin's thoughts and certainly with my own  
17 that I have expressed earlier, and that is we  
18 can't constitutionally apply different  
19 standards to different areas of the state if we  
20 are going to follow the Constitution and if we  
21 are going to continue putting communities of  
22 interest -- again, I go back to the coastal and  
23 the rural and the flowers and the trees, and  
24 if --

25 SENATOR GAETZ: Well, before we chase

1           butterflies, what we are talking about here are  
2           not flowers and trees and coasts.

3           SENATOR GIBSON: I understand.

4           SENATOR GAETZ: We are talking -- the  
5           question on the table that Senator Latvala has  
6           asked us to answer has to do with minority  
7           access districts and protecting minority voting  
8           rights, nothing about communities of interest.

9           SENATOR GIBSON: Well, to that point,  
10          then, if it is constitutionally required, and  
11          we have been talking about communities of  
12          common whatever, because they are -- it is the  
13          Nature Coast, and to the extent that we have  
14          heard that minorities based on voting history  
15          also have commonalities, then certainly it  
16          should be a consideration.

17          SENATOR GAETZ: Senator Diaz de la  
18          Portilla.

19          SENATOR DE LA PORTILLA: Yes, and I think  
20          to that point, Mr. Chairman -- thank you, first  
21          of all -- that is what the Constitution says.  
22          I mean, that is part of Tier 1, and that is  
23          what we have applied in every other area that  
24          we have looked at, because that is what, you  
25          know, Article III, Sections 20 and 21 say as

1 part of the Tier 1 analysis, that we can't  
2 abridge the opportunities for racial and  
3 language minorities.

4 I think -- one other observation, and by  
5 way of -- what I would like to give by way of  
6 direction to staff also is that when you take a  
7 look at the Constitution, both the Tier 1 and  
8 Tier 2, the Tier 2 aspect talks about equal as  
9 practicable as possible, and population  
10 districts that are as equal as practicable,  
11 compactness, and where feasible, use political  
12 -- existing political and geographic  
13 boundaries. That Tier 2 application -- or  
14 application of that Tier 2 could come in dense  
15 urban areas in conflict with the Tier 1  
16 analysis, because in trying to maximize  
17 opportunities for racial and language  
18 minorities, we may not be able, it may not be  
19 feasible to follow existing political and  
20 geographical boundaries. It is a lot easier to  
21 do that in a more rural area.

22 So I think by way of direction to staff,  
23 yes, for the sake of consistency, for the sake  
24 of following what the Constitution says, the  
25 same direction needs to be given as far as this

1 area of the state, with the additional  
2 admonition that, of course, it is going to be  
3 harder and perhaps not as feasible to follow  
4 geographical and political boundaries,  
5 particularly political boundaries, because you  
6 have to try to maximize the Tier -- the efforts  
7 to meet the Tier 1 criteria.

8 That is the direction that I would give,  
9 unless there is any objection from anyone. I  
10 think that is what makes sense for the urban  
11 areas in order to accomplish that overriding  
12 goal.

13 SENATOR GAETZ: Speaker Thrasher.

14 SENATOR THRASHER: Mr. Chairman, again, I  
15 think Senator Diaz de la Portilla is right, I  
16 think Senator Siplin is right and Senator  
17 Gibson is right, and I think if you go back to  
18 our prior discussion at the last meeting, we  
19 talked about the hierarchy of how we are going  
20 to look at this. Minority, racial, language,  
21 folks, have the first and paramount priority in  
22 developing our districts, whether it is south  
23 Florida or whether it is north Florida.  
24 Amendments 5 and 6 weren't adopted for one part  
25 of the state. They were adopted for the entire



1 state. So we look at that, we look at ensuring  
2 that we are not favoring incumbents or a  
3 political party, we look at compactness, and we  
4 look as feasible, as you said, Senator Diaz de  
5 la Portilla, utilizing existing county and  
6 municipal lines. That, I believe, was the  
7 direction to the staff last time. It ought to  
8 be the same direction to the staff this time,  
9 in my opinion.

10 SENATOR GAETZ: Thank you, Senator. Let  
11 me make an attempt, and then I stand to be  
12 edited, of course, if I may make an attempt to  
13 summarize then what we have heard from all of  
14 those who have commented.

15 The State Constitution's Tier 1 priority  
16 is to ensure that the ability of minorities,  
17 Hispanic or African-American, to elect  
18 candidates of their choice cannot be  
19 diminished. That is Tier 1 in Amendments 5 and  
20 6. We would, therefore, instruct staff to draw  
21 districts in which minorities are as likely as  
22 in the current Congressional Districts 17, 18,  
23 21, 23 and 25 to elect the candidates of their  
24 choice.

25 If at the same time -- this gets to the

1 point that Senator Thrasher was just making --  
2 these districts can be made more compact, we  
3 instruct staff to make them more compact, but  
4 if not, the preservation of minority voting  
5 opportunities should always come first. And in  
6 drawing these districts, as with all districts,  
7 staff is directed to take into consideration  
8 traditional redistricting principles as  
9 provided for under law.

10 Now, is there objection to that summation  
11 of what we have heard from everyone who has  
12 spoken? Is there anybody -- yes, Leader Rich.

13 SENATOR RICH: I don't -- I just want to  
14 say that I think Senator de la Portilla kind of  
15 hit it on the head, because we have to balance  
16 a lot of things here, and it is much more  
17 difficult in the urban areas of our state. So,  
18 you know, as long as everything -- we are  
19 looking at the Constitution and what is  
20 required by our Constitution, our State  
21 Constitution and the new amendments, then I  
22 think that is the direction that the staff has  
23 to go.

24 SENATOR GAETZ: Thank you, Leader. Thank  
25 you very much for that.

1           So let me again, just so that we are all  
2           on the page, you can agree or disagree, let me  
3           again try to summarize the instructions for  
4           professional staff with Leader Rich's excellent  
5           comments.

6           The State Constitution, as Leader Rich has  
7           said, the State Constitution must be abided by,  
8           and the Constitution's Tier 1 priority is to  
9           ensure the ability of minorities, Hispanic or  
10          African-American both, to elect candidates of  
11          their choice, and that that ability not be  
12          diminished. Therefore, the Committee would  
13          instruct professional staff to draw districts  
14          in which minorities are as likely as in the  
15          current districts to elect the candidates of  
16          their choice. And I think here we're talking  
17          about Districts 17, 18, 21, 23 and 25.

18          If at the same time these districts can be  
19          made more compact, as several of us have  
20          mentioned, then they need to be made more  
21          compact, but if not, then the Committee  
22          instructs professional staff that the  
23          preservation of minority voting rights should  
24          come first, and in drawing these districts, as  
25          with all districts, staff would be directed to

1 take into account traditional redistricting  
2 principles as found under the law.

3 Is there any improvement that anybody  
4 would like to make on that? I am sure there  
5 could be if anybody would like to try. Senator  
6 Siplin offers his support.

7 Is there any objection? Is there any  
8 objection?

9 All right. Then let the record show that  
10 this was unanimously agreed to without  
11 objection.

12 And, Mr. Guthrie, what else?

13 MR. GUTHRIE: That concludes our look at  
14 Senate proposals. We can spend, if you would  
15 like, Mr. Chairman, a minute or two looking at  
16 just a couple of the House proposals that were  
17 presented to the Committee.

18 SENATOR GAETZ: You are recognized for a  
19 minute or two.

20 Senator Bullard for a question.

21 SENATOR BULLARD: Mr. Chairman, in all due  
22 respect, you know, if you would -- really, I  
23 don't know how many people came from out of  
24 town, and we were going to give them an  
25 opportunity to say something, so --

1           SENATOR GAETZ: Without objection, we will  
2 skip over the House proposals and we will take  
3 the individuals first who are citizens who came  
4 from out of town, then we will take frequent  
5 visitors to the committee and then we will take  
6 lobbyists.

7           We will start with Mr. Robert Spooney from  
8 Orlando. Mr. Spooney, please come forward if  
9 you are here. We thank you for coming all of  
10 the way that you have, and you are welcome to  
11 provide your testimony. We would ask that you  
12 keep it to three or four minutes in deference  
13 to the others who would like to testify.

14           You are recognized, sir.

15           DR. SPOONEY: First of all, thank you,  
16 Chairman Gaetz and honorable members of the  
17 Committee for allowing me to come and make  
18 these remarks specific to public congressional  
19 plan 109.

20           As our state continues to grow in  
21 population, I personally believe that our  
22 congressional districts can serve as a  
23 foundation or template for growth management.  
24 That being said, the plan that I have submitted  
25 before this Committee for consideration

1 exemplifies, in my opinion, the most fair and  
2 compact way to maintain current congressional  
3 minority representation as constitutionally  
4 mandated, while increasing the possibility for  
5 both African-American and Hispanic  
6 representation in the halls of the Congress.

7 I believe that it is a foregone conclusion  
8 that the growth of the Hispanic and black  
9 voting age populations in central Florida and  
10 south Florida make these areas appropriate for  
11 the placement of Florida's two new  
12 congressional districts, and particularly  
13 appropriate for a district that will allow  
14 minority candidates the opportunity to be  
15 successfully elected to serve Florida in  
16 Congress.

17 My congressional plan is unique from the  
18 other plans that I have seen submitted in that  
19 I have been able to develop and design a simple  
20 majority-minority district, or as you prefer or  
21 refer in your jargon, an opportunity or  
22 coalition district in central Florida. This is  
23 what I call the proposed Congressional District  
24 26. This proposed district is comprised  
25 approximately of 36 percent white voting age

1 population, 33 percent black voting age  
2 population, 26 percent Hispanic voting age  
3 population and five percent other, which could  
4 very well yield a successful African-American  
5 or Hispanic Congressperson.

6 In addition to that, I have been able to  
7 develop and design a majority Hispanic district  
8 in south Florida that has a 64 percent voting  
9 age population, and I am calling that proposed  
10 Congressional District 27. And this would  
11 possibly -- this District 27 would possibly  
12 increase Hispanic congressional representation  
13 to four or five, depending on the results --  
14 the election results of the proposed  
15 Congressional District 26.

16 Moreover, this plan also has a  
17 congressional district in north Florida that  
18 spans from Duval County to Leon County. That  
19 congressional district will expand the prospect  
20 of representation for a -- what I call a  
21 uniquely under-served and under-represented  
22 rural minority population in that area.

23 This plan recognizes some solid  
24 communities of interest, as we have heard this  
25 -- that phrase used constantly today, and

1 particularly it does that in north, central and  
2 south Florida, while at the same time it  
3 respects the constitutional mandates of  
4 Amendment 5 and 6.

5 So I just would earnestly request your  
6 consideration for this simple plan that I have  
7 developed so that everybody could be happy.

8 SENATOR GAETZ: Thank you very much.  
9 Universal happiness is a goal to be sought  
10 after.

11 Any questions for Mr. Spooney? If not,  
12 next we will go to -- and I apologize,  
13 Reverend -- the Reverend Dr. Jonas -- and is it  
14 Jorges or Georges? All the way from my former  
15 village of Miami Shores. In fact, you live not  
16 to far from where I lived, sir. Welcome. And  
17 could you give us the correct pronunciation of  
18 your last name, with my apologies?

19 DR. GEORGES: Georges.

20 SENATOR GAETZ: Georges?

21 DR. GEORGES: Georges.

22 SENATOR GAETZ: Doctor, thank you very  
23 much for being here, and, sir, you are  
24 recognized for three or four minutes.

25 DR. GEORGES: Mr. Chairman, guests and



1 members of the Committee, it is indeed a  
2 privilege for me to represent my community and  
3 sort of make this presentation to you on behalf  
4 of us all. It is on behalf of District 17,  
5 which hasn't been featured here today, but  
6 which is one of those minority districts in  
7 south Florida in which we, the Haitian-American  
8 community, have a great deal of interest. It  
9 is currently being served by an  
10 African-American, and we figure that this is  
11 the one district, among others, that allows the  
12 largest portion of our people to express  
13 themselves, to vote in a very meaningful way,  
14 and, therefore, we have submitted a map which  
15 takes into considerations all the legal  
16 considerations -- aspects of the legislation.  
17 And the purpose of coming here is to reiterate  
18 our interest in seeing our map given due  
19 consideration.

20 SENATOR GAETZ: And, pardon me, sir,  
21 pardon me, Doctor, do you -- did you submit  
22 your map in such a fashion that it has a number  
23 so that committee members can go to that map?

24 DR. GEORGES: 0043.

25 SENATOR GAETZ: 0043, okay --

1 DR. GEORGES: 0043.

2 SENATOR GAETZ: -- for members who want to  
3 go there now or later. Thank you very much.

4 DR. GEORGES: It is our understanding --

5 SENATOR GAETZ: Say again, please? It is  
6 in the packets that we have in front of us,  
7 okay. Thank your, Doctor.

8 DR. GEORGES: It is our understanding that  
9 up until yesterday, our map was the only one.  
10 So we don't quite know what happens later on,  
11 whether there were competitive maps, but if  
12 that is the case, we would gladly recommend  
13 that the Committee give full consideration to  
14 adopting this map, because as far as our group,  
15 the Haitian-American Task Force on  
16 Redistricting, is concerned, it sort of allows  
17 the black majority in the district to remain  
18 intact, and to have a larger number of  
19 Haitian-Americans to be part of that district,  
20 which encourages participation and also helps  
21 people feel that their vote is meaningful.

22 Thank you very much for listening to me,  
23 and we will be on our way back to Miami.

24 SENATOR GAETZ: Thank you very much,  
25 Doctor, and your map is part of the Committee's

1 record, it is under consideration. There are  
2 156 maps, but we have your map in our packet  
3 today, and I am sure committee members will  
4 give it every consideration. You are welcome  
5 to contact any of us to do any follow-up, or to  
6 contact our professional staff. Safe drive  
7 back to Miami.

8 DR. GEORGES: Thank you.

9 SENATOR GAETZ: Next we will hear from --  
10 it is either Jean or Jean Lafortune, who is  
11 Chairman of the Haitian-American Grass Roots  
12 Coalition, all the way from Miami.

13 And you are recognized, sir, and we  
14 appreciate your testimony for about three or  
15 four minutes.

16 MR. LAFORTUNE: Good evening, Chairman  
17 Gaetz and members of the Committee.  
18 Miami-Dade, where I come from, has evolved for  
19 the past 20, 25 years, and we really urge the  
20 Committee to take into consideration the plan  
21 that we have proposed, 0043, CPUB 0043, so that  
22 in order ethnic minority can have an  
23 opportunity to elect a candidate of choice.

24 Miami-Dade we know is not an easy  
25 community to deal with redistricting. It is

1 very challenging. It is one of those unique  
2 places in Florida. And, as Floridians, we  
3 really want to call on your wisdom to carve  
4 those lines in a fair way.

5 We agree with Amendment 5 and 6 because it  
6 give some power to the citizens of the state,  
7 and as you deliberate to finalize a fair plan  
8 for our county, for Miami-Dade, we are counting  
9 on you, all of you, to make what is necessary  
10 for those new voices, for those imaging voices  
11 in Florida, in Miami-Dade. We have waited  
12 long, long, long enough.

13 Thank you very much, and may the blessed  
14 one be with all of you.

15 SENATOR GAETZ: Thank you. Thank you very  
16 much, sir, for coming, for being here with us  
17 today.

18 Our next speaker is a familiar visitor to  
19 the Committee, Ryan Terrell. Mr. Terrell,  
20 welcome back. We wouldn't know how to meet  
21 without you. And you are recognized, sir, for  
22 three or four minutes.

23 MR. TERRELL: Thank you, Mr. Chairman, and  
24 I am wondering while I am speaking if they  
25 could pull up my proposal, because it was

1 originally on the discussion for today, but we  
2 didn't get to go over it, plan number 95.

3 SENATOR GAETZ: We will certainly bring it  
4 up, and you are welcome to speak to it.

5 MR. TERRELL: Thank you.

6 The main -- the main issues that are dealt  
7 with in this proposal is that it does expand  
8 the number of Hispanic majority districts in  
9 the Miami-Dade area. It goes from three to  
10 five. You do that -- I think under this map  
11 you actually keep the number of  
12 African-Americans who have majority districts  
13 under the current map, which are two, and then  
14 there's, of course, the access seat that is a  
15 mix between African-Americans and Hispanics.  
16 That seat actually does become -- when it is  
17 compact, it does become a Hispanic majority  
18 seat that still has a significant percentage of  
19 African-Americans, which in this seat, it is  
20 District 38. I did try to keep the numbers  
21 very similar to the current numbers so that you  
22 could kind of make the understanding of, all  
23 right, how did my district lines change.

24 I am particularly -- I am from District  
25 34, which under this map does become a

1 minority-majority district. It is about 38.3  
2 percent Hispanic, I think, and then it is  
3 another 14 percent African-American. So this  
4 seat actually was a white majority seat in the  
5 last decade, but based off of becoming compact  
6 and staying within Broward County, it becomes a  
7 minority-majority district.

8 District 33, which under the current map  
9 is an African-American majority district, I did  
10 not expand it into Palm Beach County, because  
11 when you are retrogressing districts, it is  
12 permissible under two situations. One is if  
13 the district has to gain a substantial amount  
14 of population and there are no minority areas  
15 immediately surrounding it that you can expand  
16 into. In this case, you'd have to expand all  
17 of the way into West Palm Beach, which is about  
18 an hour drive north of downtown Ft. Lauderdale.  
19 So if you have to expand an hour away just to  
20 make the district even more African-American,  
21 the courts would not uphold that. But it does  
22 stay over 50 percent African-American in this  
23 district and stays entirely within Broward  
24 County.

25 The effects of that are that the districts

1           around it, District 31, then has to expand into  
2           the City of Plantation in order to -- in order  
3           for one district to take that, and then  
4           District 32 and 25 becomes more compact to take  
5           in the areas north of that African-American  
6           majority district. So these districts in Miami  
7           and Broward County become compact while still  
8           maintaining an equal number of minority  
9           representatives and actually expanding the  
10          number in Miami-Dade County by two more  
11          Hispanic representatives.

12                 SENATOR GAETZ: Mr. Terrell, we really  
13            appreciate your submissions and your testimony.  
14            May I ask you a question, please?

15                 MR. TERRELL: Sure.

16                 SENATOR GAETZ: As I understand it, under  
17            your proposal, which would restrict the -- what  
18            we will call the minority opportunity district  
19            to Broward County, correct me if I am wrong,  
20            but I think then that the several thousand,  
21            rather large number of African-Americans who  
22            would then -- who are now in the district that  
23            is similar to that who live in Palm Beach  
24            County would be left out of that district.  
25            What would be your approach to ensuring that

1           they are able to elect a candidate of their  
2           choice?

3           MR. TERRELL: Well, Mr. Chairman, there's  
4           actually two ways that you can go about doing  
5           that. When I was originally drawing this  
6           proposal, I did make the mistake of forgetting  
7           to figure out how to address that population in  
8           Palm Beach County, but I have subsequently gone  
9           back in my redistricting software to look at  
10          it. District 30 under that map that does  
11          contain that West Palm Beach area where those  
12          minorities live, you -- it is technically about  
13          55 percent white under that map, but you can  
14          actually shift around precincts between that  
15          and the other Palm Beach County districts to  
16          make it minority-majority. It still wouldn't  
17          be an African-American majority district, but  
18          it would still contain enough population of  
19          black and Hispanic voting age population to put  
20          it over 50 percent minority and give those  
21          people a voice.

22          So in this case, I think it is important  
23          for this Committee to understand drawing a  
24          district from Broward to Palm Beach is, one,  
25          unnecessary, but, two, it also runs the risk of



1 being struck down in court, because you can  
2 draw those minority opportunity districts in a  
3 more compact way, and that is what the court  
4 would require. They don't require you to  
5 expand into other communities of interest if  
6 you don't have to.

7 SENATOR GAETZ: Well, Mr. Terrell, that is  
8 very helpful, and if you could provide the  
9 professional staff of the Committee with your  
10 additional iteration that resolves that  
11 problem, that would be -- that would be  
12 helpful, I am sure, to the Committee.

13 MR. TERRELL: Thank you.

14 SENATOR GAETZ: Any other comments or  
15 questions?

16 Thank you, sir.

17 MR. TERRELL: Mr. Chairman, there was one  
18 other comment that I just was reminded of.  
19 When we had discussed northeast Florida two  
20 weeks ago, there was a similar situation where  
21 the Committee was wondering how to address a  
22 minority access district in the Jacksonville  
23 area, and there was a proposal that expanded  
24 from Jacksonville to Gainesville. That type of  
25 proposal, again -- under this map, if you

1           actually go up to the Jacksonville area, you  
2           can see I drew a minority-majority district  
3           that stayed entirely within Duval County that  
4           is a little bit weaker on the African-American  
5           population, but it is still about 42 percent  
6           voting age. But it shows that you don't have  
7           to expand into another community of interest in  
8           order to protect the minority rights of those  
9           people in that area.

10                        So those are the type of considerations  
11           that this Committee needs to take into account.  
12           When you are drawing minority districts, a  
13           court will not ask you to draw from one major  
14           city to another in order to create a district,  
15           at least on the Senate or House level.

16                        SENATOR GAETZ: Okay. Thank you very  
17           much, sir.

18                        MR. TERRELL: Thank you.

19                        SENATOR GAETZ: We appreciate it. And our  
20           final speaker today is Todd Bonlarron, who is  
21           the Legislative Affairs Director for Palm Beach  
22           County.

23                        Mr. Bonlarron, nice to see you again.

24                        MR. BONLARRON: Thank you, Mr. Chair.

25                        SENATOR GAETZ: And you've got about two

1 minutes.

2 MR. BONLARRON: Thank you, Mr. Chairman.

3 Since the 2000 census and 2010, Palm Beach  
4 County continues to evolve as a unique area  
5 with well-defined interests. And based on the  
6 communities of interest in Palm Beach County  
7 and the need to provide county residents with  
8 equal representation, also to respect the  
9 county geographical boundaries, our county  
10 commission urges the Legislature to adopt an  
11 apportionment plan that minimizes, not  
12 eliminate, overlap of Senatorial and  
13 Representative districts and counties adjacent  
14 to Palm Beach County.

15 We believe the Legislature must adhere to  
16 the constitutional provisions of following  
17 political and geographical boundaries in  
18 keeping districts compact, but we also ask the  
19 Legislature to consider within that the  
20 principle of communities of similar interest.

21 I would just emphasize the comments that  
22 Senator Negron made earlier about an area of  
23 similar interest in the northern end of Palm  
24 Beach County as it relates to our friends in  
25 Martin County to the north of us. We believe

1           that we can create a district that is compact  
2           and follows boundaries and also maintains this  
3           community of interest.

4           Most importantly, though, we would ask you  
5           to support the adoption of apportionment plan  
6           in Palm Beach County where residents comprise  
7           the majority of the constituencies in  
8           Senatorial and Representative districts --

9           SENATOR GAETZ: Todd, can you give us --  
10          is there a plan number that you would recommend  
11          to us?

12          MR. BONLARRON: I will, but this is  
13          important.

14          -- such that no less than three Senate  
15          districts are created with a majority of their  
16          district within Palm Beach County.

17          Of the plans that were presented today,  
18          two of those plans, number 84 and number 86 --  
19          and I speak only to the issue of share of the  
20          district numbers -- contain districts that have  
21          at least three Senate districts with a majority  
22          of their district within Palm Beach County.  
23          Plan 84 has four districts with over  
24          50 percent, and Plan 86 has three districts  
25          with over 40 percent of the Senate districts

1           comprised.

2                   SENATOR GAETZ: Thank you very much.

3                   I would like to just reference the fact  
4           that if -- looking ahead to our November 15th  
5           meeting, remember, now, our deadlines, if any  
6           Senator would like a particular plan for  
7           southwest Florida to be included on the agenda  
8           for November 15, please make sure to notify the  
9           staff before Monday, November 7, so that that  
10          plan can be included in the meeting notice that  
11          is due before noon that day. And the Chair  
12          will take the Chair's prerogative to continue  
13          any discussion that members may wish to have  
14          about southeast Florida at our next meeting.

15                   Is there any other business? If not,  
16          Leader Rich moves we rise.

17                   (Whereupon, the proceedings were  
18          concluded.)

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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 141 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 22nd day of November, 2011.

\_\_\_\_\_

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014