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SENATE REAPPORTIONMENT COMMITTEE

ROOM KN 412

NOVEMBER 15, 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.

4 THE CLERK: Senator Gaetz?

5 SENATOR GAETZ: Here.

6 THE CLERK: Senator Margolis? Senator  
7 Altman? Senator Benacquisto?

8 SENATOR BENACQUISTO: Here.

9 THE CLERK: Senator Braynon? Senator  
10 Bullard?

11 SENATOR BULLARD: Here.

12 THE CLERK: Senator Dean?

13 SENATOR DEAN: Here.

14 THE CLERK: Senator Detert?

15 SENATOR DETERT: Here.

16 THE CLERK: Senator Diaz de la Portilla?

17 SENATOR DIAZ DE LA PORTILLA: Here.

18 THE CLERK: Senator Evers?

19 SENATOR EVERS: Here.

20 THE CLERK: Senator Florez? Senator  
21 Garcia?

22 SENATOR GARCIA: Here.

23 THE CLERK: Senator Gardiner? Senator  
24 Gibson?

25 SENATOR GIBSON: Here.

1 THE CLERK: Senator Hays?  
2 SENATOR HAYS: Here.  
3 THE CLERK: Senator Joyner?  
4 SENATOR JOYNER: Here.  
5 THE CLERK: Senator Latvala?  
6 SENATOR LATVALA: Here.  
7 THE CLERK: Senator Lynn?  
8 SENATOR LYNN: Here.  
9 THE CLERK: Senator Montford?  
10 SENATOR MONTFORD: Here.  
11 THE CLERK: Senator Negron?  
12 SENATOR NEGRON: Here.  
13 THE CLERK: Senator Rich?  
14 SENATOR RICH: Here.  
15 THE CLERK: Senator Sachs?  
16 SENATOR SACHS: Here.  
17 THE CLERK: Senator Simmons?  
18 SENATOR SIMMONS: Here.  
19 THE CLERK: Senator Siplin?  
20 SENATOR SIPLIN: Here.  
21 THE CLERK: Senator Sobel?  
22 SENATOR SOBEL: Here.  
23 THE CLERK: Senator Storms? Senator  
24 Thrasher?  
25 SENATOR THRASHER: Here.

1 THE CLERK: Quorum present.

2 SENATOR GAETZ: Thank you very much.

3 Please show Leader Gardiner present, he just  
4 walked in, Senator Altman as well, he just  
5 walked in. Excused absences today are Senate  
6 Florez, Senator Storms, Senator Braynon and  
7 President Margolis. And I spoke with President  
8 Margolis, she sends her best wishes. She is in  
9 rehabilitation following successful orthopedic  
10 surgery. She says she is stir crazy and  
11 anxious to get back here and get to work. She  
12 was in very good humor and good fettle when I  
13 spoke with her, and she thanks all Senators who  
14 have sent their good wishes and their prayers  
15 for her recovery. She expects to be back for  
16 our December meeting.

17 Today, Senators, we will continue moving  
18 through the state, region by region, discussing  
19 scenarios for drawing congressional and state  
20 legislative districts based on the input that  
21 we have received from the public. Today we  
22 will focus on the southwest Florida region from  
23 Tampa Bay south to Naples, and as far east as  
24 Lake Okeechobee.

25 Our next meeting, Senators, will be on

1 Tuesday, December 6 -- Tuesday, December 6.  
2 And I would ask you to please bear the  
3 following dates in mind which conform with our  
4 unanimous consent agreement. A week prior, on  
5 Monday, November 28, professional staff will  
6 publish the proposed committee bills that will  
7 be on our agenda for December 6th. The full  
8 set of maps, statistics and downloads for the  
9 proposed committee bills will be posted  
10 prominently on the Senate redistricting  
11 website, and citizens will have several  
12 innovative and convenient ways to comment on  
13 the plans, first by recording video messages  
14 and posting them on the Committee's YouTube  
15 page, by calling 1-855-FLA-MAPS toll free and  
16 recording a voice message, by sending an e-mail  
17 to [redistrictflorida@flsenate.gov](mailto:redistrictflorida@flsenate.gov), by sending a  
18 Tweet to @redistrict2012, or by attending our  
19 December 6th committee meeting in person.

20 We looked hard, our professional staff  
21 did, to find a way to host another round of  
22 public meetings at locations across the state,  
23 and to do so, unfortunately, would have set our  
24 schedule off and would have, I think, made us  
25 subject appropriately to criticism by those who

1 believe that we need to move this process along  
2 deliberately, but without any delays. I was  
3 not willing to settle for a small sample of  
4 locations. If we would have had scheduled  
5 hearings in Miami and Orlando, the question  
6 would have been why not Palm Beach, why not  
7 Tampa, why not Ft. Myers or Jacksonville or  
8 Pensacola. And it just wasn't feasible to set  
9 up a round of hearings unless we wanted to lose  
10 a month.

11 So, as an alternative, professional staff,  
12 in consultation with members of this Committee  
13 and with The Florida Channel, came up with what  
14 I hope you will agree is an easier, more  
15 accessible and more efficient way for  
16 Floridians to comment on the proposed committee  
17 bill.

18 For our December 6th meeting, The Florida  
19 Channel will produce video segments composed of  
20 YouTube videos, voice mail messages, e-mail and  
21 Twitter. If time permits, we will listen to  
22 them all, but if we get more public comment  
23 than we have time to hear, which is my hope,  
24 then we will listen to what we have time for,  
25 and we will post the entire collection,

1 100 percent of all input, on the Senate  
2 redistricting website and encourage all  
3 Senators to review that website prior to taking  
4 any votes on the proposed committee bill.

5 Now, Senators, our primary focus on  
6 December 6th will be on getting the  
7 redistricting plans into the proper posture and  
8 hearing public input. There will be two  
9 proposed committee bills on the agenda  
10 December 6th, one for congressional districts  
11 and the other for state legislative districts.  
12 I would remind Senators that the two bills are,  
13 by Constitution, separate bills. One is on a  
14 different track than the other, although so far  
15 we have been fortunate as we have moved through  
16 our process to be able to maintain a similar  
17 track with both the congressional and the  
18 legislative discussions that we have had.

19 We will take up the proposed committee  
20 bills, the congressional and the state  
21 legislative, as regular agenda items, just like  
22 any other committee. Professional staff will  
23 introduce and explain the proposed committee  
24 bills, and most of the meeting will then be  
25 devoted to listening to public testimony as I

1           have described, the second bite at the apple  
2           that we are inviting people around the state to  
3           participate in, as well as any testimony that  
4           we might be fortunate enough to hear in person.

5                   Before adjourning our meeting on  
6           December 6th, the Chair will entertain motions  
7           to introduce the congressional and legislative  
8           redistricting plans as committee bills, and  
9           then the bills would be filed and we would  
10          expect them to be referred by our Rules Chair  
11          back to the Reapportionment Committee when we  
12          return for regular session following the  
13          Hanukkah/Christmas break.

14                   During that break, professional staff may  
15          incorporate any suggestions and feedback from  
16          the public into a proposed committee  
17          substitute, if that turns out to be necessary.  
18          Any proposed committee substitute will be  
19          published at least seven days in advance of the  
20          Reapportionment Committee's January meeting.

21                   All of these publishing dates, all of  
22          these public notice times are done in  
23          conformance with the Unanimous Consent  
24          Agreement that we developed originally to make  
25          sure that there are not any midnight surprises,

1 to make sure that members of this Committee and  
2 members of the public know exactly what would  
3 be presented for a vote on a proposed committee  
4 bill.

5 That is our long-range plan for reporting  
6 these bills that are our responsibility out of  
7 this Committee, so they can be available for  
8 our Rules Chair and our providing officer to  
9 place on the calendar at their pleasure early  
10 in the session.

11 Let me stop here and ask if there are any  
12 questions about our process or our timeline so  
13 far? Any questions? Any comments?

14 Yes, sir, Leader.

15 SENATOR GARDINER: Thank you,  
16 Mr. Chairman. I believe we had discussed this,  
17 but I wanted to make sure we're on the same  
18 page. If there is a proposed change from a  
19 legislator from the amendment process, that  
20 they could not just pick out one little -- one  
21 specific area or region, they have -- would  
22 have to file something that would indicate  
23 districts for the entire state, is that still  
24 correct?

25 SENATOR GAETZ: Yes, Leader Gardiner.

1           Because -- because of the interlocking nature  
2           of districts, one cannot propose a change in  
3           district lines in one area without affecting  
4           the district lines elsewhere. And, so,  
5           therefore, as a practical matter -- and this is  
6           critical, and thank you, Leader, for bringing  
7           this up -- as a practical matter, any amendment  
8           proposed by a member of this Committee would  
9           really take the form of a strike-all, because  
10          you are going to have to show the consequences.  
11          This was part of our Unanimous Consent  
12          Agreement, that any of us who propose an  
13          amendment need to show the consequences of that  
14          amendment for every other part of the state  
15          determining -- depending upon what those  
16          consequences are. They might be substantial  
17          for neighboring districts, they might be --  
18          they might be marginal for districts further  
19          away. So, yes, Leader, your understanding is  
20          correct.

21                 Are there any other questions at this  
22                 point? If not, let's talk about -- about the  
23                 amendatory process.

24                 Senators who want to file amendments to  
25                 the proposed committee bill -- and, remember,

1 the proposed committee bill will be published  
2 on the 28th of November, the 28th of November,  
3 we will take up the proposed committee bill on  
4 the 6th of December, and any Senator who wishes  
5 to file an amendment, which as we have  
6 discussed as a practical matter takes the form  
7 of a strike-all, may do so as soon as the  
8 proposed committee bills are published. So  
9 when the proposed committee bill comes out, if  
10 you say, "I have an amendment, I believe, that  
11 would make the PCB a better bill, more in  
12 conformance with the legal requirements, more  
13 in conformance with the public testimony that  
14 we have received," you can file it that day or  
15 you can file it as we go forward toward the 6th  
16 of December.

17 But please keep three things in mind:  
18 First, recall that this Committee's Unanimous  
19 Consent Agreement was to avoid last-minute  
20 surprises and to turn down -- to turn down  
21 amendments filed less than 48 hours prior to  
22 the noticed committee meeting time. So for  
23 December 6th -- and I beg you to note this  
24 down. For December 6th, the 48-hour mark will  
25 fall on a Sunday afternoon. Now, the Senate

1 traditionally moves deadlines falling over the  
2 weekend to the previous Friday at five o'clock  
3 p.m., and unless there is objection, I would --  
4 I would recommend to the Committee that we  
5 follow this practice. In other words, if we  
6 are going to have a true 48-hour rule and not  
7 have any midnight surprises, then we can't have  
8 a late Sunday afternoon surprise when nobody is  
9 around, when the press may not be covering what  
10 is happening around here on a Sunday afternoon  
11 and when the public is not watching. So the  
12 48-hour rule would take us back to the close of  
13 business, five o'clock p.m., Eastern time, on  
14 Friday. Is there any objection to that  
15 understanding of the 48-hour rule?

16 Senator Latvala.

17 SENATOR LATVALA: Well, there's no  
18 objection to that on the proposed committee  
19 bill, but the question occurs as we get into  
20 session, are we going to -- you know, in other  
21 words, if it is a Monday meeting and you use a  
22 seven-day advance for the filing of the  
23 committee amendments, which is done on a  
24 calendar basis, then does that mean that the  
25 deadline for amendments would like then be on

1 Wednesday?

2 SENATOR GAETZ: Senator Latvala, as we  
3 discussed when we arrived at our Unanimous  
4 Consent Agreement, we will ask the Senate Rules  
5 Chair to honor this Committee's request that a  
6 48-hour no surprises rule be in effect on the  
7 Senate floor as well. So it is not a seven-day  
8 rule for a proposed com- -- you know, it is a  
9 seven-day rule for a proposed committee bill,  
10 but if you wish to offer an amendment on the  
11 floor, we simply would ask that you follow a  
12 48-hour rule.

13 SENATOR LATVALA: Well, once we get to the  
14 session and we get into a proposed committee  
15 substitute, what would the -- what would the  
16 deadline be on that?

17 SENATOR GAETZ: Seven days.

18 SENATOR LATVALA: Seven calendar days?

19 SENATOR GAETZ: Yes, bearing in mind that  
20 we want to avoid the Sunday afternoon surprise.

21 SENATOR LATVALA: Okay. Well, is --  
22 again, in the instance of a Monday committee  
23 meeting or a Monday floor vote or whatever it  
24 might be, when would the deadline be?

25 SENATOR GAETZ: John, can you help us

1 unscramble this for Senator Latvala?

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

3 Using the same rule that the Chairman  
4 proposed for the meeting on December 6th, we  
5 would back up 48 hours from Monday afternoon,  
6 say. That would be Saturday afternoon.  
7 Because that is during a weekend, we would  
8 extend the period to five o'clock p.m., the  
9 close of business, on the prior Friday.

10 SENATOR LATVALA: That is great. Thank  
11 you.

12 SENATOR GAETZ: Is that satisfactory, sir?

13 SENATOR LATVALA: Thank you.

14 SENATOR GAETZ: Are there further  
15 questions at this point?

16 Getting amendments filed and posted on the  
17 website before the close of business on the  
18 Friday is important to let your fellow Senators  
19 and the media and the public know what you  
20 would propose.

21 The second thing I would ask you to keep  
22 in mind is the process for amending  
23 redistricting legislation is different -- is  
24 different from what we are used to for other  
25 bills. Each amendment, as noted by Leader

1           Gardiner, must refer to a complete statewide  
2           plan. That is the only way that we and the  
3           public can be assured that the legal  
4           description, the maps, the stats, all relate to  
5           the same plan. So even if you are moving one  
6           neighborhood or one block with an amendment,  
7           the proposed plan will have a unique name, and  
8           the legal description of all districts, all  
9           districts, will be incorporated in the  
10          amendment.

11                 So the way you do that -- you don't have  
12           to be a metes and bounds expert for the whole  
13           state of Florida -- the way you do that is to  
14           coordinate with staff when drawing or  
15           submitting or filing an amendment, and allow  
16           yourself and them plenty of time to work up the  
17           amendment. If it is afternoon on Friday,  
18           December 2nd, and you are not engaged in a  
19           two-way communication with professional  
20           committee staff and you intend to file an  
21           amendment, the likelihood of meeting our  
22           agreed-to deadline is probably not in your  
23           favor. So back yourself up a little bit, and  
24           if you intend to file an amendment, understand  
25           that it has to be an amendment that takes into

1 account the consequences across the state and  
2 shows all the technical descriptions.

3 We have the technical descriptions. This  
4 is exactly what Mr. Guthrie has been showing us  
5 in meeting after meeting after meeting. Our  
6 software is extraordinarily useful here.

7 Leader, did you have something, ma'am? I  
8 apologize. Leader Rich? I'm sorry.

9 Okay, and third, the third thing I would  
10 ask you to keep in mind as to the amendatory  
11 process is for the meeting on December 6, the  
12 December 6 meeting, we are only moving to  
13 introduce proposed committee bills. We are  
14 still at that point in the beginning of the  
15 process, and there will be plenty of  
16 opportunity to discuss and debate amendments  
17 when the bills come back to committee. So you  
18 don't have to feel obliged, you certainly can,  
19 but you don't have to feel obliged as if it  
20 were your last opportunity to offer an  
21 amendment on December 6th. You can offer an  
22 amendment at the next meeting as well.

23 Now, let me stop again and ask if there  
24 are any questions about the schedule and about  
25 the procedures that we have adopted by

1 unanimous consent and how the Chair is  
2 interpreting our Unanimous Consent Agreement.

3 Mr. Rules Chair, do you anticipate that we  
4 will have any difficulty in gaining your  
5 support for these procedures when we are on the  
6 Senate floor?

7 SENATOR THRASHER: No, sir.

8 SENATOR GAETZ: Do you have any comment or  
9 guidance for us?

10 SENATOR THRASHER: The thing I would add,  
11 Mr. Chairman, it seems to me that we ought to  
12 have a formal consensus at least on the  
13 procedures that you have outlined. I think  
14 that would help us all. And maybe even have --  
15 if the professional staff could do that, to  
16 outline those procedures in writing so that  
17 every member would have them available.

18 SENATOR GAETZ: Thank you very much,  
19 Speaker Thrasher.

20 Is there any objection to the explanation  
21 that I have given, which I believe is faithful  
22 to the agreements that we have already reached?

23 If not, then, Mr. Guthrie, would you  
24 please follow the Rules Chair's guidance and  
25 provide on a single sheet of paper the schedule

1 and the rules of engagement for the proposed  
2 committee bill process and the amendatory  
3 process and the process when we have reached  
4 the floor.

5 All right. Today we will consider  
6 scenarios for southwest Florida, and we will  
7 begin with a presentation from professional  
8 staff summarizing some of the scenarios and  
9 themes for drawing districts in this part of  
10 the state, scenarios and themes that are drawn  
11 directly from the public testimony that we have  
12 received and from the now, I guess, over 150  
13 maps that we have received and from the  
14 guidance that this Committee has received from  
15 those of you who have had the opportunity to  
16 visit with committee staff.

17 Then following Mr. Guthrie's explanation  
18 of those scenarios, we will take any testimony  
19 from those who have come to address the  
20 Committee today, and after we have heard public  
21 testimony, we will go into discussion and we  
22 will seek guidance from the Committee to the  
23 professional staff for the various scenarios  
24 that have been presented. It has been our  
25 practice in each of the committee meetings that

1 we have had to reserve time for discussion of  
2 statewide plans submitted by Senators, civil  
3 rights organizations and the public. Now, our  
4 deadline for public submissions, as you know,  
5 was November 1st. That was the deadline for  
6 Senators, for interest groups, for the public  
7 to submit plans. And, Mr. Guthrie, how many  
8 plans have we had submitted, sir?

9 MR. GUTHRIE: Thank you, Mr. Chairman.  
10 The slide on the screen here shows that a total  
11 of 157 plans have been submitted to the House  
12 or Senate committees. Seventy-five of those  
13 relate to congressional districts, 39 relate to  
14 Senate districts and -- bad math there -- forty  
15 -- 39 are House and Senate is 43. I apologize  
16 for my bad math there.

17 SENATOR GAETZ: All right. For members  
18 who have kept track of each of the plans that  
19 have been submitted, I would like to announce  
20 with gratitude that plans 154, 155 and 156 were  
21 submitted by the National Association for the  
22 Advancement of Colored People, the NAACP, the  
23 Florida State Conference of the NAACP, and this  
24 is in response to the formal request that this  
25 Committee has made and that the House committee

1 has made to interest groups, civil rights  
2 groups and others to submit maps if they want  
3 their ideas considered, ideas that we have  
4 earnestly solicited.

5 Is a representative of the NAACP here  
6 today who would like to speak to those maps?  
7 Any representative of the NAACP here?

8 Okay. The maps do speak for themselves,  
9 but we certainly wanted to give any NAACP  
10 representatives an opportunity, since they  
11 responded to our specific request.

12 Let's turn, if we may, to -- yes, Senator  
13 Gibson.

14 SENATOR GIBSON: Thank you, Mr. Chairman,  
15 and that we have this packet of maps from the  
16 NAACP and any other civil rights organizations  
17 speaks to a question that I had last time we  
18 met, I think, and that is if the maps -- if we  
19 have already reviewed -- since now we are down  
20 to the last area, southwest, we have already  
21 reviewed all of the other areas, yet we have  
22 this new plan of maps, and the way I understood  
23 it is once we finished with an area, we would  
24 just continue to move on regardless of what  
25 other maps came in. So today we will look at

1 the maps submitted by the NAACP as it relates  
2 to southwest Florida, but we will not be able  
3 to go back and look at any of the areas that we  
4 have already by consensus turned over to staff  
5 to start to draw maps, is that correct?

6 SENATOR GAETZ: I apologize, Senator  
7 Gibson, if I have in any way led you to that  
8 conclusion. Instead, it is certainly in order  
9 for you, during the period of Senator  
10 discussion following public testimony, to raise  
11 any question that you wish to raise. We have  
12 by agreement gone through the state, region by  
13 region, and we need to discuss southwest  
14 Florida today and give some direction to  
15 committee staff, but we certainly may discuss  
16 the NAACP maps as they pertain to any part of  
17 the state during the part of our meeting today  
18 that is reserved for your comments. Yes,  
19 ma'am, we certainly can do that.

20 Any other questions at this point? If  
21 not, are there any Senators who wish to offer  
22 any specific plans today or highlight any  
23 specific plans that you have not indicated to  
24 professional staff that you would like to bring  
25 up? Any Senators who would like to dip into

1 the 157 plans and lift any up that were not on  
2 the agenda?

3 If not, then let's turn to tab four, and  
4 we will recognize Mr. Guthrie, who is our  
5 professional staff director, and he will  
6 present scenarios for congressional districts  
7 in southwest Florida. Mr. Guthrie. Mr.  
8 Guthrie, could you help us understand, are you  
9 moving our screens or only your screen?

10 MR. GUTHRIE: I believe that if you are  
11 signed into the meeting place event on your  
12 calendar, the screen that is on the overhead  
13 also appears on your laptop computer.

14 SENATOR GAETZ: And if there is any  
15 Senator who wishes to have any technical  
16 assistance in getting to the -- to the meeting  
17 portion so that you can follow along with Mr.  
18 Guthrie on your screen as well as the screen in  
19 front of us, please, please let us know, and we  
20 will get you any kind of technical assistance  
21 you need.

22 Mr. Guthrie.

23 MR. GUTHRIE: Okay. So we are going to  
24 start today with congressional scenarios in  
25 southwest Florida. Before I delve into the

1 current congressional districts, let's take  
2 just a brief moment to look at the overall  
3 demographics of southwest Florida.

4 Last week we looked at this same chart.  
5 The most interesting and salient point for  
6 redistricting in southwest Florida is that your  
7 urban areas of Tampa, St. Petersburg,  
8 Clearwater, Bradenton, Sarasota, and a lesser  
9 extent, Ft. Myers, Naples, did not keep pace  
10 with the state's 18 percent population growth,  
11 but the suburban areas immediately to the east  
12 of those urban areas grew substantially faster  
13 than the statewide growth. So what we are  
14 going to see in southwest Florida is that the  
15 urban districts will need to grow in order to  
16 gain population, whereas the suburban districts  
17 will become a little bit geographically smaller  
18 to make up for that. So that is the overall  
19 trend.

20 The other thing that is -- that looms very  
21 large when we are talking about redistricting  
22 in southwest Florida is that the counties of  
23 Hillsborough, Hardee, Hendry, Collier and  
24 Monroe all are covered by Section 5 of the  
25 Federal Voting Rights Act as amended. What

1           that means is that any change affecting voting  
2           in those counties must be approved by federal  
3           authorities before the change can take effect.  
4           The standard of review of such plans, whether  
5           it is by the U.S. Department of Justice or a  
6           Federal District Court for the District of  
7           Columbia, will be does the change in voting  
8           practice or does the new redistricting plan  
9           have the effect of causing a retrogression or a  
10          diminishment in the opportunity of minority  
11          voters to elect candidates of their own  
12          choosing. So Section 5 looms very large --

13                    SENATOR GAETZ: Just a moment, Mr.  
14           Guthrie. Senator Bullard.

15                    SENATOR BULLARD: Thank you, Mr. Chairman.  
16           Mr. Guthrie, I -- according to Amendment 5 and  
17           6, those counties that you just named, they  
18           cannot be in the planning of the drawing of any  
19           district, is that what you are saying? I need  
20           to understand, and maybe you can just clarify  
21           it for me.

22                    SENATOR GAETZ: The application of Section  
23           5 to congressional districts in this part of  
24           the state, and maybe while you are at it, the  
25           application of Section 5 to Senate and House

1 districts.

2 MR. GUTHRIE: Right. So your question is  
3 how does the new -- the changes, the recent  
4 changes, Sections 20 and 21 of the Florida  
5 Constitution as they relate to the diminishment  
6 of opportunities of minority voters, apply to  
7 the federal law requirements under Section 2  
8 and Section 5 of the Voting Rights Act relating  
9 to minority voting opportunities? And the  
10 answer is that the redistricting plans that the  
11 Legislature passed -- passes must meet all  
12 federal, state -- federal, constitutional and  
13 legal standards and all state constitutional  
14 standards. So both apply. And the requirement  
15 of not diminishing the opportunities of  
16 minorities to elect candidates of their own  
17 choosing by virtue of the voters of Florida  
18 putting Sections 20 and 21 into the state --  
19 Article III into the State Constitution is that  
20 the non-diminishment requirement now applies  
21 statewide and will be scrutinized legally  
22 statewide.

23 SENATOR BULLARD: Mr. Chair?

24 SENATOR GAETZ: Yes, you may follow up,  
25 Senator Bullard.

1           SENATOR BULLARD: So, therefore, any map  
2 that is drawn, if that map shows that one of  
3 the counties or any of the counties you just  
4 mentioned are -- have been redrawn or people  
5 are taken from that particular county to go  
6 into the map changed, the drawing of the map  
7 changed, that would definitely be a  
8 constitutional violation, is that what I hear?

9           SENATOR GAETZ: Mr. Guthrie.

10          MR. GUTHRIE: That would be -- the answer  
11 is yes, but let me -- let me explain.

12          SENATOR BULLARD: Yes.

13          MR. GUTHRIE: That would be a violation of  
14 the Federal Voting Rights Act, Section 5, as it  
15 applies to the covered counties: Hillsborough,  
16 Hardee, Hendry, Collier and Monroe.

17          SENATOR BULLARD: Uh-huh.

18          MR. GUTHRIE: It may also be a violation  
19 of the -- independently, or under the State  
20 Constitution. So there are reviews that will  
21 occur by the U.S. Department of Justice or a  
22 Federal District Court for the District of  
23 Columbia where they will look at those five  
24 counties, but also a circuit court in Florida  
25 may look at -- at any county in the state and

1 the effect of districting on opportunities of  
2 racial minorities.

3 SENATOR BULLARD: Thank you.

4 SENATOR GAETZ: Thank you, Senator  
5 Bullard.

6 Senator Detert.

7 SENATOR DETERT: Well, just to put it in  
8 simplistic terms, just because you have a  
9 current minority district doesn't mean you are  
10 totally exempt from any changes, correct?

11 SENATOR GAETZ: Mr. Guthrie. Would you  
12 repeat the question, please, Senator Detert?

13 SENATOR DETERT: The question is, just  
14 because you hold a current minority -- if you  
15 have a current minority district, it doesn't  
16 mean you are exempt from any changes?

17 MR. GUTHRIE: I am not a lawyer. My  
18 layman's review of redistricting standards  
19 would lead me to believe that any dismantling  
20 of an existing minority district would be  
21 problematic.

22 SENATOR GAETZ: And --

23 SENATOR DETERT: But wouldn't the caveat,  
24 though, Mr. Chair, wouldn't the caveat be as  
25 long as the numbers remain what they were, but

1 if your numbers changed as to the composition  
2 of that minority district, then the lines could  
3 change, correct?

4 SENATOR GAETZ: I think the answer to that  
5 question is yes, but not being an attorney, why  
6 don't we turn to committee counsel, and Mr.  
7 Bardos, could you take a crack at that, please,  
8 sir?

9 MR. BARDOS: I think that is correct. The  
10 lines can change as long as the district  
11 retains undiminished ability that it previously  
12 had for minority voters to elect the candidates  
13 of their choice. So the districts -- the  
14 district lines are not frozen and immovable,  
15 but what is essential is that there be  
16 districts in which the minority's voting  
17 strength is not diminished.

18 Now, within the Section 5 counties, you  
19 have less discretion to move those district  
20 lines because -- because those are the only  
21 voters that are protected within Florida under  
22 Section 5 of the Voting Rights Act. So, for  
23 example, if a district is within those five  
24 counties today, and it were moved outside of  
25 those five counties, it might satisfy our

1 constitutional provision in Florida, because  
2 you still have a district with the same  
3 minority voting strength, but it might fail  
4 under Section 5 because you have moved it  
5 outside of the five protected counties. So  
6 there are limitations under Section 5 that  
7 apply specifically to the performing minority  
8 districts within the five protected counties  
9 that restrict the choices that the Legislature  
10 can make.

11 SENATOR GAETZ: Is that satisfactory,  
12 Senator Detert?

13 SENATOR DETERT: Yes.

14 SENATOR GAETZ: Mr. Guthrie, why don't you  
15 proceed and see if we can -- we can be  
16 deliberate, but not drag our feet as we get  
17 through the congressional districts in  
18 southwest Florida.

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

20 So with that as our background, let's take  
21 a look at the existing congressional map. The  
22 first district that I want to focus in on is  
23 this Congressional District 11 in the Tampa Bay  
24 area. That includes parts of Hillsborough,  
25 Pinellas and Manatee Counties. The district

1           currently is 26.8 percent black VAP and 25.8  
2           percent Hispanic VAP. Because it includes  
3           portions of Hillsborough County, the district  
4           is subject to pre-clearance.

5           The other district -- there is another --  
6           there is a majority-minority black district in  
7           south Florida, District 23, which is  
8           principally in Palm Beach and Broward County on  
9           the east coast, but also stretches over to  
10          include a portion of Hendry County, which is a  
11          Section 5 jurisdiction. So Congressional  
12          District 23, which is currently 54 percent  
13          African-American voting age population, is  
14          subject to Section 5 pre-clearance.

15          And then Congressional District 25, which  
16          is in Miami-Dade and Collier Counties, is  
17          72 percent Hispanic VAP, one of three Hispanic  
18          voting age majority districts in the current  
19          congressional map. And so that, too, because  
20          it is in Collier and Monroe Counties, two  
21          Section 5 jurisdictions, is worthy of special  
22          attention.

23          Another point I would like to point out  
24          for the Committee based on what we heard at the  
25          public hearings, particularly in southwest

1 Florida, was that District 16 includes most of  
2 Charlotte County and some of the counties  
3 surrounding Lake Okeechobee, then it extends  
4 east to include parts of St. Lucie, Martin and  
5 Palm Beach County. One of the themes that we  
6 heard at the public hearings was to try to  
7 avoid districts -- urban districts that stretch  
8 across the state, include urban areas on either  
9 side of the state. So that is the main  
10 take-aways from the existing map.

11 The first map that we wanted to highlight  
12 for the Committee's consideration today is the  
13 NAACP map, which is map number 154.

14 SENATOR GAETZ: And, Mr. Guthrie, Senator  
15 Simmons will take the Chair.

16 SENATOR SIMMONS: Go ahead.

17 MR. GUTHRIE: The -- a salient point about  
18 the NAACP congressional map is that it  
19 preserves the cores of your minority districts.  
20 In this case, District 11 is 26.7 percent black  
21 VAP and 25.5 percent Hispanic VAP, very similar  
22 to the benchmark district. And District 23  
23 continues to extend into Hendry County. It  
24 still principally is a Palm Beach/Broward  
25 County district, but that district in the new

1 configuration is over 50 percent black VAP.

2 So those are the key features in southwest  
3 Florida of the plan proposed by the NAACP.

4 SENATOR LATVALA: Can I ask a question?

5 SENATOR SIMMONS: Yes, Senator, you are  
6 recognized.

7 SENATOR LATVALA: And this is brushing on  
8 the same question that Senator Detert answered  
9 -- asked, I think. In the case of a --  
10 preserving a minority seat, such as the one  
11 that is currently District 11 in the  
12 Tampa/lower St. Petersburg area, does the --  
13 does the need to preserve the district extend  
14 to when there is not a minority elected to  
15 represent the district? In other words, when  
16 we are -- when we are -- when we are trying to  
17 look at the minority districts and preserving  
18 those, which the Committee has already, by  
19 consensus, decided to do, does that apply to a  
20 district that is not currently represented by a  
21 minority?

22 SENATOR SIMMONS: Go ahead, Mr. Guthrie,  
23 or would you like counsel to answer that?

24 MR. GUTHRIE: Let's defer to legal counsel  
25 on this question.

1           MR. BARDOS: Under both Section 5 and our  
2 amendments, what matters is whether that person  
3 who has been elected is the candidate of choice  
4 for the minority voters. And so, for example,  
5 the Department of Justice looks back at the  
6 last five general elections to see -- since the  
7 last redistricting to see whether the person  
8 who has been elected is the candidate of choice  
9 for minority voters.

10           Now, there is an academic debate which has  
11 been -- which is actually a very practical  
12 question, which has been discussed frequently,  
13 which is does that mean that it is -- and this,  
14 I think, is your question -- does that mean  
15 that the candidate who is successful must him  
16 or herself be a minority. And I think the  
17 better answer is probably if the successful  
18 candidate is not a minority, but that person  
19 was the preferred candidate of minority voters,  
20 then that continues to be considered, that  
21 district is considered a district in which  
22 minorities have the ability to elect. But that  
23 would require a close examination of whether  
24 that candidate who was elected is, in fact, the  
25 candidate of choice. And so you would look at

1 primary elections in that district, within each  
2 party, to see whether the candidate who  
3 ultimately prevailed was the minority preferred  
4 candidate.

5 SENATOR LATVALA: Thank you.

6 MR. GUTHRIE: Okay. So the next map that  
7 we want to look at is proposal number 104  
8 submitted by Mr. John Libby. This is an  
9 example of what you might get if your focus in  
10 redistricting of congressional lines was on  
11 minimizing the number of county and city  
12 breaks, or following county boundaries to the  
13 extent practicable.

14 We see that the extension of a  
15 majority-minority African-American district  
16 into Hendry County is not retained in this map.  
17 That potentially could raise questions or  
18 issues on Section 5 review. Also, Collier  
19 County, which in the benchmark district is part  
20 of a Hispanic majority district, is no longer  
21 part of the Hispanic district, and the  
22 Hillsborough districts, none of them cross the  
23 bay. District 13 has the highest percentage of  
24 African-American voting age population, but it  
25 is at -- it is -- District 13 is at 17.6

1           percent African-American VAP versus 26 percent  
2           in the benchmark. So a number of issues that  
3           we would have to contend with with a map such  
4           as this one, which focuses more on Tier 2 than  
5           on Tier 1 requirements.

6           SENATOR SIMMONS: Senator Siplin, you are  
7           recognized.

8           SENATOR SIPLIN: Thank you, Mr. Chair, and  
9           I apologize, John, before you get too far down,  
10          you were referring a moment ago to the NAACP  
11          map. Was that map only for the southwest, or  
12          was that -- did they submit a complete map?  
13          Because as I look at the breakdown, I don't see  
14          but maybe 15 or 20 seats.

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

16          The map submitted by the NAACP is zero  
17          deviation for all 27 congressional districts.  
18          For this meeting, we are focusing on just the  
19          southwest Florida districts, but if you go to  
20          the Senate -- the Senate website, and the way  
21          we do this is from the Senate site, click on  
22          "Redistricting," then "Submitted Plans," and we  
23          will pick "submitted by NAACP" and hit  
24          "Return," and we get a list of the three plans  
25          that were submitted by the Florida State

1 chapters of the NAACP. If we look at the  
2 congressional map here and view it in District  
3 Explorer, we see the entire map, and all the  
4 stats -- statistics and downloads for this plan  
5 are available for everyone to take a look at at  
6 the Senate website.

7 So even though we are focusing on  
8 southwest Florida today, as the Chairman said,  
9 the entire map is available for your review.

10 SENATOR LATVALA: Mr. Chairman?

11 SENATOR SIMMONS: Yes, Senator Latvala,  
12 you are recognized.

13 SENATOR LATVALA: This is starting to  
14 bring to mind some of the testimony that we had  
15 at the hearing in Pinellas County, in Largo.  
16 And correct me if I am wrong, but wasn't the  
17 bulk of the testimony, if not the unanimous  
18 testimony of the people who came, who live in  
19 the -- the seat that is connected -- is that  
20 currently District 11 or 13?

21 MR. GUTHRIE: Congressional District 11  
22 crosses Tampa Bay.

23 SENATOR LATVALA: Tampa and south St.  
24 Petersburg?

25 MR. GUTHRIE: Yes.

1           SENATOR LATVALA: Did we not have a  
2 significant amount of testimony from people who  
3 live in District 11, in St. Petersburg, saying  
4 they did not feel they were served well by  
5 being in District 11?

6           MR. GUTHRIE: It's been a while since I  
7 have reviewed that transcript. The transcript  
8 is available on-line and speaks for itself. I  
9 don't recall that specific testimony, but it --  
10 if you were there and if you heard it, then --

11          SENATOR LATVALA: I do recall that, and I  
12 think that, you know, goes into the question  
13 of, you know, in the interpretation of the  
14 Voting Rights Act and, you know, the ability to  
15 elect a candidate of their choice and so forth.  
16 If I am not mistaken, virtually everyone from  
17 south Pinellas that came criticized being in  
18 that particular congressional district. And so  
19 I just -- I just raise that point for your  
20 consideration, that maybe you want to go back  
21 and look at that testimony as we are doing the  
22 drafting of the committee bill on that.

23          SENATOR JOYNER: I have a question,  
24 Mr. Chair.

25          SENATOR GAETZ: Senator Joyner.

1           SENATOR JOYNER: My question is, are you  
2 going to go back and listen, as Senator Latvala  
3 suggested? Because I was there, and recalling  
4 what -- you know, after going to so many, you  
5 really do have to check the record, for the  
6 best recollection is the written record.

7           SENATOR GAETZ: I think Leader Rich gave  
8 us the answer to that question in an earlier  
9 meeting, and that is that we all need to go  
10 back and check the record and not be the victim  
11 of the last thing we heard, but be the victim,  
12 or at least the beneficiary of the bulk of  
13 testimony that we heard. So I would encourage  
14 us all to go back and check the record.

15           SENATOR JOYNER: Mr. Chair, and not --

16           SENATOR GAETZ: Yes, Senator Joyner.

17           SENATOR JOYNER: Notwithstanding what we  
18 heard, we still have to abide by the  
19 constitutional standards, is that correct?

20           SENATOR GAETZ: I hate to keep quoting  
21 Leader Rich, but she also said that. I don't  
22 hate to keep quoting her. She was right.

23           MR. GUTHRIE: And in preparing the  
24 proposed committee bill, the professional staff  
25 of your Committee and I will consult the

1 extensive public hearing record that is  
2 available to all on the Senate website. I  
3 brought it up on the screen here. You see that  
4 for each of the hearings, we have the hearing  
5 report prepared by professional staff, we have  
6 handouts and displays that were presented to  
7 the public at the meeting. For many of the  
8 hearings, most of them at this point, we have a  
9 hearing transcript. Click on that, and it  
10 opens up in your browser, so a verbatim  
11 transcript prepared by a court reporter of  
12 exactly what was said at those -- at those  
13 meetings.

14 We have a podcast. You can put it on --  
15 on your device and take it with you jogging or  
16 in the car, and a video that you can watch at  
17 your -- at your leisure. So an extensive  
18 amount of public testimony available through  
19 the Senate website there.

20 SENATOR GAETZ: And also I would recommend  
21 that members have a look at a House document,  
22 which was developed by House professional staff  
23 and which we shared with Senators, and that  
24 was, my phrase, and I don't mean to be  
25 pejorative, a kind of CliffsNotes version of

1 the themes that were echoed in each of the  
2 hearings. So please do go back and refresh  
3 yourself, particularly before we debate on a  
4 proposed committee bill.

5 Mr. Guthrie.

6 MR. GUTHRIE: So we have covered the  
7 current congressional districts. We looked at  
8 the NAACP proposal for congressional districts.  
9 This is a -- we spent a bit of time on plan 104  
10 by Mr. Libby, which focuses on keeping county  
11 lines intact and what the impacts of that were.

12 The next proposal that -- that staff  
13 selected for focus today is plan number 77 by  
14 Mr. Miller. We thought that this was a good  
15 example of tracing district boundaries around  
16 city lines. Again, the consequence of that was  
17 to undermine the opportunities for racial  
18 minorities in some of those districts. So a  
19 second proposal, which in this case focused on  
20 following city boundaries to the detri- -- or  
21 as a higher priority than the Tier 1 standards.

22 Plan number 31 by Sean --

23 SENATOR THRASHER: Mr. Chairman? That  
24 raises --

25 SENATOR GAETZ: Speaker.

1           SENATOR THRASHER: Thank you, Mr. Chair.

2           The point that I think Senator Joyner was  
3 making, and I think it is important to remind  
4 ourselves as we go back and look at testimony,  
5 and testimony is fine, or look at any  
6 individual map, that is fine, it is also good  
7 to have right next to it what we think and what  
8 we have agreed to are the priorities under the  
9 Constitution under Amendments 5 and 6 for  
10 drawing these districts. I don't think you can  
11 do it in isolation, I think you have to remind  
12 yourself what those priorities are. And I  
13 think this map is a good example of that,  
14 somebody who is obviously well-intentioned, but  
15 certainly wasn't looking at Amendments 5 and 6  
16 when they drew the plan.

17           SENATOR GAETZ: You are right, Speaker  
18 Thrasher, and it is not just a matter of which  
19 way the testimony was blowing on a particular  
20 day. I believe that Speaker Thrasher  
21 articulated and this Committee adopted a  
22 template that allows us to look at testimony  
23 and plans with a view toward faithfulness with  
24 Amendments 5 and 6 and the Voting Rights Act,  
25 and that is a point well taken.

1 Leader Rich.

2 SENATOR RICH: Thank you, Mr. Chair.

3 I just kind of want to follow up in that  
4 line of thinking, but going back to the NAACP  
5 map, because when I look at that map, that map  
6 really pretty closely is drawn based on the  
7 current district lines. So I guess the  
8 question I would have there also goes back to,  
9 you know, we then need to look, when we look at  
10 those maps, were the maps that we drew ten  
11 years ago when we didn't have Amendments 5 and  
12 6 -- you know, they were drawn to preserve  
13 incumbency and political parties and so forth.  
14 So I am not sure how a map like that, you know,  
15 now can comport with the amendments that we  
16 have in the Constitution. That would be my  
17 question about that map. Although you didn't  
18 mention that, I am just curious, because, I  
19 mean, these other maps don't comport, I think,  
20 in ways, and I think the NAACP maps don't  
21 comport either, because I don't think anyone  
22 would say that the current districts that we  
23 have are in line with the amendments that are  
24 now -- the standards that are now in our  
25 Constitution.

1           SENATOR GAETZ: Mr. Guthrie, any comment?

2           MR. GUTHRIE: The newly-inserted standard  
3 relating to incumbency and political parties is  
4 that districts not be drawn with that as their  
5 intent. So if the Legislature were to adopt  
6 districts with the intent of favoring  
7 incumbents or favoring political parties, that  
8 would be in violation of the Constitution.

9           SENATOR GAETZ: Or disfavoring them, I  
10 think. Favoring or disfavoring?

11          MR. GUTHRIE: Favoring or disfavoring,  
12 that is correct, yes.

13          SENATOR GAETZ: But Leader Rich makes a  
14 very good point, and, of course, we -- in order  
15 to be faithful to the -- to Amendments 5 and 6  
16 and to the agreements that we have made here  
17 thus far, we can't be slavish devotees to the  
18 way the districts were drawn ten years ago, we  
19 have to be mindful of where people live, and if  
20 minorities live in certain areas, we need to be  
21 mindful of that, but there is -- and I would  
22 just certainly ask for any disagreement, but I  
23 think Leader Rich makes an excellent point, and  
24 that is the way district lines were drawn ten  
25 years ago should not be -- should not bear any

1           preponderance of -- there shouldn't be any  
2           preponderance of proof there or any bias there,  
3           that's just the way it was, it's not the way it  
4           is.

5                     SENATOR RICH:    Right.

6                     SENATOR GAETZ:   Is that a fair statement,  
7           Leader?

8                     SENATOR RICH:    I think that is a fair  
9           statement, and I just want to add also, I mean,  
10          it is not only about incumbents and political  
11          parties, but, I mean, if you look at the --  
12          kind of the list of the standards, I mean, we  
13          are talking about other things that were not  
14          taken into account then either in terms of  
15          compact districts or using existing geographic  
16          or political boundaries.  I mean, there are so  
17          many things, so many standards, that were not  
18          there ten years ago, that, you know, I think we  
19          need to factor in if we are going to be loyal  
20          to, you know, what was just said by Senator  
21          Thrasher about making sure that we, you know,  
22          look at the new amendments and make sure that  
23          we take them into account as we draw the  
24          districts.

25                     SENATOR GAETZ:   Thank you, Leader.

1           Senator Simmons.

2           SENATOR SIMMONS: Thank you, Mr. Chair.

3           I would like to point out that as we do  
4           this -- and this is just my views on this, and  
5           that is that there is a distinction between our  
6           existing districts that are minority access,  
7           minority districts, and creating new districts.  
8           And as we go through this process, we have to  
9           be mindful not only of the -- our Amendments 5  
10          and 6. Amendments 5 and 6 require us not to  
11          diminish the ability of minorities to in fact  
12          be able to elect a candidate of their choice.  
13          This follows a lot of the language that is in  
14          the Voting Rights Act, and we have to be very  
15          mindful about retrogression. And the reason  
16          that an existing district has at least the  
17          importance that it has is because we cannot  
18          diminish the ability of those minorities to  
19          elect the candidate of their choice.

20          And so there is a serious question, I  
21          submit to you, Senator Rich, about doing a  
22          retrogression. If you start trying to take one  
23          of those districts and dividing it into two,  
24          and if you've got a 50 percent minority access  
25          district -- 50 percent district, and you try to

1           divide it into two districts that are, for  
2           example, 30 percent African-American, that you  
3           have a serious question about retrogression  
4           under the -- our Constitution as we've got it  
5           right now, under Amendments 5 and 6 and under  
6           the Voting Rights Act. And the cases that have  
7           dealt with this particular issue have said,  
8           number one, you are not supposed to have race  
9           as your dominant motive in creating a district,  
10          but at the same time, you cannot retrogress  
11          from an existing district, you cannot diminish  
12          an existing district, and that is the reason  
13          that there is a rationale for looking at the  
14          existing districts right now and building upon  
15          them, working from those districts, and that  
16          the -- the cases that have dealt with this have  
17          said that while the race, if it is going to be  
18          a primary or dominant motivation with respect  
19          to districting, if you are talking about the  
20          kind of compelling state interest that is  
21          necessary to pass constitutional muster, that  
22          what constitutes a compelling governmental  
23          interest to do this, one of them is remedying  
24          past discrimination, another one is avoiding  
25          retrogression in violation of Section 5 of the

1 Voting Rights Act and avoiding a violation of  
2 Section 2 of the Voting Rights Act.

3 So we are really looking at a very, very  
4 important distinction here. One of them is  
5 creating new districts that are minority  
6 access, and the other one is preserving  
7 existing minority rights. And there is  
8 apparently -- as far as I am aware, the U.S.  
9 Supreme Court has assumed, without deciding,  
10 that avoiding retrogression in violation of  
11 Section 5 of the Voting Rights Act constitutes  
12 a compelling state interest.

13 So what I am saying to you is there is a  
14 rationale behind the -- you know, the  
15 importance of looking at existing -- existing  
16 districts, particularly minority access  
17 districts. But at the same time, I concur with  
18 our Chairman in that anytime that we use race  
19 as a dominant factor, we've got to be very  
20 careful, and the way we need to assure that we  
21 are doing this the right way is that we -- in  
22 addition to considering race, which is  
23 appropriate, we also make sure that that is  
24 tempered by looking at the traditional  
25 considerations that are undertaken in

1           redistricting, such as compactness, such as  
2           communities of interest and things like that.  
3           So I would just point out in response to what  
4           Senator Rich said, that there are  
5           qualifications on her assumptions.

6           SENATOR GAETZ:  Senator Bullard, and then  
7           we will return to the maps.

8           SENATOR BULLARD:  Thank you, Mr. Chairman.

9           Senator Simmons, you gave a great  
10          presentation in terms of what you -- because  
11          you are a white man, okay, let's get -- you  
12          know, I know you know that, right?

13          SENATOR SIMMONS:  The last time I looked.

14          SENATOR BULLARD:  And if he says I don't  
15          like them, don't believe him.

16          I want to say that in all -- there is a  
17          time and there will be a time in this process  
18          that we are going to definitely look at not  
19          maybe race as a dominant factor, but the seats  
20          that are as we draw -- and I know that -- I  
21          don't want you to follow that process they had  
22          ten years ago.  It was not good.  So -- but I  
23          am saying that I do believe that in this state,  
24          as we move in the southernmost district, you  
25          will find that we are having a difficult time

1 holding onto any white or black seats. I mean,  
2 you may not want to -- want to say that -- that  
3 we don't use that in the -- in the state of  
4 Florida, we have predominantly white, and I  
5 believe that blacks are the second in terms of  
6 percentage, and you can correct me if I am  
7 wrong, Mr. Guthrie, but we -- something has to  
8 happen to give some recognition to those  
9 individuals who in some areas are losing all  
10 seats. And you are sitting there and say -- we  
11 say -- it is reality. How do we move this  
12 thing around? How do we do this? We've got to  
13 be realistic about it. If you have -- you  
14 know, you have John Cosgrove, you had all those  
15 -- Art Simon, all of those -- I mean, these are  
16 white males once, but you don't have that  
17 anymore. You have -- you had some blacks, you  
18 don't have that anymore. And I am very  
19 concerned about it, and I am just speaking my  
20 opinion on this. And I believe it is very  
21 important that we recognize that, yes, we don't  
22 want to use it at this point, but at some point  
23 we may need to sit down and recognize the  
24 reality and not play games with the people in  
25 terms of their representation and who will be

1 representing them in this legislative body.  
2 And I do -- I do appreciate your -- what you  
3 said, but I think that we need to be realistic.

4 SENATOR GAETZ: Thank you, Senator  
5 Bullard. We are going to do what the -- what  
6 they do in the United States Senate, we are  
7 going to invoke cloture. We will have brief  
8 comments from Senator Detert and Senator  
9 Simmons, and then we will return to the regular  
10 order.

11 Senator Detert.

12 SENATOR DETERT: I would just like to  
13 remind us that to keep the law and to keep the  
14 rules that the voters passed, we cannot favor  
15 or disfavor incumbents, period. So we will  
16 certainly keep minority districts, but we don't  
17 have to keep the same Representatives. It is  
18 where the chips -- and that is where favor or  
19 disfavor comes in. So it is really not the  
20 Incumbent Protection Act, it is all about the  
21 people and who lives in the district. So  
22 that's my only personal opinion.

23 SENATOR GAETZ: Senator Simmons for a  
24 brief comment.

25 SENATOR SIMMONS: Thank you, Mr. Chair.

1           Senator Bullard, what I am pointing out is  
2           that the goal that we must follow is the one  
3           that I have seen our Chairman lead us through,  
4           and that is that we are going to do that which  
5           the Constitution and the laws of the State of  
6           Florida and the United States require of us,  
7           and that is what we are going to follow in  
8           every way. And in doing so, it may be a  
9           situation where it may violate what your  
10          personal opinion is, or my personal opinion,  
11          but we must follow the rules that are given to  
12          us by district -- by Amendments 5 and 6, as  
13          well as the federal laws that control all of  
14          this. And that is what I have seen this  
15          Committee doing, and that is what I think we  
16          are headed towards as we prepare these. And we  
17          are going to have to deal with the issue that  
18          we cannot have a diminution of existing rights  
19          of voters who are African-American or Hispanic.

20                 At the same time, in creating new  
21          districts, the point that I am making is that  
22          we must assure that in creating any new  
23          district, that we cannot have the dominant  
24          cause or concern being race in doing that,  
25          although we've got to deal with Amendments 5

1           and 6 that say we shall not abridge the rights  
2           of minorities with respect to their access  
3           to -- you know, to the political system.

4           So we have got to weigh these two things  
5           together, but at the same time assure we do not  
6           violate equal protection under the United  
7           States Constitution that prohibits us from --  
8           you know, if we are going to have any kind of  
9           race consideration in a new district, we've got  
10          to also take into consideration the traditional  
11          concepts that are inherent in redistricting.

12          SENATOR GAETZ: Okay. Leader Rich, can  
13          you -- Leader Rich, we are going to let you  
14          bring us back to the campfire here, and then we  
15          are going to proceed.

16          SENATOR RICH: I just want to make sure  
17          that, you know, some people have understood  
18          what I said. I believe that we have lots of  
19          things to balance with the Voting Rights Act  
20          and with Amendments 5 and 6. And my remarks  
21          previously about the NAACP map were just simply  
22          to say that, in my opinion, if we passed a map  
23          that was almost the same in every district as  
24          we had ten years ago, which are what those maps  
25          do, we would not be able to balance the -- and

1 I admit -- competing interests with regard to  
2 the amendments, the Voting Rights Act and  
3 everything. But that was the point, that I  
4 don't believe that 63 percent of the voters of  
5 the state of Florida decided to vote for  
6 Amendments 5 and 6 so that we could come back  
7 with a map that was what it was ten years ago.

8 SENATOR GAETZ: Okay. Senator Siplin,  
9 now, are we on point here? We -- you know, we  
10 have a time certain to end, but I will  
11 certainly recognize you.

12 SENATOR SIPLIN: Thank you, Mr. Chair.

13 Most respectfully, Mr. Chair and members,  
14 all of our seats that we represent today were  
15 approved by the court system and they were all  
16 based upon the federal Voting Rights Act. And  
17 we had seven black Senators and 19 black  
18 Representatives, and you had three Hispanic  
19 Senators and I think nine Hispanic Senators  
20 based upon the federal law to allow minorities  
21 to represent and to vote for people of their  
22 choice, and that is the basis of the seven  
23 black Senators and the 19 black Reps, and also,  
24 accordingly, the three black -- three Hispanic  
25 Senators and the nine black -- I mean the nine

1 Hispanic Senators.

2 So, most respectfully, all the seats that  
3 exist today, they were based upon the Voting  
4 Rights Act to allow minorities to elect and  
5 represent people of their choice. And today we  
6 have six black State Senators because the  
7 Supreme Court and the 11th District Court of  
8 Appeals approved what we did. I was a part of  
9 that process in 2000. What we did was approved  
10 by the Constitution and by the appellate  
11 courts, okay.

12 So when Fair Districts decided to do what  
13 they wanted to do, which is fair, they ate what  
14 the appellate court said, that we must not  
15 dilute the seven black State Senators, the  
16 constituents who elected us and the three  
17 Hispanic Senators. So that is why Fair  
18 District included that in the process.

19 So my point is, Mr. Chairman, is that, you  
20 know, we already have the constitutional basis  
21 to maintain the seats that we have to represent  
22 and reflect the minorities and the racial  
23 minorities in the state of Florida, okay. I  
24 believe that we can, based upon the law, expand  
25 on that, but I think we do have a

1 constitutional basis to justify the six black  
2 State Senators, the 19 black Reps and the three  
3 Hispanic Senators and the nine Hispanic  
4 Representatives.

5 Okay. So my point is, most respectfully,  
6 Leader Rich, that we can have pretty much  
7 basically the same diagram that we had ten  
8 years ago, because it has already been  
9 confirmed by the U.S. Court of Appeals and the  
10 Voting Rights Act, and, of course, Fair  
11 District encompassed those concepts in 5 and 6.

12 So I just want to make sure that we make  
13 that point clear, Mr. Chairman and members,  
14 that we do have the basis -- if it does ape the  
15 2002 maps then, hey, it's already been approved  
16 by the Supreme Court that it does allow  
17 minorities to represent and to vote for people  
18 who they want to have them represented, and we  
19 exist today. So I wanted to make that point  
20 clear as a foundation, a predicate, for us, and  
21 a springboard to move on in the future, that we  
22 consider that the maps and the seats that exist  
23 today are constitutional, are constitutional.  
24 They were passed by legal muster. And then, of  
25 course, Fair Districts added onto it and

1 maintained that core precept and concept that  
2 we must have minority representation. So I  
3 just want to make sure that point was known.

4 SENATOR GAETZ: Thank you.

5 Senator Gibson, we have reached the point  
6 where everything has been said, but not by  
7 everybody. So -- Senator Gibson, you are up.

8 SENATOR GIBSON: Thank you, Mr. Chair, and  
9 I appreciate not being called everybody.

10 And I think to both Senator Rich's and  
11 Senator Siplin's point I would simply add that  
12 in addition to maybe the standards that Senator  
13 Siplin referenced, we actually do have 5 and 6  
14 and we have standards that we also have to  
15 utilize moving forward. And I don't -- I don't  
16 think staff or anyone else can come up with  
17 anything that is counter to all of the  
18 necessary pieces to the puzzle that must be  
19 included to come up with an end result.

20 SENATOR GAETZ: Thank you, Senator Gibson,  
21 and I think that is a good segue, because we  
22 will have the opportunity, when there is a  
23 proposed committee bill, to closely question  
24 professional staff as to the derivation of each  
25 and every district and as to the legal defense

1           that would be made for each and every boundary  
2           decision. That is an excellent point, Senator  
3           Gibson. And unless there is something else  
4           exactly on point -- briefly, Senator Bullard.

5           SENATOR BULLARD: Thank you, Mr. Chairman.

6           I want to thank you, Senator Simmons, for  
7           responding to my statement, and I want to say  
8           that I am listening, but I just want to be  
9           certain that the end result is going to be  
10          actually fair. Thank you.

11          SENATOR GAETZ: Thank you, Senator  
12          Bullard.

13          Mr. Guthrie.

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

15          As to the question of what the -- what the  
16          voting age percentages are in the state,  
17          22 percent of Floridians self-identified  
18          themselves as voting age Hispanic, and  
19          16 percent as African-American. So those are  
20          the statewide percentages.

21          There's just one more congressional plan  
22          that we had in your meeting packet there. That  
23          is plan number 31. It is, again, an example of  
24          following county boundaries. An exception to  
25          following county boundaries is this District

1 14, which includes Section 5, covered  
2 Hillsborough County, crosses over to Pinellas  
3 County, but it does so in a way that does not  
4 enhance and, in fact, diminishes the  
5 opportunity of racial minorities in that  
6 district. The benchmark district is 27 percent  
7 black VAP. The proposed new district is --  
8 that crosses the bay is 17 percent black VAP.  
9 This is an example of the sort of change that  
10 very well may get scrutiny by federal  
11 authorities on review. So that is the last of  
12 our congressional plans that we wanted to look  
13 at this afternoon.

14 SENATOR GAETZ: Let us stop here, and now  
15 we need to provide any guidance that you would  
16 like to as to congressional plans to the  
17 professional staff as they begin to prepare the  
18 proposed committee bill. We have had some  
19 excellent guidance already through the  
20 discussions today, but other guidance, Senator  
21 Detert.

22 SENATOR DETERT: This is strictly just a  
23 technical question. The last map on my screen,  
24 it says 7970, and you said it was 31 or 41 or  
25 --

1           MR. GUTHRIE: The plan that is on the  
2 screen right now is 31.

3           SENATOR DETERT: But -- oh, I see. I was  
4 looking -- at the top, it says a different  
5 number. All right, fine. Thank you.

6           SENATOR GAETZ: All right. Certainly  
7 entertain any specific guidance, any statements  
8 that you might like to make, any summation of  
9 principles that you would like to have  
10 professional staff follow. I think we've well  
11 articulated as we have gone through the state,  
12 and I believe that Speaker Thrasher had laid  
13 out and we adopted a hierarchy of  
14 considerations and requirements, but are there  
15 additional comments or questions? We will  
16 entertain them from any member of the  
17 Committee.

18           Senator Detert.

19           SENATOR DETERT: Just to comment, and  
20 whatever current map you have up now, which  
21 just disappeared -- I am trying to find your  
22 31. It is not on my map, but it says "7970" at  
23 the top.

24           SENATOR GAETZ: Are we --

25           SENATOR DETERT: We keep flipping here.

1           SENATOR GAETZ: Are we together here on  
2 thirty -- are you wanting us to be on 31,  
3 Senator Detert?

4           SENATOR DETERT: That would be good.

5           SENATOR GAETZ: Okay. That is where we  
6 are, ma'am.

7           SENATOR DETERT: Congressional.

8           SENATOR GAETZ: That is where we are on  
9 the screen.

10          SENATOR DETERT: Okay. That -- that does  
11 not keep what we heard in our county regarding  
12 -- well, that is a Senate district. I was  
13 looking at the one that was the congressional  
14 for that area.

15          SENATOR GAETZ: Yes, ma'am, that is the  
16 congressional map, 31 is a congressional map,  
17 ma'am.

18          SENATOR DETERT: Okay. That does not keep  
19 the spirit of what we heard in my community,  
20 which was to keep Sarasota and Manatee  
21 together. We don't really have a big, you  
22 know, minority presence there. There was a  
23 better map that kept them together that we  
24 flipped through somewhere.

25          SENATOR GAETZ: Could you go backwards,

1 please, Mr. Guthrie, and could you --

2 SENATOR DETERT: That's not it either.

3 SENATOR GAETZ: There it is.

4 SENATOR DETERT: That is the one. The one  
5 that you have up now, that would meet the  
6 standards of what we heard in my community.

7 SENATOR GAETZ: And, Mr. Guthrie and Mr.  
8 Bardos, could you just comment with respect to  
9 this map, are there any -- are there any  
10 outstanding legal issues or remarkable issues  
11 associated with this map?

12 MR. GUTHRIE: It is remarkable that it is  
13 current law, so --

14 SENATOR GAETZ: Oh.

15 SENATOR DETERT: Well, that is what -- I  
16 guess we are old-timers and that's what we are  
17 used to and --

18 SENATOR GAETZ: My, my. The first shall  
19 be last, and the last shall be first.

20 SENATOR DETERT: -- as long as the numbers  
21 come out, we are satisfied to keep it --  
22 District 13 the way it is.

23 SENATOR GAETZ: So, Senator Detert, are  
24 you -- are you suggesting that we direct  
25 professional staff to maintain Manatee and

1 Sarasota in one congressional district?

2 SENATOR DETERT: Yes, sir, as long as  
3 their numbers come out, and the Hardee and  
4 DeSoto, that's been the makeup historically.  
5 There was -- well, this should be -- this is a  
6 little different, because they also had  
7 Charlotte County in there, and I don't know  
8 with that map if District 13 would still have  
9 Charlotte in it, but I -- or if they had to  
10 lose numbers, but that looks pretty  
11 satisfactory to what I think we heard at the  
12 meetings.

13 SENATOR GAETZ: Thank you, ma'am. Are  
14 there other comments or questions,  
15 observations, recollections from the hearings,  
16 direction for the staff?

17 All right. Then, Mr. Guthrie, we will  
18 wrap up with some takeaways on this later, but  
19 why don't you, please, if you would, turn to  
20 tab five, Senators, and Mr. Guthrie will walk  
21 us through scenarios for Senate districts in  
22 southwest Florida. Mr. Guthrie, you are  
23 recognized.

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

25 On your screen now, we have the current

1 Senate map. Remarkable features about this  
2 map, number one, we have the existing District  
3 18, in Section 5 covered Hillsborough County,  
4 plus portions of Pinellas and Manatee County.  
5 District 18 is 39.5 percent black VAP,  
6 23 percent Hispanic VAP. The district today is  
7 under-populated by about 65,000 people. So in  
8 order to come up to the one person, one vote,  
9 requirement of 470,000 people, we need to add  
10 about 65,000 more people to District 18.

11 Also covered by Section 5 of the Voting  
12 Rights Act is District 39, which is in Hendry,  
13 Collier and Monroe Counties. It also includes  
14 portions of Palm Beach, Broward and Miami-Dade  
15 Counties. District 39 today is 29 percent  
16 black voting age population and 43 percent  
17 Hispanic voting age population.

18 Other noteworthy aspects of the existing  
19 plan, we have currently District 27, Senate  
20 District 27, which extends from the Ft. Myers  
21 area in Lee County across the state to the West  
22 Palm Beach area. We did hear a lot of  
23 testimony on both coasts that that was not the  
24 desire of citizens to have an urban district  
25 that stretches across the state. And District

1           21, which wraps around District 23, is another  
2           interesting aspect of the existing map that  
3           some folks at our public hearings tended to  
4           question. So those are the some of the salient  
5           features about the existing map. Many of the  
6           districts in this area, as we talked about  
7           earlier, in your urban areas are  
8           under-populated and in your suburban areas are  
9           overpopulated.

10           The first alternative map that we wanted  
11           to take a look at is plan 155 that was  
12           submitted by the Florida State Chapter of the  
13           NAACP. The map does a good job of not  
14           diminishing opportunities for racial minorities  
15           to elect candidates of their choice. District  
16           18, still in the Tampa/St. Pete/Bradenton area  
17           in this proposal, is 38.7 percent  
18           African-American voting age population and  
19           22 percent Hispanic voting age population. And  
20           District 39 in Collier, Monroe and Palm Beach,  
21           Broward and Miami-Dade Counties is 35 percent  
22           black voting age population, actually a six  
23           percent increase in the black voting age  
24           population, and 39.6, almost 40 percent  
25           Hispanic VAP, a slight decline in the Hispanic

1 voting age population.

2 SENATOR GAETZ: And, for the record,  
3 Senators, I believe if you examine this map  
4 presented by the NAACP, you will find that in  
5 contrast perhaps to previous maps that we  
6 looked at in the congressional discussion, that  
7 this map is not -- is not a reflection of  
8 current districts, that there are material  
9 differences between the Senate map presented by  
10 the NAACP and current Senate districts. There  
11 are some similarities to be sure, but there are  
12 also some very substantial material  
13 differences.

14 Go ahead, Mr. Guthrie.

15 MR. GUTHRIE: Thank you, Mr. Chairman, and  
16 the next map that we wanted to look at is plan  
17 number 147 by Remzey Samarrai. That map, too,  
18 strives to focus on the Tier 1 requirement of  
19 not diminishing opportunities for racial  
20 minorities to elect candidates of their own  
21 choice.

22 In this case, the district in the Tampa  
23 Bay area is District 20. It crosses from Tampa  
24 to St. Petersburg and down to Bradenton.

25 District 20 is 35.8 percent black VAP and 31.9

1 percent Hispanic. District 34 is in Hendry,  
2 Collier and Miami-Dade Counties. What this  
3 plan does is converts those counties from a  
4 district that is plurality Hispanic to a  
5 district that is a high majority Hispanic, it  
6 is 73.7 percent. So it takes a district that  
7 is -- has a coalition today of African-American  
8 and Hispanic voting age population, and puts in  
9 its stead a high percentage Hispanic district.

10 Those are the key points that I wanted to  
11 bring out regarding --

12 SENATOR GAETZ: Before you leave that map,  
13 Mr. Guthrie, I draw your attention to proposed  
14 Senate District 35 in -- in -- you call it the  
15 Samarrai map, Mr. Samarrai?

16 MR. GUTHRIE: Yes, sir.

17 SENATOR GAETZ: What -- is there a logic  
18 to the tail of that district which moves along  
19 418? Is that -- as far as you can divine, is  
20 that in order to achieve any particular legal  
21 compliance, or is that to pick up population so  
22 that you have equity, which, of course, is also  
23 a legal criterion? And I realize that you  
24 can't go inside this author's mind, but based  
25 upon any notes that that person may have

1 provided, or your own view, any logic to that?

2 MR. GUTHRIE: He didn't -- Mr. Samarrai  
3 did not submit a written explanation of why his  
4 districts were proposed the way they were. I  
5 would presume that he was searching to equalize  
6 the populations, and the map, in fact, does a  
7 good job of equalizing district populations.  
8 But why it heads to the eastern border of Lee  
9 County rather than picking up additional  
10 territory in Ft. Myers, I am not certain. It  
11 is -- perhaps we are skirting the northern  
12 boundary of Ft. Myers, but I really don't know  
13 in this case.

14 SENATOR GAETZ: Okay. Senator Detert.

15 SENATOR DETERT: Well, since this is my  
16 area, and, frankly, I will be perfectly blunt,  
17 on this map I would be District 24, and I don't  
18 really care, I mean, I go where they put me.  
19 But the other -- what used to be 21 -- this map  
20 splits up Manatee County, and I think it  
21 unnecessarily splits up Manatee County. So I  
22 would think that is not the best way to go.  
23 And I think the people in Hendry County would  
24 be shocked to find out that they have a lot in  
25 common with Miami-Dade. So I don't see where

1           that would work either, unless the folks in  
2           Miami-Dade, you know, want to go to the rodeo  
3           in Arcadia on occasion. So I would reject this  
4           map as, frankly, we can do better.

5           SENATOR GAETZ: Other comments? Senator  
6           Latvala.

7           SENATOR LATVALA: Yes, thank you,  
8           Mr. Chairman.

9           I am sure the folks in Tampa Bay area  
10          appreciate all of the interest, because the  
11          last day of submitting maps there was a  
12          multitude of maps submitted from folks in the  
13          Gainesville area that did a lot of different  
14          things with the Tampa Bay area, and I don't  
15          know why, but --

16          SENATOR GAETZ: Gainesville is an  
17          intellectual mecca. We found that out during  
18          the Gainesville hearing.

19          SENATOR LATVALA: I guess so, but this  
20          particular map, since this is the one that we  
21          have in front of us, you know, I just -- I just  
22          feel it incumbent upon myself to make a few  
23          comments about it, you know. In using Senator  
24          Thrasher's, you know, four-point test, which we  
25          kind of adopted, I guess, by consent as a way

1 we are going to look at these, you know, I  
2 guess this map passes muster, at least my  
3 opinion, with Senate District 20 on the first  
4 tier. On the second tier of, you know, whether  
5 it takes care of incumbents or whether it takes  
6 care of political parties, I guess the jury  
7 would be to the eye of the beholder on that.

8 But when we get into the third tier of  
9 compactness, I think it fails miserably, both  
10 in terms of District 19 and in terms of  
11 District 21. I don't see any really rhyme nor  
12 reason to the shape of either one of those  
13 districts. It is true that the Supreme Court  
14 of Florida established the precedent of putting  
15 southern Pinellas County and southern Tampa  
16 together. In 1992 they drew that original  
17 district that has been maintained through these  
18 days, and, you know, that -- which would be,  
19 you know, the southern part, the green in 21  
20 and 22, that -- if you are going to look at a  
21 compactness standard and if you are going to  
22 split the county, that would certainly look to  
23 be the -- you know, the preferable way to do  
24 it.

25 On the standard of both compactness and

1 county/city boundaries, political boundaries, I  
2 am sure you are going to be shocked, those of  
3 us that represent Hillsborough County would be  
4 shocked to see Hillsborough County split five  
5 ways. A county that has almost a million three  
6 in population only would have -- out of those  
7 five districts, only two of them would be  
8 dominated by the people in that county. So  
9 whereas there's four Senators that represent  
10 Hillsborough County now, there would be five  
11 Senators that would represent Hillsborough  
12 County in the future.

13 And then when you get up into the Pasco  
14 County part that is projected there for Senate  
15 District 19, that would completely violate the  
16 testimony that we had at the hearing about the  
17 split -- the preference of the folks in -- you  
18 know, east Pasco County is retirees basically,  
19 not all that well-to-do either. Central Pasco  
20 County, the middle of Pasco County, is people  
21 who work in the City of Tampa, very much  
22 aligned with the City of Tampa; in fact, the  
23 only thing that really separates the City of  
24 Tampa and Pasco County is a road called County  
25 Line Road. There's buildings on one side of

1 County Line Road that are homes and so forth  
2 that are in Pasco County, and the other side of  
3 County Line Road, they are in Hillsborough  
4 County. And then in the eastern portion of  
5 Pasco County is all agriculture. The Dade City  
6 area, you know, the San Antonio and so forth,  
7 is a completely different breed of cat up there  
8 from the City of Tampa.

9 And just a little historical perspective  
10 about how that plays into history: When I had  
11 the pleasure of representing Pasco County my  
12 last time in the Senate, we had an issue come  
13 up with the need to split area codes because we  
14 got too many phone numbers and they used to all  
15 be one area code, Tampa, St. Petersburg, Pasco,  
16 it was all one area code, it was all 813. And  
17 the people rose up when the phone company  
18 recommended going to ten-digit dialing, because  
19 a lot of them have trouble dialing seven  
20 digits. And so what we did is I got involved  
21 in it and we came up with a plan to split the  
22 area codes, and we got a 727. Well, the people  
23 in west Pasco feel a lot more akin to Pinellas,  
24 so they wanted the 727 area code that Pinellas  
25 County has. The people who live in the middle

1 part of Pasco, which is Land O' Lakes, Lutz,  
2 Wesley Chapel where the Speaker Designate  
3 lives, they wanted -- they felt like they were  
4 in tune with Tampa, and so they wanted the 813  
5 area code. And the people in Dade City have  
6 the same area code as Hernando and Sumter  
7 County, which is the 352 area code. So that,  
8 as much as anything I could say, illustrates  
9 the way that region perceives itself. And, you  
10 know, this really doesn't -- this map ties west  
11 and middle and east along a horizontal approach  
12 rather than a vertical approach, and I think  
13 that would be a real disservice to the people  
14 in -- that live in Pasco County in that lower  
15 tier.

16 So I just -- this particular map, although  
17 I am sure well-intentioned by these folks in  
18 Gainesville to try to help us out down there,  
19 really I think misses the boat.

20 SENATOR GAETZ: As soon as we are finished  
21 with the PCB on Senate, House and congressional  
22 redistricting, we are going to start on area  
23 codes and ZIP codes.

24 Senator Negrón.

25 SENATOR NEGRÓN: Thank you very much,

1 Mr. Chairman.

2 I just wanted to recall the testimony --  
3 you remember the hearing we had in Lehigh Acres  
4 at the veterans' gymnasium? It was one of the  
5 best-attended hearings that we had on the tour,  
6 and I just wanted to recall that the residents  
7 in the southern part of Lee County -- you  
8 remember literally several dozen folks either  
9 testified or talked to us about their desire to  
10 remain in the Lee County Senate seat, and also  
11 specifically the residents of Bonita Springs  
12 and Estero talked about how they wanted to  
13 remain in the Senate seat that was  
14 predominantly a Lee County seat. So that made  
15 an impression on me from that hearing, and I  
16 just want to make sure that we are mindful of  
17 that public input.

18 SENATOR GAETZ: Senator Simmons.

19 SENATOR SIMMONS: Thank you, Mr. Chair.

20 In -- pursuant to your request about what  
21 I think or what we think might be the  
22 instructions given to staff --

23 SENATOR GAETZ: Yes, sir.

24 SENATOR SIMMONS: -- the first  
25 instruction, as I understand it, is in fact

1           that pursuant to Amendments 5 and 6, that there  
2           shall be no diminution in the ability of  
3           minorities to have access to the election of  
4           those candidates of their choice, and in doing  
5           that, we are not supposed to favor incumbents  
6           or political parties, and that while Senator  
7           Latvala spoke about a four-tier analysis, or  
8           four different things, that is qualified by the  
9           fact that non-diminution of access by  
10          minorities is to be treated equally with not  
11          favoring incumbents or political parties,  
12          because the last subsection of Amendments 5 and  
13          6 specifically state that within each of the  
14          two tiers, we are not supposed to give any kind  
15          of greater weight to either one of the  
16          instructions.

17                 So under Tier 1, which is non-diminution  
18                 of the access of minorities and not favoring or  
19                 not intending to favor incumbents or political  
20                 parties, those would be treated equally.

21                 With respect to Tier 2, there are two of  
22                 the main issues. We are always going to meet  
23                 the requirements of the number of people in  
24                 each one of the districts, that compactness and  
25                 using existing political and geographic

1 boundaries will be treated equally, one not  
2 given more emphasis than the others. So we  
3 have a two-tier analysis, and within those two  
4 tiers, we have the subsets.

5 And so in deciding non-diminution of a  
6 minority access district, the I think  
7 overriding concern that one might have is two  
8 times 25 percent does not equal 50 percent when  
9 you are dealing with minority access districts.  
10 And somebody would say, "What do you mean?"  
11 That means that the existing minority access  
12 districts that we have cannot be divided into  
13 two subdistricts of 25 percent so that if we  
14 previously had a minority district of  
15 50 percent, let's say African-American or  
16 Hispanic speaking, that -- and I use that  
17 Hispanic minority together, a racial minority  
18 or a language minority, that if it is  
19 50 percent now, I don't believe that it can be  
20 broken into two districts of 25 percent,  
21 because I believe that the constitutional  
22 amendments prohibit that, because they prohibit  
23 diminution of access. And in doing so, I also  
24 rely upon the existing language of the Voting  
25 Rights Act, which I interpret myself to

1 prohibit such a diminution.

2 And there was one case, Ashcroft versus  
3 Georgia, in which the suggestion was by the  
4 U.S. Supreme Court that you could  
5 constitutionally break two -- a district such  
6 as that, a minority district, into two of less  
7 percentages, but what happened is that after  
8 that, Congress amended the Voting Rights Act to  
9 make it clear that that could not happen.

10 And so it is my own interpretation that it  
11 is not possible for us to go ahead and take a,  
12 for example, 50 percent African-American  
13 district and then divide it into two, for  
14 example, 25 percent African-American districts.  
15 I think that we must follow the letter and the  
16 spirit of Amendments 5 and 6, and I agree with  
17 what Senator Siplin has said, and that is that  
18 we cannot diminish the access, the rights of  
19 minorities to elect those who are of their  
20 choice.

21 SENATOR GAETZ: Thank you very much.

22 SENATOR LATVALA: May I respond to that?

23 SENATOR GAETZ: Of course you may, Senator  
24 Latvala.

25 SENATOR LATVALA: It seemed to appear by

1 Senator Simmons' reference to me that I had  
2 suggested to doing that, and I don't remember  
3 suggesting any way, shape or form doing that,  
4 and if I did, I misspoke, but, you know, I  
5 didn't refer at all to splitting minority  
6 districts into two 25s.

7 SENATOR GAETZ: The Chair did not take  
8 your comments as saying that at all.

9 Mr. Guthrie, other plans that you wish to  
10 highlight today for the southwest for Senate  
11 districts?

12 MR. GUTHRIE: Okay. So the next plan we  
13 want to look at is plan number 92 by Michael  
14 Weinbaum. Again, we have extensive use of  
15 county and municipal boundaries for drawing the  
16 districts.

17 In this case, we end up with District 16  
18 in Tampa. We don't cross the bay with a  
19 minority district in Tampa, St. Pete,  
20 Bradenton. District 16 is 22.6 percent black,  
21 versus the benchmark of 39.5 percent, and it is  
22 30 percent Hispanic versus the benchmark of 23.  
23 So we are losing an African-American access  
24 seat in the Tampa Bay area.

25 As Senator Latvala mentioned earlier, in

1 1992, failure to provide such a district was  
2 the basis for the U.S. Department of Justice  
3 interposing an objection under Section 5 of the  
4 Voting Rights Act.

5 The next map that we wanted to --

6 SENATOR GAETZ: Excuse me, Mr. Guthrie.  
7 So is it your view, and I would ask Mr. Bardos  
8 to comment if he wishes, is it counsel's view  
9 that this map would present constitutional  
10 difficulties?

11 MR. GUTHRIE: The retrogression or  
12 diminishment of opportunity for racial  
13 minorities in the Tampa Bay area I think would  
14 be scrutinized.

15 SENATOR GAETZ: Mr. Bardos, any comment  
16 there, sir?

17 MR. BARDOS: I agree with that.

18 SENATOR GAETZ: All right. Let's move on  
19 to the next map.

20 MR. GUTHRIE: Next we look at plan number  
21 60. It was presented at the Naples public  
22 hearing. It shows that if your focus was  
23 entirely on Lee County, the way that you would  
24 draw a district to best meet the needs of that  
25 community, what you see is that all of Lee

1 County, except for the Cape Coral area, is  
2 included in a single Senate district, District  
3 27 in this instance.

4 SENATOR GAETZ: Mr. Guthrie, since that  
5 plan appears -- and if I am wrong, please  
6 correct me -- appears to be a one-district  
7 plan, how could we evaluate its consequences  
8 for everything else that it would affect?

9 MR. GUTHRIE: Well, a challenge you would  
10 have plugging this district in is -- I mean,  
11 the question is, how do you make that work --

12 SENATOR GAETZ: Yes.

13 MR. GUTHRIE: -- with District 39 -- the  
14 current District 39 to the east, which includes  
15 significant portions of Hendry and Collier  
16 Counties. So you may have a pocket of  
17 population in the Naples area that is left over  
18 and is not nearly large enough to constitute a  
19 Senate district if you were to drop this plan  
20 in exactly as it is proposed.

21 Now, it is quite possible, as Senator  
22 Negrón mentioned earlier, that you could create  
23 a district that ties together most of the  
24 communities of Lehigh Acres, Ft. Myers and  
25 Bonita Springs in a single district, but you

1           need to have a way for the district to the  
2           south, the district including Collier -- the  
3           portion of Collier County not in the minority  
4           district to get it up to the 470,000 person  
5           required population. That possibly could be  
6           done by putting coastal Collier together with  
7           coastal Lee County.

8           SENATOR GAETZ: All right. My  
9           recollection, and I defer to my partners here,  
10          who have I am sure better memories, but my  
11          recollection of the extensive testimony that we  
12          heard in hearings in this part of the state  
13          was, first, that we needed to absolutely kill  
14          this cross-state district, and secondly, that  
15          there was -- that there was a substantial  
16          commonality on the coastal areas that was not  
17          shared as one goes further inland.

18          Do we have a -- any of the maps that you  
19          have chosen today reflect that testimony, or  
20          would you disagree with my characterization of  
21          the testimony?

22          MR. GUTHRIE: I think that is a good  
23          characterization of what we heard. Here is --  
24          here is an example, the plan 92, where you have  
25          a district including -- well, this really isn't

1 coastal, this is more east and west, I would  
2 say. It puts -- it breaks the City of Ft.  
3 Myers, puts half of it with Bonita Springs and  
4 then the other half with Cape Coral. Let's  
5 move on.

6 Here is the current -- well, this is the  
7 NAACP map, which follows the boundaries very  
8 similar. Here is the current District 37.  
9 Here is what the NAACP proposed. Both of those  
10 tie together coastal Collier County with  
11 coastal Lee County.

12 SENATOR GAETZ: And so there -- just to  
13 keep the record straight, there in that  
14 particular NAACP map, we do have substantial  
15 similarities to the current district lines, is  
16 that correct?

17 MR. GUTHRIE: For that particular  
18 district.

19 SENATOR GAETZ: For that particular  
20 district, okay.

21 MR. GUTHRIE: That is correct.

22 SENATOR GAETZ: Comments? Questions?  
23 What else?

24 MR. GUTHRIE: The last Senate plan we  
25 wanted to take just a very quick look at is by

1 Mr. Bruce King. We've looked at his map  
2 before. You will remember that Mr. King  
3 applied a grid pattern to the state and tried  
4 to carve the districts in a manner that would  
5 be maximally compact. What he discovered in  
6 that process, and he wrote an extensive  
7 explanation of his methodology, was that the  
8 census geometry does not confirm very well with  
9 a grid pattern, so that created more deviations  
10 in the boundaries than he would have liked, and  
11 also that using that methodology of focusing  
12 primarily on compactness has the impact of  
13 undermining your ability to achieve the Tier 1  
14 objectives.

15 In southwest Florida, Mr. King's map has a  
16 Tampa Bay district which is 23 percent black  
17 and 27 percent Hispanic, significantly less  
18 than the 39.5 percent black VAP benchmark of  
19 the existing district in the Section 5 covered  
20 area. And then also, in south Florida, he has  
21 the covered counties. He has no minority  
22 access or majority districts.

23 SENATOR GAETZ: And so then in the Tampa  
24 Bay area -- what is this gentleman's name?

25 MR. GUTHRIE: Bruce King.

1           SENATOR GAETZ: -- Mr. King then runs  
2           afoul of Senator Simmons' admonition about  
3           splitting minorities and creating really two  
4           watered-down districts.

5           Senator Detert.

6           SENATOR DETERT: Thank you, and I took  
7           particular note of this map, and I haven't  
8           spoken to the gentleman, but he is from my  
9           district and I know who he is, an actual, real  
10          citizen who probably made an honest attempt at  
11          this, but he did not take into consideration  
12          minority districts at all, and he ends up  
13          splitting Sarasota, once again, unnecessarily,  
14          I think. So while it is a really good effort,  
15          I think he probably learned what we learned  
16          when we tried drawing our maps: It seems real  
17          easy, but it's just not. So I would suggest  
18          that we would be forced to reject this map  
19          because it didn't take into consideration  
20          minority districts, I don't think, anywhere,  
21          did he?

22          MR. GUTHRIE: I believe that is correct,  
23          yes.

24          SENATOR DETERT: Yeah.

25          SENATOR GAETZ: Are there other maps?

1 MR. GUTHRIE: That's it.

2 SENATOR GAETZ: Okay. Let's see what we  
3 -- if we can, if we can, let's see what we can  
4 agree to in terms of guidance for our  
5 professional staff. Let's start, if we may, in  
6 the north part of southwest Florida, in the  
7 Tampa Bay area, and I am going to posit an  
8 instruction and then ask you to comment on a  
9 proposed instruction.

10 We heard, as I recall, substantial  
11 testimony, and Senator Latvala reflected on it,  
12 as to east and west Pasco and the commonalities  
13 of east Pasco that are uncommon to the  
14 commonalities of west Pasco. Is it -- is it a  
15 fair characterization of the testimony we have  
16 heard, of the input we have received, that east  
17 and west Pasco would be treated separately as  
18 to Senate maps?

19 And, I'm sorry, Senator Benacquisto, were  
20 you seeking recognition?

21 Senator Latvala, were you?

22 SENATOR LATVALA: Mr. Chairman, I think  
23 you got to tie a couple of issues together  
24 there, and one is, you know, actually  
25 increasing the number of times Hillsborough

1 County is being split from what we've got now  
2 when we have gone in the opposite direction  
3 almost everywhere else in the state of trying  
4 to keep, you know, larger blocks of people  
5 together. And so, I mean, I got two major  
6 concerns: One, the east/west split in Pasco  
7 County, and secondly, that we do not have more  
8 districts -- more splits in a given county than  
9 what we have right now.

10 Now, in Pasco County right now, we have --  
11 three different districts have little pieces of  
12 Pasco County.

13 SENATOR GAETZ: Hmm.

14 SENATOR LATVALA: So we are not -- you  
15 know, certainly if you go from three to two,  
16 you are going down, but three to three would be  
17 the same, but in Hillsborough, we are actually  
18 increasing the number of different Senate  
19 districts of which Hillsborough would be part  
20 of.

21 SENATOR GAETZ: May we -- may we take it,  
22 then, as an instruction to professional staff  
23 that we don't want to bifurcate and trifurcate  
24 and quad-furcate and other-furcate Hillsborough  
25 County anymore than it has been, and that we

1 would want to, if anything, not make it worse  
2 in terms of splits, and if possible -- if  
3 possible, make it better, bearing in mind what  
4 we have learned here about the minority  
5 district that we -- that we are admonished not  
6 to -- not to diminish for legal reasons.

7 Is that -- I am not doing a good job here,  
8 Senator Latvala, but --

9 SENATOR LATVALA: I mean, is to not -- not  
10 make more splits in Hillsborough County than  
11 what we've got now, but we would still be able  
12 to preserve the minority district. And then,  
13 you know, look at the -- at least an east/west  
14 split in Pasco, but maybe even an east and  
15 middle and a west split, a little similar to  
16 what we've got now.

17 Most of the population is in western Pasco  
18 County. Well over half of the population is in  
19 the west side of the county, you know. So the  
20 -- as the further you go east, the more kinship  
21 you get with the rural counties in the middle  
22 of the state, whether it be Sumter, Hernando or  
23 Polk, more rural, more agriculture, the further  
24 east you go.

25 SENATOR GAETZ: Does everyone -- did

1 everyone follow that, what I think is a very  
2 clear explanation of that issue, the divisions  
3 with respect to Hillsborough County and then  
4 the east/west divisions with respect to Pasco?  
5 Is there any dispute of that analysis, which I  
6 think is faithful to the testimony that we have  
7 heard all the way around?

8 If not, Mr. Guthrie, consider that without  
9 objection to be instructions to the  
10 professional staff as to -- as to the Tampa Bay  
11 area and as to the Pasco area.

12 MR. GUTHRIE: Uh-huh.

13 SENATOR GAETZ: Then is there further  
14 comment on that area? Senator Detert.

15 SENATOR DETERT: I'll comment on the next  
16 --

17 SENATOR GAETZ: Take us there, please,  
18 ma'am.

19 SENATOR DETERT: Thank you, Mr. Chair, and  
20 as your staff described District 21 as  
21 interesting, I think we can fix that. And from  
22 the testimony we heard and what I know of my  
23 community, I think if we took that green area  
24 and just made it into as good a rectangle as we  
25 possibly could, keeping the numbers in mind, it

1 is not a minority district, so I don't think  
2 that is problematic, but if you just followed  
3 the Manatee County borders, I think that that  
4 would -- it certainly meets my standard for  
5 fairness.

6 SENATOR GAETZ: Senator Detert, let me ask  
7 you this, and I don't have the numbers  
8 memorized, and we may want to chat separately,  
9 or you may want to chat with professional  
10 staff, but let us imagine that Manatee -- let  
11 us imagine that there had to be one other  
12 county that was married with Manatee in whole  
13 or in part.

14 SENATOR DETERT: Uh-huh.

15 SENATOR GAETZ: What would you -- based on  
16 your knowledge of the community and your  
17 recollection of the testimony and of legal  
18 constraints that we are under, do you have any  
19 observations there?

20 SENATOR DETERT: Well, I would say, number  
21 one, I have a very small portion of Manatee,  
22 which is Long Boat Key. Long Boat Key runs  
23 from Manatee to Sarasota, and it literally is  
24 split, I think, by a bridge. So half of Long  
25 Boat could go to Manatee to give them some more

1 numbers. And if you squared it off and then if  
2 they needed more people, I think it would be  
3 acceptable to take a slice there out of Hardee.  
4 It is not far-fetched to think that they have  
5 commonalities there, because I think they do.  
6 And then if you kept Sarasota along the  
7 Sarasota boundary lines and dropped it into  
8 Charlotte to get the proper amount of numbers,  
9 I think that would suffice. Or see the green  
10 part that is part of Sarasota?

11 SENATOR GAETZ: Yes, ma'am.

12 SENATOR DETERT: You could just square  
13 that off, taking that little blue part, which  
14 is now in 23, and giving it to 21, and then  
15 just take off a slice of Hardee, I would  
16 imagine.

17 SENATOR GAETZ: We don't we keep that in  
18 mind as an option? We don't have the numbers  
19 here in front of us, but let's keep that in  
20 mind as an option.

21 SENATOR DETERT: Well, the real purpose  
22 is, you know, that is historically considered,  
23 and still is considered a Manatee seat. It  
24 does not need to be in Cape Coral or anyplace  
25 down there is the main point of that exercise.

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

2           SENATOR LYNN: Mr. Chairman?

3           SENATOR GAETZ: Yes, Senator Lynn.

4           SENATOR LYNN: I don't know this area well  
5 enough to speak on it, but I am speaking for  
6 the entire map. Throughout the entire map, off  
7 and on, that we've -- all the maps that we have  
8 looked at, we see some of these districts that  
9 seem to be a lump and then a teeny sliver going  
10 down to something and another lump, or whatever  
11 you call it, and the constituents that I have  
12 seem to always think that that is definitely a  
13 gerrymandered kind of district. While we know  
14 we have to preserve the minority areas as our  
15 top priority, I am just wondering and asking,  
16 is it not possible to do that while avoiding  
17 some of these extremely long, winding, tailed  
18 districts? Because it doesn't matter what you  
19 do with the map. The minute constituents see  
20 that, or voters see that, in their minds, you  
21 have gerrymandered. And I didn't know how you  
22 avoid it, but is that possible?

23           SENATOR GAETZ: Well, I think it is not  
24 only -- it is not only possible, it is  
25 mandatory that we -- that we bear in mind the

1 constitutional requirement for compactness,  
2 where feasible. And so I would hope that we  
3 would judge for the PCB in that way, and that  
4 any odd geometry would have to be justified  
5 very -- you know, would have to be justified on  
6 the basis of either needing that area in order  
7 to achieve the proper number of voting age  
8 population, or for some other hierarchal need.  
9 But, yes, the Constitution tells us that we  
10 must be -- compactness where feasible is a  
11 mandate. So I think you are absolutely right,  
12 and the optics of a map often -- sort of our  
13 conversation starters are stoppers.

14 Senator Detert.

15 SENATOR DETERT: Along those same lines,  
16 Mr. Chair, why couldn't we do what I had  
17 suggested last time, which is to have a totally  
18 blank map of Florida with an overlay of just  
19 the minority districts so people can understand  
20 why we had to do what we did? Because you  
21 can't have squares and rectangles when they  
22 have to blend in with the pretzel next door to  
23 you.

24 SENATOR GAETZ: Well, that is true, and  
25 so, Mr. Guthrie, when you do come back to us at

1           our next meeting, let us have as one of the  
2           visual displays the minority districts as a --  
3           as a -- laid onto a clean map of Florida as a  
4           way of responding to Senator Detert's well-made  
5           point and then I think depicting sort of how we  
6           build the building blocks after that, and that  
7           is consistent with the Unanimous Consent  
8           Agreement that we are operating under.

9           Let us, if we may, then see what we can  
10          agree to a bit further south. Are we in  
11          agreement that the cross-state Senate district  
12          that currently exists should be no longer? Are  
13          we in agreement that that is a -- that is an  
14          anomaly of past redistricting that we should --  
15          that we should find an alternative to? Is  
16          there objection to that? All right.

17          Yes, sir, Senator Latvala.

18          SENATOR LATVALA: When you -- you know, I  
19          mean, it is all in the details. When you say  
20          cross-state, are you just eliminating something  
21          that starts on one coast and goes to the other  
22          coast, or, you know --

23          SENATOR GAETZ: Well --

24          SENATOR LATVALA: I mean, you are kind of  
25          maybe leaving a little bit open to the

1 imagination there.

2 SENATOR GAETZ: Well, the -- thank you,  
3 Senator Latvala, and I take that point. The  
4 district that -- which was called by so many  
5 people in testimony -- and I say this with  
6 respect to our former colleague, the Aronberg  
7 district, that the shape of the Aronberg  
8 district, which was a -- virtually a  
9 coast-to-coast district, that we leave that  
10 behind us and we seek a more compact and more  
11 logical district than that --

12 SENATOR LATVALA: I agree --

13 SENATOR GAETZ: -- that is what I meant.  
14 And I'm sorry, Senator Latvala, your point was  
15 well -- any objection? If not, then let that  
16 be an instruction to professional staff.

17 Obviously, maintaining compliance with  
18 Section 5 is -- it would seem to me to be  
19 indisputable, unless you want to take on the  
20 Justice Department, and so we would maintain  
21 that as an instruction to the staff. You have  
22 the Thrasher hierarchal -- the hierarchy of  
23 values, which is a -- basically a restatement  
24 of Amendments 5 and 6.

25 Other -- other instructions? Other

1 instructions?

2 SENATOR THRASHER: Mr. Chairman, maybe --

3 SENATOR GAETZ: Yes, sir, Leader.

4 SENATOR THRASHER: And I don't remember  
5 the numbers, but there were serious objections  
6 to a number of the maps that you put up, John,  
7 that were shown, I mean, I would just call your  
8 attention to those objections. I wrote down  
9 just two, 147, I think there was a unanimous  
10 concern about that particular map, and then a  
11 couple of others that had some serious  
12 concerns. You can go back and check the record  
13 on that, but I would certainly call your  
14 attention to those major objections on those  
15 maps.

16 SENATOR GAETZ: Senator Latvala.

17 SENATOR LATVALA: And I would support what  
18 he said. I think there were some points that I  
19 think it was Senator Negron made about --  
20 revolving around the Lee County testimony and  
21 so forth, and I think we want you to take those  
22 into consideration also.

23 SENATOR GAETZ: Senator Sachs.

24 SENATOR SACHS: Thank you, Mr. Chair.

25 When we make these -- these comments on

1 the maps, are they duly noted in the record so  
2 that when it comes up in time for committee,  
3 that we can revisit these comments as well for  
4 the maps, such as the one previously, the King  
5 map, that there were some comments made with  
6 regard to not respecting the minority districts  
7 and mandates by the Supreme Court, that maybe  
8 we need to make note of those so that when they  
9 come up in committee?

10 SENATOR GAETZ: Well, first, we would  
11 encourage all Senators to maintain your own  
12 recollections and however you wish to maintain  
13 them, but in answer to your question, Senator  
14 Sachs, and I stand to be corrected, a recording  
15 of this meeting is included in the archives of  
16 the Senate and would be a cherished momento for  
17 all of us to refer to.

18 SENATOR SACHS: Just a follow-up,  
19 Mr. Chairman, if I may?

20 SENATOR GAETZ: Yes, Senator Sachs.

21 SENATOR SACHS: Besides the fact of having  
22 them in the archives, when -- when these --  
23 when we review the bills that really consist of  
24 the maps, as we've discussed --

25 SENATOR GAETZ: Yes.

1           SENATOR SACHS: -- will those comments be  
2 available to us? I mean, is there any way that  
3 we can revisit -- I have seen a lot of maps,  
4 and they all look very current right now, but  
5 when I think back in the last couple of weeks  
6 in the maps, and it may not be that current, is  
7 there a way, sir, that we can have these  
8 collated so that, you know, there's some memory  
9 of it, or should we just remember our comments?

10           SENATOR GAETZ: No, we -- Jay, did you  
11 wish to remark to that?

12           MR. GUTHRIE: I was pointing to the  
13 binders there, which have a compilation of the  
14 157 maps that were submitted by the public. We  
15 expect that to grow.

16           An easier way, in my opinion, to get at  
17 all of that content is using the submitted  
18 plans page on the Senate redistricting website  
19 where all of the maps and all of the statistics  
20 are just a click away.

21           SENATOR SACHS: Okay. Thank you.

22           SENATOR GAETZ: And if any member of the  
23 Committee wishes to revisit comments that are  
24 specific to a particular plan, we welcome you  
25 to do that for all of us, or we welcome you to

1 do that with professional staff.

2 Are there any other comments as to -- as  
3 to Senate districts in southwest Florida by  
4 members of the Committee?

5 If not, thank you very much, Mr. Guthrie,  
6 for that information, and I think you have a  
7 sense of some of the concerns and cautions of  
8 the Committee, you have a sense in specific  
9 areas as to where we -- we want to be not only  
10 faithful in all cases to the law, but also  
11 faithful to the ways in which our constituents  
12 in southwest Florida wish to have the law  
13 fairly and equitably applied to their areas.

14 Now what we would like to do before we  
15 turn to other discussion is to hear from  
16 members of the public who are here today who  
17 may wish to comment. We have several  
18 individuals who were here, some of whom came a  
19 good ways, and we will -- the prerogative of  
20 the Chair, we will take individuals who have  
21 driven here a ways, we will take lobbyists last  
22 and we will take frequent visitors to the  
23 Committee second to last.

24 And with that in mind, in the order in  
25 which they were received, Marjorie

1 Starnes-Bilotti, I believe. Are you here,  
2 ma'am? We would love to hear your testimony.  
3 Ms. Starnes-Bilotti comes all the way from Ft.  
4 Myers, Florida. Would you come forward,  
5 please, to where Mr. Guthrie is standing? That  
6 way we can all hear what you have to say.

7 In fairness to others who wish to testify  
8 and to the need of members of the Committee who  
9 may want to ask questions, if you can keep your  
10 testimony to three or four minutes, we would be  
11 grateful.

12 You are recognized. Welcome to the  
13 Senate.

14 MS. STARNES-BILOTTI: Thank you. Good  
15 afternoon, Chairman and members of the  
16 Reapportionment Committee. I am Marjorie  
17 Starnes-Bilotti, and I am from Ft. Myers in Lee  
18 County. I reside in House District 75.

19 I come to you expressing the sentiments of  
20 my neighbors and friends in Ft. Myers, Estero  
21 and Bonita Springs to urge you to take these  
22 cities together in a Lee County-based Senate  
23 district.

24 You have already heard and I have heard  
25 reference to today to the citizens in Bonita

1           Springs and Estero particularly wanting to join  
2           Ft. Myers. They earnestly desire this very  
3           rational configuration.

4           I speak to you as a long-term resident of  
5           Lee County. My family has deep roots there,  
6           having had a presence since 1910. We are  
7           voters, active in the community. We have a  
8           family history of the practice of law and  
9           ranching since the 1930s. My dad was the  
10          founder of the largest law firm in town,  
11          Henderson, Franklin, Starnes and Holt, that is  
12          Ft. Myers, my brother is a circuit -- senior  
13          circuit judge, and I founded a law practice  
14          there beginning 30 years ago, a family law  
15          practice. My siblings continue their ranching  
16          interests.

17          I know well the pulse of Lee County, and I  
18          can tell you that the voters of Lee County  
19          desire a district consisting of or  
20          incorporating Bonita Springs, Estero and Ft.  
21          Myers. They don't wish to be in a group -- in  
22          a district with Collier County. We ask you for  
23          a Lee County-based Senate district.

24                   Thank you for your attention.

25                   SENATOR GAETZ: Thank you very much,

1 ma'am, and thank you for coming all this way to  
2 be with us.

3 Next we have Tom Leonardo. Mr. Leonardo  
4 is a city councilman in Ft. Myers, and thank  
5 you for your service to the people of Ft. Myers  
6 and your service to the people of Florida.

7 And, Mr. Leonardo, welcome to the Senate.  
8 You are recognized.

9 COUNCILMAN LEONARDO: Thank you. Recently  
10 I received an e-mail invitation to attend this  
11 hearing from Senator Gaetz, and I replied,  
12 "Only if I am reelected on Tuesday,  
13 November 8th." Well, here I am.

14 SENATOR GAETZ: And just -- Mr. Leonardo,  
15 just so that we all stay on the same page, I am  
16 pleased that you got the e-mail. We -- and I  
17 am delighted you are here. We did not  
18 selectively send those e-mails out.

19 COUNCILMAN LEONARDO: I understand.

20 SENATOR GAETZ: We sent e-mails out to  
21 everyone who gave us their e-mail address when  
22 we were in your community and who expressed an  
23 interest to stay involved in the process. So  
24 we are awfully glad you are here, and you are  
25 special because you are a citizen of Florida,

1 but we had a lot of special citizens we sent  
2 the e-mail to.

3 COUNCILMAN LEONARDO: Thank you, sir, and  
4 I appreciate that.

5 First of all, thank you all for your  
6 wonderful work. It is very difficult what you  
7 do, and your travel has been very extensive,  
8 and I happened to be one of the people  
9 attending and speaking at Lehigh Acres. It  
10 was -- I enjoyed that very much. It was great  
11 participation.

12 Having worked on redistricting the City of  
13 Ft. Myers, our wards, I can appreciate how hard  
14 you work. Ours is a small task relative to  
15 yours.

16 Let me offer you two suggestions on how to  
17 make these hearings more beneficial. I happen  
18 to have brought an iPad, and, fortunately,  
19 there was a gentleman here that helped me get  
20 on the site to help me look at your maps. But  
21 I was kind of upset because I couldn't follow  
22 the proceedings earlier. So my thoughts to  
23 share with you to make this easier for the  
24 public attending is if you would have an agenda  
25 to hand out when people come in, as we do at

1 city council meetings, that would be helpful.  
2 And for those who wish to have maps and don't  
3 have the benefit of an iPad or their computer  
4 with them or have somebody to tutor them as I  
5 had somebody tutor me, you might have those  
6 maps handed out, too. It is awful difficult to  
7 follow without those maps.

8 Let me say that I don't speak in my  
9 official capacity as a member of the Ft. Myers  
10 City Council, or in an official capacity  
11 representing Lee County as a member of their  
12 MPO Board, but I do speak on behalf of several  
13 citizens who have asked me to come here and  
14 speak, and that is to kind of echo what  
15 Ms. Bilotti had already said, and that is to  
16 keep a Senate seat based in Lee County. That  
17 is very important to us.

18 And the second thing is, please don't  
19 split Bonita Springs and Estero into two  
20 separate districts. You have heard that  
21 testimony before. If the two of us can prevail  
22 upon you and your staff to make that happen, we  
23 would be very grateful.

24 Thank you very much for your time and for  
25 this opportunity.

1           SENATOR GAETZ: Thank you, Councilman, and  
2           congratulations on your reelection.

3           Yes, Senator Detert.

4           SENATOR DETERT: Could we just quickly ask  
5           the staff if Lee County has the numbers to  
6           support their own Senate seat? I mean, it is  
7           an easy question.

8           MR. GUTHRIE: The population of Lee County  
9           is 619,000 people. So it would be enough for a  
10          Senate seat with 150,000 left over.

11          SENATOR GAETZ: So there would be -- if  
12          you -- just on simple arithmetic, two Senate  
13          seats would -- would touch Lee County?

14          MR. GUTHRIE: Yeah.

15          SENATOR GAETZ: Next, Vivian Garner.  
16          Ms. Garner comes from Hudson, Florida, and we  
17          are delighted to have you here, ma'am. It says  
18          here that you are a teacher.

19          MS. GARNER: Yes.

20          SENATOR GAETZ: What do you teach?

21          MS. GARNER: I teach physical education.

22          SENATOR GAETZ: Physical edu- -- well, we  
23          need that, that's for sure. Thank you for  
24          being here, and you are recognized, ma'am.

25          MS. GARNER: Thank you very much, Chairman

1 and the Committee members.

2 I wanted to speak on behalf of members  
3 from Pasco County, and Senator Latvala is real  
4 familiar with our county, and I am a resident  
5 of Pasco County for 45 years. I have lived on  
6 both the east side of Pasco County in the  
7 Lacoochee area, and I presently live on the  
8 west side in Hudson.

9 So as Senator Latvala has said, the Senate  
10 districts that we currently have, which are  
11 three different districts, Senate districts, in  
12 Pasco County, we have one that is based out of  
13 Tampa, Senator Norman, then we have Senator  
14 Storms, which is out of Lithia Springs, which  
15 is the Brandon area.

16 I have been coming up here for around 15  
17 years. What I have noticed is that those  
18 Senators who have their offices down in the  
19 Hillsborough County area, they do come and they  
20 listen to what we have to say, but they don't  
21 have the ownership of Pasco County residents  
22 that we would like to see as constituents.  
23 Pasco County people would like to be able to go  
24 to a Senate office that is right within our  
25 county boundaries. So I agree with Senator

1           Latvala that if we could have at least two  
2           separate Senate boundaries, one for the west  
3           and one for the east. Land O' Lakes,  
4           Zephyrhills and Lacoochee and Dade City all  
5           have commonalities, and I don't like to see  
6           people have to travel all the way down to Tampa  
7           to be able to meet with their Senator.

8                        So we also have that same thing that  
9           happens in the House district, and I know we  
10          haven't brought that up, but I am going to go  
11          ahead and testify for that. We have four  
12          different House districts in Pasco County for  
13          the State House, and we have the same thing  
14          happen in that. Well, one is in -- up in  
15          Hernando, we have one that kind of dips down  
16          that takes part of Tampa, and it makes it  
17          extremely difficult.

18                       So if we can look more at the county  
19          boundaries in Pasco County and have that be the  
20          Senate seat as far as representation, I think  
21          the people in Pasco County would be better  
22          served. Okay. Thank you so much.

23                       SENATOR GAETZ: Thank you. Senator  
24          Latvala I think may have a comment or a  
25          question.

1 MS. GARNER: Yes, sir.

2 SENATOR LATVALA: So are you -- I am not  
3 exactly sure what you are saying there. I  
4 think you are agreeing --

5 MS. GARNER: What I am saying is that I am  
6 agreeing with you that we need two that  
7 represent Pasco County, one east and one west,  
8 and because we have a lot of population on the  
9 west side where I live, but the east side is  
10 more rural, and I am hoping that Senator  
11 Bullard and Senator Siplin, as far as the  
12 minority numbers, we need to look at that and  
13 make sure we have enough, and I do believe we  
14 do, minorities in both the Dade  
15 City/Zephyrhills area, to support two Senate  
16 districts that would meet the needs for the  
17 minorities.

18 SENATOR LATVALA: Thank you.

19 MS. GARNER: Thank you.

20 SENATOR GAETZ: Thank you, and thank you  
21 for your service in the classroom.

22 MS. GARNER: Thank you.

23 SENATOR GAETZ: Next we will hear from  
24 Ryan Terrell, who is a frequent visitor. I  
25 think this may be the fifth or sixth

1 appearance. And in the interest of time,  
2 Mr. Terrell, we are going to ask you to be  
3 brief today.

4 MR. TERRELL: Okay. Thank you,  
5 Mr. Chairman and members of the Committee.

6 Today I am mainly only going to be talking  
7 about Section 2 and Section 5 issues related to  
8 the Hillsborough and other Section 5 counties  
9 in the southwest region. There were some  
10 comments that were made earlier by some of the  
11 Senators that were suggesting that if you were  
12 to split the current district represented by  
13 Senator Bullard, which includes Collier, Monroe  
14 and Hendry, which are Section 5 counties, that  
15 if you were to split those up, that it would be  
16 a potential violation of Section 5. I wanted  
17 to clarify that it would be a potential  
18 violation only if you were unable to do that in  
19 a way that preserved the district that still  
20 provided enough of a chance for that minority  
21 population to elect the Senator of their  
22 choice.

23 SENATOR GAETZ: Mr. Terrell, you have  
24 offered legal opinions in each of your  
25 testimony, and do I gather that you are a

1 member of the Bar? Are you an attorney?

2 MR. TERRELL: No, but the court cases are  
3 outlined --

4 SENATOR GAETZ: Then what -- I understand.  
5 Then I just want to make sure that we  
6 understand it is the custom of this Committee  
7 that when we seek a legal opinion, we turn to  
8 counsel for a legal opinion. So would you  
9 please qualify your comments that you are not  
10 rendering a legal opinion?

11 MR. TERRELL: Yes.

12 SENATOR GAETZ: Please don't tell us what  
13 is against the Constitution and for the  
14 Constitution and --

15 MR. TERRELL: I apologize, Mr. Chairman.  
16 I must have -- I am misspeaking then when I am  
17 trying to say that.

18 What I meant to say is it is within my  
19 opinion, looking over that, that those cases  
20 that -- that might be the issue, and, of  
21 course, counsel can correct me if I am wrong,  
22 but looking over those opinions, if you can  
23 take those Section 5 counties and provide and  
24 show that you can make those minority districts  
25 that would have that substantial population

1 voting age that would allow you to elect a  
2 minority of their choice, then you are within  
3 your realm to do so, and you are -- not  
4 advised, but encouraged to do so.

5 In the case of -- is it District 39 or  
6 District 38 -- whichever district number that  
7 Senator Bullard represents, in her case, in my  
8 map, what I show in plan 95 is that you can  
9 actually take her district, and by separating  
10 the Collier and Hendry portion of that district  
11 and making it into a separate district, you can  
12 actually create two minority seats compared to  
13 the one that is currently represented by  
14 Senator Bullard.

15 So I may be wrong, and if I am wrong,  
16 Counsel, please correct me on this, but my  
17 understanding is it would be a violation if you  
18 were to diminish the opportunity of a minority  
19 to elect in a district, but in the case that  
20 you can create more minority seats out of the  
21 same area in a more compact way that is  
22 narrowly tailored to meet that interest, in  
23 this case, it would be narrowly tailored by  
24 including Hendry, Collier and a small portion  
25 of Miami-Dade, I believe only 10 percent of the

1 district would be in Miami-Dade, I don't have  
2 the map in front of me, but that particular  
3 district would be 51.3 percent Hispanic  
4 majority, which would allow the minority  
5 population of that area the opportunity to  
6 elect a minority of their own choice while  
7 still allowing the minority populations in  
8 Monroe and Miami-Dade a minority district that  
9 they could still have the ability to elect a  
10 candidate of their choice. And that is the  
11 point that I was trying to make, not that I am  
12 reading legal opinions, but I am saying that if  
13 you can take those counties that are Section 5  
14 when you are going before the Department of  
15 Justice and there is the ability to say you can  
16 create more districts than what you are  
17 creating, the Justice Department wouldn't  
18 necessarily require you to do so, but what they  
19 would say is that you would have to have a  
20 pretty compelling reason not to, because you  
21 could create more districts than you are  
22 creating under the current plan.

23 And I just wanted to bring up something  
24 that was brought up earlier that Senator Siplin  
25 made about -- a comment that Senator Siplin

1           made about the current plan. The current plan  
2           wasn't challenged ten years ago, so -- the  
3           Senate plan. The House and the congressional  
4           plans were both challenged, but the Senate plan  
5           wasn't challenged ten years ago. So even if  
6           the Amendments 5 and 6 were in place ten years  
7           ago, they weren't challenged, so there is no  
8           way to actually know whether or not it would be  
9           compliant the way the minority districts were  
10          drawn ten years ago compared to how they need  
11          to be drawn today. And the only comment I  
12          would make on that is that if you are going to  
13          draw districts that are similar to that, I  
14          would urge you to look at the community of  
15          interest argument that I was making two weeks  
16          ago in that when you are comparing a minority  
17          population from one district -- I mean, from  
18          one area and stretching to it a far-off  
19          minority community that is a substantial  
20          distance away, if they both share similar  
21          communities of interest, that might hold up in  
22          court, but I would just be -- I would be  
23          advised to take caution --

24                    SENATOR GAETZ: In your opinion as a  
25          layman?

1           MR. TERRELL: Right. And I would just --  
2 I would use a little bit of caution in terms of  
3 connecting a district that is far-off  
4 communities of interest. And that is the only  
5 -- the only comment I would make. So if I said  
6 anything wrong, I would like counsel to kind of  
7 fix that.

8           SENATOR GAETZ: No, no, no. We just want  
9 to make sure that folks knew that you and I are  
10 both laypeople.

11           Anything else, sir?

12           MR. TERRELL: Nope, that is it.

13           SENATOR GAETZ: All right. Thank you very  
14 much.

15           Next, Carole Green. Ms. Green? Ms. Green  
16 is representing the City of Ft. Myers -- I'm  
17 sorry, the City of Bonita Springs.

18           MS. GREEN: Yes, sir, I am. Thank you  
19 very much, Chairman, and I will not belabor the  
20 point. I appreciated the fact that I had some  
21 of my other folks that were here from Lee  
22 County today, too.

23           I am the lobbyist for the City of Bonita  
24 Springs, I have been in that capacity for four  
25 years, but I am also a 30-year resident of Lee

1 County, so I have had an opportunity to know  
2 the county very well.

3 I am here on behalf of the City of Bonita  
4 Springs to again respectfully request that we  
5 hold the city intact. It is about a  
6 44,000-member residents in that city, and as  
7 you have already noted during the time that you  
8 all visited in Lehigh Acres, including Senator  
9 Negrón mentioned that, too, that there was a  
10 considerable amount of testimony to that fact.  
11 So I just wanted to make sure and go on record  
12 for the City on that behalf, and I won't waste  
13 anymore of your time.

14 SENATOR GAETZ: No, very fine, thank you  
15 very much.

16 MS. GREEN: Thank you.

17 SENATOR GAETZ: Any comments or questions  
18 for Ms. Green? If not, thank you for coming,  
19 and we --

20 MS. GREEN: Thank you, by all means.

21 SENATOR GAETZ: -- appreciate your  
22 testimony.

23 MS. GREEN: It is always good to be here.  
24 Thank you.

25 SENATOR GAETZ: Yes, ma'am.

1           And now, before we go to any final  
2           comments here, Senator Gibson, you had wanted  
3           to return to some comments you wished to make  
4           about the NAACP maps, and if you would like to  
5           do so, you are recognized, ma'am.

6           SENATOR GIBSON: Thank you, Mr. Chair, but  
7           I think I pretty much laid it out, not only  
8           just the NAACP map, but other maps that were  
9           submitted that we ultimately won't go back to  
10          because we've already passed them. So it's  
11          part of our procedure, I guess, that once we've  
12          finished with an area, we were done with that  
13          area, regardless of any maps we got later on?

14          SENATOR GAETZ: No, and, again, if I -- I  
15          apologize if I or the professional staff have  
16          led you to that erroneous assumption. We have  
17          passed no maps. We have not voted on a single  
18          map.

19          What we have done is achieved a small  
20          number of unanimous consent instructions to the  
21          staff and a small number of Unanimous Consent  
22          Agreements as to our procedure. But when we  
23          arrive at this hearing, or at this -- at the  
24          next meeting on December 6th with a proposed  
25          committee bill, you may return to any part of

1 the state and offer any amendment you may wish  
2 to offer, so long as it is a strike-all  
3 amendment and you can show the consequences to  
4 other districts.

5 Now, this leads, Senator Gibson, to  
6 another suggestion I would make, and it is up  
7 to every member of the Committee as to how you  
8 want to proceed. You can -- you can either  
9 submit an amendment to the proposed committee  
10 bill when we take up the second reading of that  
11 bill, or the first reading of the bill, for  
12 that matter, and then, of course, if you do,  
13 you have to get a majority vote on the  
14 Committee for your point of view to prevail.

15 There is another option, and the other  
16 option is that we are still taking input from  
17 this Committee, we still are anxious to have  
18 observations made that will assist us in  
19 complying with Amendments 5 and 6, complying  
20 with the Voting Rights Act, complying with the  
21 other legal strictures under which we operate,  
22 and being consistent with the testimony that we  
23 have heard from members of the public, and so,  
24 therefore, any Senator is -- and all Senators  
25 are invited to visit with our professional

1 staff at your convenience, make an appointment.  
2 And if you didn't -- if there's something that  
3 you didn't want to share today or you think of  
4 tonight or tomorrow and you believe it might be  
5 helpful in assuring that we are faithful to our  
6 legal responsibilities, you are welcome to do  
7 that then. We are in the market for good  
8 ideas. If, however, you wish to wait and offer  
9 a formal amendment and argue for that amendment  
10 and take a vote, as is the custom in many  
11 cases, you are welcome to do that, too,  
12 whichever is your preference.

13 SENATOR GIBSON: Well, let me just clarify  
14 then since you clarified. What I meant was for  
15 the purposes of this committee meeting, the  
16 meeting of the entire Committee, we are not  
17 revisiting maps in areas that we have already  
18 passed, obviously, because we are out of time?

19 SENATOR GAETZ: Well, you may -- at the  
20 meeting that we are going to hold on  
21 December 6th, that is a time when we will see a  
22 proposed committee bill, and that is a perfect  
23 opportunity, not the only one, not the last  
24 one, not the first one, but it is a perfect  
25 opportunity for you to revisit any part of the

1 state of Florida, any boundary of any district,  
2 any assumption that has been made, any  
3 agreement that has been arrived at. The only  
4 thing that I would insist upon as the Chair is  
5 if you wish to change the rules of engagement  
6 that we have agreed to without objection, that  
7 we achieve a similar kind of consensus.

8 Is there anything else that -- yes, sir,  
9 Senator Negron.

10 SENATOR NEGRON: Thank you, Mr. Chairman.

11 I just wanted to make a very brief comment  
12 following up on Senator Simmons' analysis today  
13 and Senator Thrasher's comments at an earlier  
14 meeting that when we are talking about not  
15 diminishing and having no retrogression  
16 according to Amendments 5 and 6 and then the  
17 mandate with minority voters, that this applies  
18 equally to racial minorities and language  
19 minorities, that both of those groups, in my  
20 view, are to be treated equally as we put the  
21 maps together. And I know that Senator Simmons  
22 had partially addressed that in his comments,  
23 but I just wanted to reiterate that that is my  
24 interpretation of Amendments 5 and 6 is that  
25 those -- that those two groups should be

1 treated equally and in the same fashion as we  
2 draw the maps. And I know you are going to  
3 have a map -- at least you had directed staff  
4 to have a map with the minority seats on it for  
5 our next committee meeting, so in light of  
6 that, I would just make that comment.

7 SENATOR GAETZ: Thank you very much,  
8 Senator Negron.

9 Are there any other comments that members  
10 of the Committee would wish to make, any other  
11 observations, any other direction or assistance  
12 or guidance to professional staff?

13 Leader Gardiner, any final comments? I  
14 believe your mike is not on, sir.

15 SENATOR GARDINER: Thank you,  
16 Mr. Chairman, and I appreciate your diligence  
17 and leadership. And as I mentioned before, as  
18 we are moving forward, whether it is Senator  
19 Gibson or others, that we take into  
20 consideration, if we are interested in a  
21 specific area, that we bring forward a plan  
22 that shows the impact across the state. I  
23 think that is very, very important that the  
24 members see that.

25 And to Senator Negron's point, I think

1 when we are addressing and looking at minority  
2 districts, that we do not diminish and we  
3 really look at the percentages. If a  
4 particular district is at a percentage, I think  
5 it is very important across the minority  
6 districts that that stays within that  
7 percentage.

8 So I want to thank you, Mr. Chairman, for  
9 such a great and open process, and we look  
10 forward to the product that comes forward.  
11 Thank you.

12 SENATOR GAETZ: Senator Simmons.

13 SENATOR SIMMONS: Yes, thank you,  
14 Mr. Chair, and I do want to agree with Senator  
15 Negron, the examples I gave, for example, the  
16 one about African-Americans, but the Amendments  
17 5 and 6 deal both with language minorities as  
18 well as race minorities, and all I was doing  
19 was giving an example. But both language  
20 minorities and race minorities are encompassed  
21 within the examples that I -- or the whole  
22 conversation that I made.

23 SENATOR GAETZ: Points well taken.

24 Leader Rich, do you have any final  
25 comments before we leave, ma'am? Thank you

1 very much.

2 The next time we meet, now, let's just --  
3 I don't mean to prolong the agony here, but the  
4 next time we meet will be December 6th. But on  
5 November --

6 Yes, ma'am, Senator Benacquisto.

7 SENATOR BENACQUISTO: Thank you,  
8 Mr. Chairman.

9 I just wanted to take this moment that  
10 before a single map is produced, to thank you  
11 for your leadership as Chair to navigate what  
12 are sometimes tenuous and difficult decisions,  
13 but you have done it very well, and we thank  
14 you for your time and concern, and we look  
15 forward to the maps being published.

16 SENATOR GAETZ: Thank you very much,  
17 Senator.

18 Our next meeting will be December 6th. We  
19 will -- the professional staff will take into  
20 account the input that we have received in all  
21 of the 26 public hearings, the 1,700 people who  
22 have testified, some of whom have testified  
23 against each other, many of whom gave  
24 conflicting testimony, so, you know, some  
25 people call it a ball, some call it a strike,

1 but that is being sifted through by each of us  
2 and by professional staff, the 158 maps, I  
3 guess, that we have received, 157, and the  
4 guidance from this Committee and the discussion  
5 that professional staff has heard from this  
6 Committee, as well as the testimony that we  
7 have received from members of the public who  
8 have come to these committee meetings, as well  
9 as to the 26 hearings. So we will have a PCB  
10 on the 28th.

11 And remember that by our Unanimous Consent  
12 Agreement, we are not going to have any  
13 midnight amendments, we are not going to have  
14 any surprise gotcha's. Instead, we are going  
15 to follow the guidelines that we have all set  
16 out that provide a seven-day rule for public  
17 notice, that provide a 48-hour rule for any  
18 amendments by any members of this Committee.  
19 We are not going to do Sunday afternoon at two  
20 o'clock when nobody is around and looking. We  
21 are going to follow a five o'clock Friday  
22 deadline, as we explained at the beginning of  
23 the meeting, and then we will vote on  
24 December 6th to introduce a PCB, and before we  
25 vote, we will hear the public testimony that

1           might be given that day, we will also have the  
2           advantage of The Florida Channel's production  
3           that I described earlier that gives people six  
4           different ways to contact us and share their  
5           views on the PCB that will be available to the  
6           public on the 28th of November, we will vote to  
7           introduce the PCB on the 6th, and then when we  
8           return after the Hanukkah/Christmas break, we  
9           will have another committee meeting. By then,  
10          I believe that our Rules Chair and our  
11          presiding officer will have had the opportunity  
12          to consider re-referring the PCB to the  
13          Reapportionment Committee. We will then have  
14          another full debate and discussion and take a  
15          vote and hopefully have a product that we can  
16          hand to our Rules Chair and our presiding  
17          officer for action at their pleasure early in  
18          the session.

19                 This has been an extraordinarily ambitious  
20          undertaking from the beginning to the end, and  
21          the end is not in sight, you know, we have a  
22          lot more to go through. But I want to thank  
23          particularly the Minority Leader, Senator Rich,  
24          the Majority Leader, Senator Gardiner, and  
25          members of the Committee, Democrats,

1           Republicans, people of different points of  
2           view. Undoubtedly we will have differences,  
3           and undoubtedly there will be, you know, votes  
4           up and down, but to this point, we have seen a  
5           group of legislators who have taken the legal  
6           requirement seriously and taken their public  
7           trust seriously, and I think have acted in a  
8           way that is a model for Florida and all of the  
9           nation.

10                   And with that, Senator Sachs moves we  
11           rise.

12                   (Whereupon, the proceedings were  
13           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 123 represent a true, correct, and complete transcript of the tape- recording;

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

Dated this 28th day of November, 2011.

\_\_\_\_\_

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014