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SENATE REDISTRICTING SUBCOMMITTEE MEETING

MONDAY, OCTOBER 3, 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 REPRESENTATIVE NEHR: Thank you, members.

3 This meeting of the Senate Redistricting

4 Subcommittee will be called to order.

5 Katie, will you call the roll, please?

6 THE CLERK: Representatives Boyd?

7 REPRESENTATIVE BOYD: Here.

8 THE CLERK: Caldwell?

9 REPRESENTATIVE CALDWELL: Here.

10 THE CLERK: Crisafulli?

11 REPRESENTATIVE CRISAFULLI: Here.

12 THE CLERK: Cruz?

13 REPRESENTATIVE CRUZ: Here.

14 THE CLERK: Ford?

15 REPRESENTATIVE FORD: Here.

16 THE CLERK: Hukill?

17 REPRESENTATIVE HUKILL: Here.

18 THE CLERK: Jenne?

19 REPRESENTATIVE JENNE: Here.

20 THE CLERK: Kiar?

21 REPRESENTATIVE KIAR: Here.

22 THE CLERK: Logan?

23 REPRESENTATIVE LOGAN: Here.

24 THE CLERK: Rouson?

25 Stargel?

1 REPRESENTATIVE ROUSON: Here.

2 THE CLERK: Williams, A.?

3 Williams, T.?

4 Workman?

5 Chair Nehr?

6 REPRESENTATIVE NEHR: Here.

7 THE CLERK: A quorum is present.

8 REPRESENTATIVE NEHR: Thank you, Katie.

9 Welcome, members, and much like our last
10 meeting, the bulk of our meeting today will
11 consist of a staff presentation and
12 opportunities for your feedback and input
13 regarding public testimony for redistricting.

14 At our last meeting, staff summarized for
15 us what was heard in the first four regions we
16 visited this summer, including written input
17 about those same four regions and any partial
18 maps that have been submitted which impact
19 those regions.

20 Today's meeting will look similar with
21 staff presenting public input received from the
22 fifth region, which was southwest Florida, and
23 any complete or near complete maps submitted by
24 the public.

25 Now, before we go forward, just a quick

1 administrative note. Also included in your
2 packet is the memo you received from
3 Representative Aubuchon regarding the rules and
4 procedures for redistricting, including special
5 deadlines. This was e-mailed out last week,
6 but we just wanted to make sure that you
7 definitely had a copy of it, and that is in tab
8 one of your packets. Make sure you have it.
9 If you don't, we will get it to you.

10 Now, regarding the packet that you have in
11 front of you, this is the same packet of
12 information that the Redistricting Committee
13 and other subcommittees will receive today, and
14 if you look towards tab two, you will see
15 materials regarding public input from southwest
16 Florida, and that is the subject of what our
17 analyst, Jeff Silver, is presenting today.
18 After Mr. Silver's presentation, our staff
19 director, Alex Kelly, will be presenting the
20 materials in tab three.

21 Now that said, Mr. Silver, you are
22 recognized to begin your presentation.

23 MR. SILVER: Thank you, Mr. Chairman.

24 As Chair said, this afternoon I will be
25 presenting public input from the public

1 hearings that were held in the southwest
2 region. If you would like to use your
3 committee packets to follow this presentation
4 rather than looking at the overhead screen,
5 please note that on the slides you will see in
6 the upper left-hand corner an item number
7 beginning with SW, of course standing for
8 southwest. However, my presentation is only a
9 subset of your committee packet, so if you do
10 want to follow along, paging through your
11 committee packet, I will read the item number
12 as I transition from slide to slide, and then
13 you will just need to page forward to keep pace
14 with the presentation.

15 We will begin with SW-7. Item SW-7, this
16 item comes from the Tampa public hearing. This
17 is a request for the minority districts in
18 Tampa Bay -- the Tampa Bay region to be
19 preserved. This request impacts Hillsborough
20 County, which is a jurisdiction that is covered
21 under Section 5 of the Federal Voting Rights
22 Act. Senate District 18 is shown in the
23 graphic. Senate District 18 currently has a
24 black voting age population of 39 percent, and
25 it currently elects an African-American to the

1 State Senate. State Senate District 18
2 currently has a population of 404,822, which is
3 65,210 short of the ideal population. So
4 District 18 does need to grow to include more
5 population.

6 Moving to Item number SW-9, a number of
7 people at the Largo public hearing asked for
8 Pinellas County to be kept whole. One person
9 also asked for Pinellas County to be kept
10 separate from Hillsborough County.

11 This visual shows how it would look to
12 keep Pinellas County whole. With a population
13 of 916,542, Pinellas County is too large for
14 the ideal population for a single Senate seat,
15 but too small for two Senate districts. The
16 second Senate district would require an
17 additional 23,522 to meet the ideal population.
18 To keep Pinellas separate from Hillsborough
19 County, as was requested, the additional people
20 for the second Senate district could come from
21 Pasco County. This request and the prior
22 request are an example of a pair of requests
23 that -- from the public that both
24 simultaneously cannot be implemented. Let me
25 just back up real quickly to this previous

1 item, which was requesting for the minority
2 districts in Tampa Bay to be preserved. If you
3 take a quick look at District 18 and then we go
4 on to the next item, you will see that this
5 suggestion and the previous one cannot both
6 simultaneously literally be achieved.

7 Moving on to Item SW-13, this item comes
8 from the Sarasota public hearing. This is a
9 request for the barrier islands to be kept
10 together. The person requesting this cited
11 tourism and beach re-nourishment as examples of
12 common interests uniting barrier island
13 communities.

14 This map shows what barrier islands in
15 Manatee County look like. This is just one
16 example of barrier islands, as more of these
17 islands can be found continuing down the
18 coastline. In this example, you can see that
19 these islands cross county lines, in this case,
20 Manatee and Sarasota, but although they span
21 counties, there is an element of functional
22 compactness with the barrier islands. Since
23 the barrier islands generally are less
24 populated than the inland areas, you could
25 potentially create a long, thin district that

1 ran north-south in an effort to keep the
2 barrier islands together, and then add required
3 additional population by adding coastal beach
4 communities to the district.

5 Moving on to the next item, which is
6 SW-15, this is an item from the Sarasota public
7 hearing. This request is to have the Senate
8 seat based -- to have a Senate seat based in
9 Manatee County and a separate second Senate
10 seat based in Sarasota County. This map shows
11 what this would look like, with Manatee in the
12 light green, Sarasota in the light orange.
13 Manatee County and Sarasota County, they both
14 lack sufficient population to meet the ideal
15 population of a Senate district on their own.
16 Manatee County would need an additional 147,199
17 people to finish the Senate district, and
18 Sarasota would need an additional 90,584 to
19 finish a Senate seat.

20 Moving to the next item, which is SW-20,
21 this also is an item from the Sarasota public
22 hearing. This is a request to connect
23 Charlotte and Sarasota Counties in a Senate
24 district. This map shows what that would look
25 like. With a population of 539,426, the

1 district above is too large for the ideal
2 population for a Senate district. 69,394
3 people would need to be removed from this
4 district in order to complete it; however, it
5 was not identified in this request where you
6 would take the population from to complete this
7 district.

8 The next item we have is SW-25. This is
9 coming from an item from the Naples public
10 hearing. This request asks for more Hispanic
11 representation in Collier County. Collier
12 County is a covered jurisdiction under Section
13 5 of the Federal Voting Rights Act. Currently,
14 Collier County has a Hispanic voting age
15 population of 21.9 percent. What we are
16 looking at in this graphic is Collier County's
17 Voting Tabulation Districts with the Hispanic
18 voting age population of 30 percent or higher
19 shaded in. District 37 -- excuse me.
20 Currently, part of Collier County is contained
21 in State Senate District 37, and part of it is
22 contained in State District 39. District 37
23 has a Hispanic voting age population of 16, and
24 does not elect a Hispanic to the State Senate.
25 District 39 has a Hispanic voting age

1 population of 43 percent and a black voting age
2 population of 29 percent, and currently elects
3 an African-American to the State Senate.

4 Currently, Collier County has one Hispanic
5 Representative in the State House and one
6 Hispanic member of Congress.

7 Moving forward to Item SW-28, this is from
8 the Naples public hearing. This was a request
9 for Bonita Springs to be kept whole. What you
10 are looking at on this map is the area that
11 makes up the City of Bonita Springs. With a
12 population of 43,914, the City of Bonita
13 Springs is too small for the ideal population
14 of a Senate district, so more communities would
15 be needed to add to this to complete a
16 district. Later on in this presentation you
17 are going to see a map that was submitted from
18 the public that shows a Senate district where
19 the City of Bonita Springs is kept whole.

20 We turn to Item number SW-29. This is a
21 request that came out of the Lehigh Acres
22 public hearing. This request is for Lehigh
23 Acres to be kept whole. What you are looking
24 at on the map here is the location of Lehigh
25 Acres, approximately. Lehigh Acres is an

1 unincorporated community in Lee County located
2 east of Interstate 75 and is a high-growth
3 area. The exact boundaries of Lehigh Acres
4 were undefined in this request, so further
5 clarification may be needed.

6 Moving forward to Item SW-30, this is
7 another request that came out of the Lehigh
8 Acres public hearing. This is a request for
9 the elimination of districts that cross the
10 state. This is something that was heard in
11 more than one meeting in southwest Florida.
12 The map that you are looking at currently shows
13 Senate District 27 as an example of cross-state
14 district. In this example, with a population
15 of 551,555, Senate District 27 is currently
16 over the ideal population for a Senate district
17 and needs to have 81,523 less people. The
18 parameters of what exactly make up a
19 cross-state district or what the threshold is
20 when a district becomes considered cross-state
21 were not clearly defined within this testimony,
22 so further clarification may be needed.

23 The next item is SW-31. This is also
24 another item coming from Lehigh Acres public
25 hearing. This is a request for the Estero and

1 Bonita Springs to both be in a single Lee
2 County district. The map that you are looking
3 at shows the City of Bonita Springs shaded in,
4 as well as the location of the Estero
5 community. The people who made this request
6 support a proposed district that we will look
7 at later on in this presentation.

8 The next item is SW-32. This is also an
9 item from the Lehigh Acres public hearing.
10 This is a request for Senate district -- a
11 Senate district that connects Collier County
12 with Hendry, Glades, Highlands -- and Highlands
13 Counties. This map shows what a Senate
14 district would look like that included all four
15 of these counties. With a population of
16 472,333, the district above is 2,298 over the
17 ideal population. It is important to keep in
18 mind as well that Collier and Hendry Counties
19 are both covered jurisdictions under Section 5
20 of the Federal Voting Rights Act.

21 This next item, SW-34, is, again, an item
22 that came out of the Lehigh Acres public
23 hearing. This is a request for Lee County to
24 be kept whole in a Senate district. The map
25 that you are looking at shows what a district

1 would look like that was made up of Lee County.
2 However, with a population of 618,754, Lee
3 County is too large to meet the ideal
4 population for a Senate district and would need
5 to be split at least once.

6 The next item is Item SW-39. This is an
7 item that came out of the Clewiston public
8 hearing. This is a request to remove Hendry
9 County from Senate District 39, citing as
10 reasons a lengthy cross-district travel time
11 and a lack of common interest with the other
12 counties in the district. This map shows what
13 the current Senate District 39 and Hendry
14 County looks like. With a population of
15 483,183, State Senate District 39 is too large
16 for the ideal Senate district population, and
17 it needs to lose 13,151 people in order to be
18 complete. According to the 2010 census, the
19 population figure for Hendry County is 39,140,
20 so just reducing District 39 to the ideal
21 Senate population could be a start to
22 satisfying this request, but would not be
23 enough to remove all of Hendry County from
24 District 39.

25 The next item is SW-41. This, again, is

1 an item from the Clewiston public hearing.
2 This request is from Donna Storter-Long of the
3 Glades County Commission. The request is to
4 keep Glades County whole in a Senate district.
5 The map shows what keeping Glades County whole
6 in a Senate district would look like. With a
7 population of 12,884, Glades is too small, of
8 course, to meet the ideal population of a
9 Senate district. More communities would need
10 to be added in order to complete it.

11 The Glades County Commissioner said that
12 Glades County identifies with other rural
13 counties such as Hardee, Hendry, DeSoto and
14 Okeechobee, and members, I don't have a slide
15 for it, but you will see on the next page in
16 your packet what a district would look like
17 putting all those counties together and some of
18 the related policy issues.

19 Moving forward, we turn to Item SW-44.
20 This was a written submission sent in an e-mail
21 by a Hillsborough County resident asking to
22 keep Brandon, Valrico and Riverview in one
23 district. This map shows an approximation of
24 keeping Brandon, Riverview and Valrico in the
25 same district. These three communities are all

1 census-designated places. The author did not
2 identify how these communities should be
3 connected. The combined population of these
4 communities is 210,000, approximately, which is
5 less than half of the required population for a
6 Senate district.

7 Going forward, we turn to Item SW-47.
8 This is an item that came from a written
9 submission having several authors that are
10 residents in Pinellas County, and this item was
11 submitted at the Largo public hearing. This
12 item is a request that the representation for
13 the black communities in St. Petersburg and
14 Pinellas County be maintained. This map that
15 you are looking at shows the Voter Tabulation
16 Districts in Pinellas and Hillsborough Counties
17 with a black voting age population of
18 35 percent or higher. Currently, the south
19 Pinellas black communities are represented by
20 minority office holders in State House District
21 55 and State Senate District 18.

22 The next item is SW-51. This item is a
23 written submission that a Lee County resident
24 submitted at the Lehigh Acres public hearing.
25 This item is a request for two State Senate

1 districts to be drawn within the boundaries of
2 Lee, Collier and Hendry Counties. This map
3 shows these three counties drawn together. The
4 total population for these three counties as of
5 2010 census is 979,414, which is 39,348 more
6 people than necessary for two State Senate
7 districts. This is a type of suggestion that
8 was made a couple other times in the southwest
9 region where people asked for certain counties
10 to be grouped together to form Senate seats,
11 but don't actually explain how that area should
12 be divided into the respective Senate seats
13 that they are looking for. This particular
14 request, it is important to keep in mind that
15 two of these counties included in the request,
16 Collier and Hendry, are counties that are
17 covered jurisdictions under Section 5 of the
18 Federal Voting Rights Act.

19 Looking at Item SW-56, this is an item
20 that is from a partial Senate map submission
21 submitted by Jeffery Moss on behalf of the City
22 of Bonita Springs of Lee county. This is a
23 City of Bonita Springs Senate district.

24 The map shows a proposed State Senate
25 district which impacts the county. The author

1 of this map carefully considered city
2 boundaries, county lines and roadways; for
3 instance, the author carefully avoided crossing
4 into the City of Cape Coral.

5 The Estero community is wholly included in
6 this map in connecting it to Bonita Springs, as
7 well as other parts of Lee County, and the
8 Estero Council of Community Leaders formally
9 stated their support for the submission in an
10 e-mail that was received by the House
11 Redistricting Committee.

12 This district has a population deviation
13 of minus 12,560 people, so to reach the ideal
14 population, more communities would need to be
15 added; however, clarification was not included
16 with this submission if this population
17 deviation should stay as it is or if additional
18 population should be added and where that would
19 come from.

20 Now we turn to the last item in this
21 presentation, Item SW-58. This item is from a
22 partial State Senate map submitted by a Lee
23 County resident. The author of this district
24 tended to use county lines as boundaries on the
25 eastern end of this district. On the other

1 hand, on the western end, the author seemed to
2 use more I-75 as a boundary, which caused
3 cities such as Ft. Myers and Bonita Springs to
4 be divided. So this submission is an
5 illustration of sort of a difference of opinion
6 on, for example, the area of Bonita Springs.
7 We just saw on the previous slide -- I will
8 back up real quickly here -- a proposed Senate
9 district where Bonita Springs is kept whole,
10 and we see sort of a competing suggestion for
11 this area where Bonita Springs is not kept
12 whole.

13 In this district, Item SW-58, the
14 population -- it has a population deviation of
15 104 people under the ideal Senate district
16 population. This district impacts Manatee,
17 Sarasota, Charlotte, Lee, DeSoto, Glades and
18 Highlands Counties, and also it is important to
19 keep in mind that it as well impacts on Hardee
20 and Hendry, which, again, are Section 5
21 counties.

22 And, Mr. Chairman, that concludes my
23 presentation.

24 REPRESENTATIVE NEHR: Thank you,
25 Mr. Silver. It was an excellent presentation,

1 full of a lot of details.

2 I want to welcome the other members of the
3 Committee who came in just a little bit late.
4 I see Representative Williams brought the
5 Chairman an apple. I certainly appreciate
6 that.

7 Are there any questions for Mr. Silver?

8 Representative Kiar, I believe you had a
9 question. You are okay now?

10 Representative Rouson, you are recognized.

11 REPRESENTATIVE ROUSON: I just wanted to
12 acknowledge that Representative Williams was
13 late.

14 REPRESENTATIVE NEHR: Representative
15 Williams, you are recognized.

16 REPRESENTATIVE A. WILLIAMS: I was working
17 with our great co-Chair, Representative
18 Workman. That is why I was late, since he came
19 after I did. Thank you.

20 REPRESENTATIVE NEHR: Thank you, but I am
21 not quite sure that Representative is co-Chair.
22 You may have to be really -- I believe he is
23 the Vice-Chair, so we just don't want incorrect
24 information going on the record.

25 Are there any questions of Mr. Silver so

1 we can get back on track? Any questions of
2 Mr. Silver?

3 Hearing no questions of Mr. Silver, thank
4 you, Mr. Silver, we certainly appreciate it.

5 Now, members, Alex Kelly is going to give
6 us a presentation regarding the statewide maps
7 we have received so far, and Mr. Kelly, you are
8 recognized for your presentation.

9 MR. KELLY: Thank you, Mr. Chair.

10 Members, as Chairman Nehr indicated, I am
11 going to be going through the different
12 statewide proposals for the Senate map that you
13 have received from Florida residents, of which
14 there are only a few to cover. In the
15 presentation, I am going to cover some summary
16 points about each, some points that are common
17 to each, whether they are contiguous, whether
18 they are complete, but in addition to that, if
19 there are any individual or unique
20 characteristics that appear on maybe one Senate
21 map as opposed to the others, and overall I am
22 going to highlight comparisons at the end of
23 the presentation that if you turn to page 39 in
24 tab three, if you turn to page 39, the first
25 couple pages there include comparisons between

1 the plans, and we included that information
2 because redistricting is often a science of
3 comparison and analysis in taking one plan that
4 may have a certain substance and another plan
5 that has potentially the same substance behind
6 it, but one plan, for example, splits fewer
7 counties, another plan is perhaps more compact,
8 another plan perhaps respects minority
9 communities differently or better. And so
10 redistricting is oftentimes a comparison
11 between plans that sometimes are intended to do
12 similar things. And so, again, I will come
13 back to the charts on page 39 at the end of
14 describing each of the submissions in the
15 PowerPoint.

16 And as a disclaimer, we are covering
17 through today the first 68 maps that were
18 received, partial or complete maps. Since
19 then, there are three more that are on the
20 website already. There were four that we have
21 received over the weekend or as of this
22 morning. So at a later date at some point, if
23 there are any unique characteristics in those
24 that you haven't seen up to this point, we will
25 find a way in the committee process to bring

1 those forward.

2 And one of the things I want to point out
3 when you look at just the first submission --

4 REPRESENTATIVE NEHR: Mr. Kelly, I'm sorry
5 to interrupt you. Can you tell us what page we
6 are on, because I don't seem to have 007 in my
7 book?

8 MR. KELLY: My apology. Mr. Chair, we are
9 on page 41.

10 REPRESENTATIVE NEHR: Thank you, sir.

11 MR. KELLY: Yes, tab three.

12 When you look at any of the plans, and
13 we've probably never explained this before, but
14 you see a naming convention before the plan
15 that indicates a few different things. And at
16 some point in time when -- if some of you or if
17 the Committee's filed plans, you are going to
18 see this naming convention change. I just want
19 to take this opportunity to walk you through it
20 real quickly so that you know what the letters
21 and numbers symbolize.

22 When you see "HPUBS0007," "H" stands for
23 that the plan was received by the Florida
24 House. So if it had an "S," that means it was
25 received by the Florida Senate, and we share

1 everything with each other, all plans equally.
2 The "PUB" means that it was submitted by the
3 public. If it was perhaps submitted by one of
4 you, you would actually see your district
5 number there, or if it was a committee, you
6 would see a different number there. The "S"
7 means that it is a Senate plan, so it could be
8 an "H," it could be a "C." And then the "7"
9 just means that it was the seventh plan
10 received. So if we get to 10,000 plans, we
11 would have to add some new numbers, but for
12 now, there will be four digits.

13 And with each plan, we are noting, not
14 just the plan author, but where they are from,
15 because sometimes that may give you some
16 perspective as to what their intent was or what
17 their just knowledge was about given areas of
18 the state.

19 So regarding the first plan on the screen,
20 plan number seven by Henry Kelly of Okaloosa
21 County, what stands out immediately in this
22 plan is the north-south division, the
23 horizontal division, if you will, of the Senate
24 districts in the Panhandle. Generally
25 speaking, the coastal communities are the

1 dividing line with it appears to be Highway 98
2 acting as an artery for the district in the
3 southern Panhandle district. The Walton County
4 portion of the district does extend, and there
5 was -- further to the north, and if you were in
6 the meetings in Ft. Walton Beach, in that area,
7 there was a lot of testimony that the -- that
8 people wanted the Legislature to make sure that
9 all of Eglin Air Force Base ended up in the
10 same district one way or the other, and
11 presumably that was the intent of this map
12 drawer.

13 But then the districts as a whole after
14 that point take whole counties in frequently
15 once you leave the Panhandle, and in fact,
16 actually, this submission was tied for the
17 fewest number of counties split with 23.

18 And an important point to make, when we
19 say counties split and being 23 counties is
20 that 11 counties have to be split, 11 counties
21 are larger than a Senate district. So really
22 what you are looking at is 12 counties where
23 the map drawer willingly chose to split them,
24 because 11 times the map drawer had to split
25 them.

1 The deviation for this plan is 2.62
2 percent, which is higher than was used ten
3 years ago, but is not by any means out of any
4 kind of normal balance.

5 There are a number of non-contiguous
6 points throughout the plan. This plan author
7 generally appeared to use VTDs in the building
8 of the districts.

9 The plan has the largest perimeter of all
10 the plans submitted. And what I mean by that
11 is that we have just now in this document begun
12 adding a compactness measurement, and in the
13 coming weeks we will be adding additional
14 measurements. A perimeter measurement is one
15 that is fairly commonly used, and it is
16 basically what it sounds, it is just simply
17 measuring the perimeter of the district. So
18 the larger, more sprawling the district, the
19 more it would add to the total. If you had a
20 large number of large, sprawling districts,
21 your perimeter measurement would be higher. So
22 the lower the number, the more compact your
23 district. But, again, in coming weeks, we are
24 going to be adding new measurements to that to
25 give you some perspective as to what different

1 compactness measurements might tell you.

2 The plan also does significantly reduce
3 the black voting age population in a few
4 districts, a point to note. And one other item
5 that caught our attention was that the district
6 includes portions of Volusia and Flagler County
7 unlike the rest of the map was split in both --
8 and in both sides of the district also split
9 municipal boundaries, and it was in stark
10 contrast to the way that the rest of the map
11 was drawn. It could have just been an issue of
12 trying to get the right population, but it
13 stood out in looking at this map.

14 And moving on to the next page, page 42,
15 map 28, submitted by a Hillsborough County
16 resident, this plan has a sort of north -- also
17 has a north-south division in the Panhandle,
18 but it is more heavily focused in the Escambia
19 County area. This individual chose to wrap all
20 of Pensacola into the district, as opposed to
21 splitting Pensacola like the prior plan author.

22 This plan also significantly reduces the
23 black voting age population a few districts.
24 This plan was exclusively drawn with VTDs. The
25 plan splits 29 counties and 201 cities, and it

1 has a number of non-contiguous pieces of
2 geography.

3 Now, part of both of these first two plans
4 having a number of pieces of geography that
5 were not contiguous, splitting of counties,
6 splitting of cities, as we have noticed
7 throughout this process, throughout the summer,
8 into the fall, plans received now more -- now
9 more frequently are complete, contiguous, have
10 refinements to them. It is quite possible that
11 plan authors who were submitting plans in May,
12 June, July, just maybe just simply didn't have
13 as much time to work on their plans. Those who
14 are submitting them now more frequently are
15 submitting more sophisticated plans.

16 The plan does split Marion County three
17 ways, and if you recall from the Gainesville
18 and The Villages meeting, that was a real
19 point -- in fact, actually, the Orlando meeting
20 as well, that was a point that was heavily
21 made, a request from Marion County to keep the
22 county whole, and just pointing out that this
23 plan author split the county three different
24 ways.

25 The plan creates a large territory of

1 rural communities, Polk County moving south,
2 and you see this in a lot of the plans,
3 particularly the Senate and Congressional maps,
4 where plan authors seem to struggle with how it
5 is that taking Polk County, moving south, parts
6 of east Hillsborough, some of the rural
7 counties, how it is that you link those
8 counties or don't link those counties with
9 other communities, but this plan chose to
10 create a significantly sized district sort of
11 in the southern middle of the state. This plan
12 also divided Hillsborough County six different
13 ways, and that stood out.

14 Moving on to the next plan, which is plan
15 number 56 by a Broward County resident, and it
16 is on page 43, the plan went the direction of
17 using whole counties in the Panhandle as
18 opposed to the prior couple that we have just
19 discussed. The deviation is 1.76 percent, a
20 relatively usable deviation. There are some
21 non-contiguous points in the plan, and -- but
22 this actually brings up an interesting point in
23 that this plan was submitted with an
24 application that was neither the Florida
25 House's nor the Florida Senate's. In total,

1 plans have been submitted via five different
2 applications, and so they all have their
3 strengths and weaknesses.

4 The plan that this gentleman used focuses
5 very much on VTDs. However, we have noticed
6 that plans received by this application do tend
7 to miss census blocks every now and then, so
8 they have non-contiguous points in whole. So
9 it is just an observation that we have had
10 that, depending on what application, whether it
11 is My District Builder, the Florida Senate's or
12 another, you see some strengths and weaknesses
13 depending on the applications.

14 A VOICE: Mr. Chair?

15 REPRESENTATIVE NEHR: We are going to hold
16 off any questions until the end of the
17 presentation. Is it --

18 A VOICE: It's specific to this map. I am
19 just trying to understand --

20 REPRESENTATIVE NEHR: We are going to go
21 back.

22 A VOICE: Okay.

23 REPRESENTATIVE NEHR: I really wanted to
24 get the presentation done, and then we will go
25 right back to very specific areas.

1 A VOICE: All right.

2 REPRESENTATIVE NEHR: Go ahead, Mr. Kelly.

3 MR. KELLY: Thank you, Mr. Chair.

4 The plan splits 33 counties and 112
5 cities, but, again, it does use VTDs
6 exclusively. So at least at the micro level,
7 it is probably well accounting for keeping
8 smaller communities together.

9 This plan keeps the same number -- the
10 same number of majority-minority black seats,
11 although it does reduce the number of
12 40 percent plus African-American seats. The
13 reason being is that the plan is adding two
14 Hispanic majority seats by splitting Miami-Dade
15 County six different ways. Now, today,
16 Miami-Dade is actually split seven different
17 ways, so that is a reduction, but what it is
18 doing is it is eliminating the coastal district
19 that extends from Broward into Miami-Dade. And
20 so five Miami-Dade districts would be Hispanic
21 majority seats, which is -- which is quite
22 unique for the plans submitted.

23 The plan was also able to entirely create
24 a black majority-minority seat out of Broward
25 County, a very unique aspect of this plan. And

1 it does have a near cross-state district from
2 Palm Beach to Manatee and Sarasota, which is
3 something that Jeff Silver covered earlier, a
4 point of contention at a number of the public
5 meetings.

6 There is a potential Section 5 Voting
7 Rights Act concern with the Tampa-based
8 African-American seat, so this is an
9 interesting plan, because it is a good example
10 of how -- if the question is asked, well, what
11 value does a plan like this potentially have,
12 it has some real positives and it has some
13 really unique aspects, and then it has some
14 issues that would have to be corrected. So it
15 is a good example of a plan that has many
16 different features to it, some easier to use
17 than others.

18 Moving on to the next plan, plan 58
19 submitted by a Polk County resident, the
20 deviations are very high in this plan at
21 14.71 percent, so that would have to be
22 remedied before using a plan like this, at
23 least in whole. It does split 30 counties, 88
24 cities. It reduces two black majority-minority
25 seats to 40 percent plus voting age population

1 seats. It does convert one Hispanic 40 percent
2 seat into a Hispanic majority seat, and that
3 was a trend that occurred in a number of these
4 maps, said that a few times now where it's
5 specifically in and around District 39, Senate
6 District 39, or that area. Sometimes the
7 geography changes enough that it is potentially
8 misleading to call it still the district that
9 it currently is, but, nonetheless, the plans
10 are seemingly taking seats in that area and
11 making them more Hispanic.

12 The plan does group rural counties
13 together fairly significantly. Not entirely
14 sure what the plan author's intent was, except
15 for to keep rural counties away from more
16 larger urban counties. The plan author did
17 note that his goal was to unite similar
18 communities regardless of their boundary lines.

19 The plan does create a three-way split in
20 Marion, a two-way split in Lake County and a
21 two-way split in Volusia County, and the reason
22 why we mention that is not necessarily any one
23 of those points, but that it is interesting
24 just in terms of drawing a map, the combined
25 effect. Generally speaking, when you are

1 working on a map in that part of the state, it
2 is almost very difficult to not make one of
3 those counties whole or near whole and split
4 the others. So if you see all of them made
5 whole or all of them split, it stands out as a
6 unique feature in a plan simply because that
7 part of the state, for the most part, blocks
8 your passageway north or south.

9 The plan does create a three-county rural
10 district for Miami-Dade, Broward and Palm
11 Beach, which stood out as a unique feature, and
12 there are a number of coastal districts in this
13 plan, but, again, this plan author made it
14 clear that his intent was not so much the
15 boundary lines on the map, but more the
16 boundary lines of the communities.

17 Plan number 64 scored the best in terms of
18 a number of the comparisons that you might
19 have. It was -- in terms of people, the
20 deviation, it was just a deviation of 27
21 people, which was second best. It was entirely
22 contiguous. It had a 23-county split, which
23 was tied for first with plan 7 that we
24 mentioned earlier, 74 cities were split, which
25 is tied for first, and it had the second

1 smallest perimeter, meaning that the geography
2 of the districts was the smallest, the border
3 -- the perimeter of the districts was the
4 smallest.

5 Now, that said, there may be a Section
6 5 -- or Section 5 issues with the districts in
7 both Hillsborough and Collier County, so there
8 are concerns with this map as to how minority
9 communities in those two counties were
10 impacted.

11 There's also a three-way divide of Lake
12 County which stood out that didn't frequently
13 occur in maps, a three-way divide of Lake
14 County. And there's also a district that runs
15 from Port St. Lucie to the west coast of
16 Charlotte County, which is near coast-to-coast
17 or actually may be -- actually, it is
18 coast-to-coast.

19 Moving on to map 66, the map had a
20 deviation of 15 people. That was the best
21 deviation of all of the maps submitted for the
22 Senate. It was completely contiguous.
23 However, it was last in counties split. This
24 map split 35 counties. So sometimes there can
25 be a trade-off depending on what the plan

1 author is trying to do. And when you go
2 through this map, what you notice is that the
3 plan author, in many cases, appeared to just
4 cut pieces of the state, move to the next, cut
5 pieces of the state, move to the next, almost
6 slice the map up. And so in some cases, the
7 plan author was going more for potentially
8 maybe compactness, but with sacrificing some of
9 the geographical boundary lines. And, in fact,
10 this map did have the smallest perimeter total,
11 so you could argue that that is what the plan
12 author was trying to accomplish.

13 In thinking about the law and reflecting
14 back on it, the law in the second clause of
15 Amendment 5 places compactness, political and
16 geographical boundary lines, on an equal
17 playing field, and so it could be the author's
18 interpretation was you can trade one for the
19 other.

20 And then the author of this plan did
21 reduce by two the number of black
22 majority-minority districts, did increase one
23 Hispanic 40 percent plus district to a
24 majority-minority status, and, again, as seen
25 earlier, particularly north of Orlando, it

1 seemed the plan author almost took a sort of
2 slice-by-slice approach moving west to east or
3 east to west, whatever it may have been.

4 The plan author also did something unique
5 with Orange, Osceola and Seminole Counties,
6 something that Jeff touched on earlier in his
7 presentation talking about southwest Florida.
8 The plan author took three counties and
9 essentially made -- if you may be able to call
10 a pod out of them where they share a territory,
11 the districts overlap with the counties, but
12 nonetheless, those counties are together. So
13 it was an interesting concept that we saw in a
14 couple different locations. We heard testimony
15 like that, I believe, at the -- maybe the Boca
16 Raton meeting regarding Palm Beach County and
17 the notion of taking pieces of the county and
18 almost making them into pods and making sure
19 they stick together wherever it is the
20 districts go.

21 The plan author kept The Villages whole,
22 but yet Hillsborough County was split five
23 ways, Polk was split four ways; again, stuck
24 out compared to the average plan. And then, as
25 we mentioned before in other plans, there was a

1 large south of Polk rural district from Manatee
2 County over to the coastline in St. Lucie
3 County, so it was a large spanning district.

4 And in south Florida, it is also again in
5 slices, but they are sliced north to south, so
6 they are made differently. And that is not
7 uncommon in terms of thinking about the
8 suggestions that were made in a lot of the
9 meetings where -- the Panhandle, for instance,
10 the suggestion may have been horizontal. You
11 would actually hear in Miami-Dade and in
12 Broward to draw the districts vertically. So
13 they are sliced, but they are sliced north to
14 south.

15 With that said, I am just going to rewind
16 a little bit back to, in your packets, page 39,
17 just to, again, take a look at the comparisons
18 of the plans. When you look at population
19 deviation, the first four plans there that are
20 between a zero percent deviation and 2.62
21 percent by no means have normal percentages for
22 population deviation. The fifth plan, eight
23 percent, is getting to the point where that is
24 probably too high. And then the last plan
25 exceeds -- well exceeds what you would want to

1 pass.

2 In terms of contiguity, one thing to point
3 out is that as you look down the page on 39,
4 you see that three of the districts have a "1"
5 listed for non-contiguous territory. That is
6 the Dry Tortugas and Key West. So mapping
7 software often has difficulty identifying that
8 the Dry Tortugas actually is a contiguous -- is
9 legally considered a contiguous part of the
10 Keys, so it thinks that it is a non-contiguous
11 territory. So if it is a "1," it is perfectly
12 contiguous.

13 The counties split, again, what I
14 mentioned before, you are going to split 11
15 counties in the Senate maps. So really, if you
16 have a map that splits 18, 19, 20 counties, you
17 need to deduct 11 from that, and the best that
18 achieved here was 23.

19 Cities split, there is one city in the
20 state of Florida, which is Jacksonville, which
21 is larger than a Senate district, so you'll
22 have to split one city in your map.

23 In terms of the VTDs, you can tell that a
24 couple of the plan authors, because they didn't
25 split any VTDs, they were either using a

1 software or just had the intent of only using
2 VTDs in their drawing.

3 The perimeter test -- and in most of
4 these, we have also included for your
5 comparison the current Senate map. So when you
6 look at the different splits between cities,
7 counties, when you look at the perimeter test,
8 you can see how these plans stack up against
9 the current map as well.

10 And then in terms of the voting age
11 population numbers, we have sorted them by
12 50 percent majority-minority districts, but
13 just to give you an idea as to how the
14 districts faired in those categories as well.
15 And I would just point out that, generally
16 speaking, when evaluating an African-American
17 district versus a Hispanic district, there are
18 different standards and statistical thresholds
19 you'd probably want to consider because,
20 generally speaking, in a Hispanic district, you
21 need a higher voting age population to ensure
22 that the community can elect a candidate of its
23 choice as compared to an African-American
24 community.

25 And with that, Mr. Chair, I would be happy

1 to answer any questions.

2 REPRESENTATIVE NEHR: Thank you, Mr.
3 Kelly.

4 Members, do you have any questions?

5 Seeing no questions, Mr. Kelly, thank you
6 so much.

7 Now, members, I think we've got a really
8 big task in front of us. Chair Weatherford has
9 asked that we approve three Senate maps for the
10 Redistricting Committee to consider, and to do
11 that, we will probably have to go through about
12 four or five, maybe even six maps. I think we
13 have to get to the point of knowing what we are
14 going to do and what we have to vet very, very
15 soon, if not immediately, because after the
16 November 14 Chair deadline Chair Weatherford
17 set for members to file redistricting bills, we
18 need to get ahead with what we are going to do.

19 I would like to open up to hear your ideas
20 and how we are going to get there and what we
21 are going to do to get our six maps to look at.
22 Representative Rouson, you are recognized.

23 REPRESENTATIVE ROUSON: Thank you very
24 much, Mr. Chair.

25 I have a couple of questions for the

1 Chair. Last week it was sort of set out this
2 November 1st deadline by which members must
3 submit by November 14th, the public by
4 November 1st. Does this mean that the public
5 is shut out after the 1st?

6 REPRESENTATIVE NEHR: The public is not
7 shut out at all. They will still be very well
8 considered.

9 REPRESENTATIVE ROUSON: All right. So
10 that -- Mr. Chair?

11 REPRESENTATIVE NEHR: You are recognized
12 for an additional question.

13 REPRESENTATIVE ROUSON: So if the NAACP or
14 similar organizations were to submit something
15 by the 1st of November, can they also resubmit
16 another map after that November 1 date?

17 REPRESENTATIVE NEHR: Representative, we
18 will consider all maps that are sent in to us.

19 REPRESENTATIVE ROUSON: All right, Mr.
20 Chair.

21 REPRESENTATIVE NEHR: Do you have an
22 additional question?

23 REPRESENTATIVE ROUSON: One more, one
24 more. Just work with me, work with me.

25 REPRESENTATIVE NEHR: Representative

1 Rouson, we'll always work together.

2 REPRESENTATIVE ROUSON: I am concerned. I
3 have received a number of inquiries from my
4 constituents and from the public. We heard at
5 public hearings, although it was explained ad
6 nauseam, but the public still continues to
7 inquire about a pool or pot of funds to fight
8 Amendment 6. To my understanding, with all due
9 respect, that the Speaker has elected that the
10 ruling on 6 would be appealed, and that has
11 prompted a new set of inquiries from my
12 constituents. And so the question is, is there
13 a specific budgeted amount of money set aside
14 to do the appeal of the ruling on Amendment 6?

15 REPRESENTATIVE NEHR: Representative
16 Rouson, that is an excellent question, but as
17 you know, this is the Senate Redistricting
18 Committee, not the Congressional Redistricting
19 Committee, and as the lawsuit has to do with
20 Amendment 6, which has to do with
21 Congressional, I would ask you to direct your
22 questions to the Speaker.

23 REPRESENTATIVE ROUSON: Thank you, Mr.
24 Chair.

25 REPRESENTATIVE NEHR: Thank you, sir.

1 Any additional questions from members?

2 Chair Hukill, you are recognized.

3 REPRESENTATIVE HUKILL: Thank you very
4 much, Mr. Chair.

5 Going back to your original statement that
6 you would like to hear some ideas, can I
7 address that?

8 REPRESENTATIVE NEHR: You are recognized
9 to address.

10 REPRESENTATIVE HUKILL: Thank you very
11 much, Mr. Chair.

12 Mr. Chair, what I am seeing is that a
13 theme is emerging in these presentations in
14 that there are differences by region for the
15 Senate maps. I think that what we could
16 benefit from is a look by region, but in more
17 detail, in more detail than we have seen. And
18 I appreciate all the hard work, I am not saying
19 that our staff has not done hard work, but in
20 more detail regarding the basic decision
21 points, you know, the big picture themes that
22 will determine how each region is eventually
23 shaped.

24 If you take a look at the Panhandle,
25 because it is an easy example when you are

1 talking about vertical versus horizontal, maybe
2 both are valid, I don't know, but I would
3 really like to dive into those details. I
4 would like to know that if we make a decision
5 like that, what really happens, what is the
6 real effect of that happening? If we focus on
7 keeping small to moderate-sized counties whole
8 in southwest Florida, how does that impact
9 rural Florida? And I think that would be -- it
10 would be a helpful approach of looking at clear
11 choices of themes by region, you know, this
12 versus that, but then what are the clear
13 consequences of each choice.

14 Those are just suggestions that's emerged
15 from the last couple of meetings that we have
16 had.

17 REPRESENTATIVE NEHR: Thank you,
18 Representative Hukill, and I am sure staff will
19 take all those under consideration.

20 Are there any other comments regarding how
21 we should get there? Representative Kiar.

22 REPRESENTATIVE KIAR: Thank you, Mr.
23 Chair. I just actually have a suggestion.

24 I was thinking about when it comes to
25 drawing the maps, it appears that -- you know,

1 I mean, we have to comply with the Voting
2 Rights Act and also Amendments 5 and 6, so it
3 is probably -- I would think it may be easiest
4 to draw first the districts that have to comply
5 with the Voting Rights Act, for example, the
6 minority-majority districts first throughout
7 the state, and then work from there, because,
8 you know, it appears that -- you know, for
9 example, if you look at some of the
10 Congressional maps, it appears that a -- you
11 know, a number of folks, they'd start in their
12 region and they'd work down or they would work
13 up, and then there would have been areas that
14 should have been majority-minority that were
15 not, because that is the way they worked. So I
16 think maybe it could be practical to start
17 there first and then build around that, and
18 that is probably, I think, the best way to
19 comply.

20 REPRESENTATIVE NEHR: Thank you,
21 Representative.

22 Any other suggestions about how we need to
23 get to the maps before they are actually drawn
24 that we can look in and start vetting them?

25 Hearing none of that, let me make -- let

1 me just say that I think the suggestion of
2 coming forward with decisions pointing one way
3 or the other is the right thing to do per
4 Representative Hukill, and Representative Kiar,
5 I also really appreciate the suggestion that
6 you had, and I am sure staff will look at that
7 as well.

8 So unless anyone has a different
9 suggestion, I think what we should do is that
10 our staff should come up forward with a more
11 detailed presentation that really boils down
12 each segment of the state down to the big
13 picture issues, choice A, choice B, or maybe a
14 combination of the two, and I think that will
15 start us on a meaningful discussion. And, of
16 course, members, if you have your own ideas
17 what those choices are after the meeting today,
18 we want you to come forward with the options as
19 you see fit as well. Please don't hesitate to
20 contact staff if you think about something
21 later on, give them your suggestions so they
22 can start working on those. And, as always,
23 everyone is encouraged to work with the staff,
24 and if you need assistance in developing your
25 own options in the next few meetings, just,

1 again, let us know, let staff know. We are
2 willing to work with you in any which way,
3 manner or form to make sure that this works.

4 Are there any additional comments that
5 anyone would like to make?

6 Hearing none, I would like to thank staff
7 and all of you again for your hard work so far
8 in this process. I look forward to continuing
9 this work with all of you over the coming
10 months, and with that, Representative Workman
11 moves we 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 47 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 20th day of February, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014