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SENATE APPORTIONMENT SESSION
THURSDAY, MARCH 22, 2012

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 THE CLERK: All unauthorized persons will
3 please leave the chamber. All Senators, please
4 indicate your presence. A quorum is present,
5 Mr. President.

6 PRESIDENT HARIDOPOLOS: The Senate is
7 called to order. Senators and guests in the
8 gallery will please rise for the opening prayer
9 given this morning by Ray Cortese, pastor,
10 Seven Rivers Presbyterian Church, Lecanto,
11 sponsored by the Senator from the Third
12 District, Senator Dean. Pastor Cortese is the
13 father of Tony Cortese, the staff director in
14 the Senate Majority Office. Welcome.

15 MR. CORTESE: Thank you. Thank you,
16 Mr. President, Senators. I invite you to pray
17 with me now.

18 Dear Father, the scriptures say that you
19 oppose the proud and give grace to the humble.
20 While we admit that humility is not our forte,
21 we'd certainly need grace. We don't deserve
22 your grace, but we need it, we need your favor.
23 On this day, the Senate needs grace to deal
24 wisely and equitably with redistricting. We
25 need your grace to deal patiently with each

1 other. Senators need your grace to consider
2 each other more important than themselves, and
3 the Senators will need your grace to speak well
4 of each other publicly and privately, so we ask
5 for your grace, that you would give us your
6 grace and abundance.

7 Lord, every day the Senators and their
8 staff need your grace to love their spouses and
9 their children and their grandchildren with the
10 love and attention they so want to afford them,
11 and Senators need your grace to deal with the
12 vexing concerns of their constituents,
13 particularly those without jobs and without
14 homes and without hope.

15 And this morning, Lord, we pray for the
16 people of Sanford, Florida, and we pray for the
17 family of Trayvon Martin. They need your
18 grace, justice and solace in this day.

19 So, Father, both the Senate and the
20 citizens of our state desperately need your
21 love and grace, and we ask for it in the name
22 of the one who loves to give it, amen.

23 PRESIDENT HARIDOPOLOS: Amen. Thank you.
24 Please rise, Senators, for the Pledge of
25 Allegiance led by our Senator from the Seventh

1 District, Senator Lynn.

2 SENATOR LYNN: I pledge allegiance to the
3 flag of the United States of America, and to
4 the Republic for which it stands, one nation,
5 under God, indivisible, with liberty and
6 justice for all.

7 PRESIDENT HARIDOPoulos: Senator Dean, did
8 you want to -- you are recognized, and I think,
9 Senators, if you would please give Senator Dean
10 your attention. He has an unfortunate
11 announcement he would like to make. Senator
12 Dean, you are recognized.

13 SENATOR DEAN: Thank you, Mr. President.

14 Members, today it is with a heavy heart
15 that I stand to tell you about a Sergeant Ruben
16 Thomas of Columbia County, Lake City, Florida,
17 who was killed in the line of duty as a
18 correctional sergeant on Sunday, March 18th.
19 He leaves behind an 18-month-old daughter and
20 has an expectant, to be wife to have a son in
21 August. I don't need to remind all of us about
22 when we think about our law enforcement
23 officers, we think about traffic stops, we
24 think about the things that we encounter every
25 day in our life, but the least of all do we

1 think about somebody being stabbed to death
2 inside an institution on his duty, doing his
3 job. I ask you to stand with me now and let's
4 have a moment of silence for Sergeant Ruben
5 Thomas.

6 (Brief pause.)

7 PRESIDENT HARIDOPoulos: Thank you, Senator
8 Dean.

9 We will now continue with the order of
10 business. Are there reports of the committees?

11 THE CLERK: None on the desk,
12 Mr. President.

13 PRESIDENT HARIDOPoulos: Are there motions
14 relating to committee reference?

15 THE CLERK: None on the desk,
16 Mr. President.

17 PRESIDENT HARIDOPoulos: Are there messages
18 from the Governor and other executive
19 communications?

20 THE CLERK: None on the desk,
21 Mr. President.

22 PRESIDENT HARIDOPoulos: Are there messages
23 from the Florida House of Representatives?

24 THE CLERK: None on the desk,
25 Mr. President.

1 PRESIDENT HARIDOPOLOS: Are there matters
2 on reconsideration?

3 THE CLERK: None on the desk,
4 Mr. President.

5 PRESIDENT HARIDOPOLOS: Take up the
6 special order calendar. Read the bill.

7 THE CLERK: Committee substitute for
8 Senate Joint Resolution 2-B, a joint resolution
9 of apportionment.

10 PRESIDENT HARIDOPOLOS: Senator Gaetz,
11 welcome back. You are -- you are recognized,
12 and we will proceed at your pace today and take
13 as long as we need to finish the good work of
14 reapportionment. With that, Senator Gaetz, you
15 are recognized for overall remarks. I know you
16 are still waiting for the booklet, but you are
17 recognized for general remarks.

18 SENATOR GAETZ: Thank you very much,
19 Mr. President. We are waiting for some data
20 that's been requested by some of our amendment
21 sponsors and by me. It ought to be on the
22 floor in just a few moments.

23 So let me just begin by thanking those
24 Senators who have been part of the
25 Reapportionment Committee process for these

1 last few days as we have gone back at the
2 challenge that the Supreme Court gave us to
3 rectify ten problems, ten invalidities, that
4 the Court pointed out, eight particular
5 districts and then a problem in Lakeland which
6 the Court said did not constitute an
7 invalidity, but constituted a problem which
8 while we were at it, we ought to try to fix,
9 and I think we have, and then the issue of the
10 numbering system. We have -- we have a report
11 to give to you today that the Reapportionment
12 Committee has developed over the last few days
13 since we received the order from the Court.

14 Mr. President, I apologize for asking for
15 a few moments now, but we are still waiting for
16 data to come to the floor, and if you would
17 allow us to be in informal recess for -- I
18 would say 15 minutes until we can get
19 everything to the floor, I apologize that our
20 staff has been working literally around the
21 clock, they have not slept, and so we are --
22 you know, we are just about 15 minutes late,
23 sir.

24 PRESIDENT HARIDOPOLOS: Okay. Senate is
25 in recess for 15 minutes.

1 (Brief recess taken.)

2 PRESIDENT HARIDOPOLOS: Senator Gaetz.

3 SENATOR GAETZ: Mr. President --

4 PRESIDENT HARIDOPOLOS: If Senators would
5 please take their seats as we begin the process
6 this morning, and Senator Gaetz will be
7 recognized to present the plan, and, of course,
8 we will be open for questions.

9 Senator Gaetz, you are recognized.

10 SENATOR GAETZ: Thank you, Mr. President,
11 and thank you for your indulgence.

12 As I said, our professional staff has been
13 -- is small and has been working not just
14 overtime, but overnight, and so we wanted to
15 make sure we had the data on the floor that
16 would be helpful to Senators as they deliberate
17 on this important matter.

18 Mr. President, if we could first just
19 remind ourselves as to what the Constitution
20 says. I know we have all studied this many
21 times, but the Constitution is clear that no
22 apportionment plan or district should be drawn
23 with the intent to favor or disfavor a
24 political party or an incumbent, the districts
25 should not be drawn with the intent or result

1 of denying or abridging equal equality of
2 racial or language minorities to participate in
3 the process or diminish their ability to elect
4 representatives of their choice, and districts
5 shall consist of contiguous territory. And
6 then when you go on to the Tier 2 standards,
7 that is where you get into the whole issue of
8 equal population, of course, which is also a
9 requirement in federal law, that districts
10 should be compact and, where feasible, utilize
11 existing political and geographic boundaries.

12 We believed when this Senate with an
13 overwhelming bipartisan majority sent a
14 redistricting proposal to our friends in the
15 House and then on to the Supreme Court that we
16 had complied with these and other redistricting
17 standards. We had a thorough and complete
18 debate on this floor, which was predated by an
19 extensive and open and inclusive process across
20 the state. The Supreme Court came back with an
21 opinion which validated some of our work, but
22 invalidated other parts of our work.

23 The good news is that the Supreme Court
24 found no fault with the efforts of this Senate
25 in ensuring that racial and language

1 minorities' rights are not abridged, and for
2 that, I think we can be proud, and we ought to
3 be. However, the Supreme Court's conclusions
4 also required us to go back to work, and the
5 Legislature's job is to adopt a joint
6 resolution of apportionment, it is our job to
7 do so, and the Court, in their opinion, if you
8 read it, and I am sure all members did at least
9 once, the Court indicated that it is not the
10 Court's preference to draw these maps and to
11 create this plan, but it is, rather, our
12 obligation to do so.

13 The Supreme Court's conclusions, and now
14 we're quoting from the opinion, are that
15 Districts 1, 3, 6, 9, 10, 29, 30 and 34 are
16 constitutionally invalid, and that the
17 invalidity ought to be remedied by redrawing
18 the districts and any affected districts in
19 accordance with the standards defined by the
20 Court.

21 Now, as we have discussed on this floor
22 and as we have discussed in committee, Florida
23 is not a geometric shape that allows you to
24 make adjustments in eight districts and affect
25 none others. There was never an intent or

1 belief that by simply tweaking the boundaries
2 of eight districts, that all would be well.
3 Instead, we knew that we would need to make
4 fundamental changes to comply with the Court,
5 and that those fundamental changes would affect
6 other districts. And so, therefore, in the
7 report which you have had before you, which is
8 the proposed committee substitute, you will see
9 that 24 districts are actually affected to a
10 greater or lesser extent by our response to the
11 Court.

12 If you will also recall, the Court asked
13 us as to the City of Lakeland to determine
14 whether it is feasible to utilize the municipal
15 boundaries of Lakeland after applying the
16 standards defined by the Court, and we have
17 worked to do so, and I believe that the plan
18 that is before you today is faithful to the
19 Court's request, but while we were at it, but
20 even though they didn't find the Lakeland part
21 of our plan invalid, they asked us to take
22 another look to see if we could do a better
23 job. And I thank Senator Dockery for her
24 assistance in that regard, and later today you
25 will see an amendment on this topic as well.

1 And then, finally, the eight districts,
2 the Lakeland issue, and then finally the Court
3 said, and this was very important, that the
4 Legislature should renumber the districts in an
5 incumbent-neutral manner. Now, we thought that
6 the numbering system that was included in the
7 plan that passed this chamber was
8 incumbent-neutral, but the Court found in its
9 opinion that effect implies intent, and,
10 therefore, if there is an effect which would
11 suggest any kind of motive that could be
12 imputed, whether it was a good motive or an
13 impure motive, the effect has to be judged
14 in -- or the intent has to be judged based on
15 the effect. It is hard to do that in logic,
16 but the Court has held us to that standard.
17 And so, therefore, later in the process, as you
18 have seen and as you are aware, your
19 Reapportionment Committee, Mr. President, has
20 recommended an incumbent-neutral, random system
21 for numbering districts. We have gone as I
22 think through a process of elimination to a
23 place where we believe that there is no bias
24 and where no political intent can be inferred,
25 because there was certainly none implied and

1 there is no political result in the numbering
2 system.

3 So if we may, Mr. President, what I would
4 like to do is briefly, not extensively, not as
5 extensively as we did the last time we were on
6 this floor going through districts, we will go
7 through the eight problems that the Court
8 identified, the eight districts that were
9 problematic, and also point out to you areas
10 where there was an effect on contiguous
11 districts.

12 Let's begin, if we can, in northwest
13 Florida. And, Mr. Guthrie, would you come down
14 and be with me here on the floor? John Guthrie
15 is the greatest living expert on
16 reapportionment, and he is not -- not just a
17 help, but he is the brains of the outfit. So
18 if you will look at -- if you will just sit
19 there, please. If you will look at northwest
20 Florida, that was the map that came off this
21 floor. However, the Court found that the
22 horizontal orientation of Panhandle districts
23 violates compactness and utilization of
24 political and geographic boundaries. The Court
25 found that the drawing of the districts as they

1 are now, as they were in the plan that we
2 submitted, sacrificed compactness, which is a
3 constitutional imperative, to keep coastal
4 communities together.

5 Now, I will tell you, living in that area,
6 that there are all sorts of people who called
7 me on the phone and said, you know, gosh, I --
8 we should have invited members of the Supreme
9 Court to come to northwest Florida, and they
10 would have known what many people in our area
11 know, and that is that there is -- as Senator
12 Evers has pointed out many times, as we heard
13 in our hearings, there are substantial
14 differences between the rural areas that are by
15 the Alabama border, and the coastal areas that
16 border the Gulf of Mexico, that they are
17 distinct geographic areas separated by bodies
18 of water, by major rivers, by the Eglin
19 Reservation, we should have invited one of our
20 officials from northwest Florida said to me, we
21 should have invited the Supreme Court to come
22 and spend a weekend in the Panhandle, they
23 would have understood this problem.

24 But the fact is that the Court found that
25 county lines are more important and compactness

1 is more important than, first of all,
2 communities of interest, which are not
3 mentioned in the Constitution, and secondly,
4 that county lines, the Court found, are a more
5 valid determination of political boundaries and
6 geographic boundaries than what one might find
7 on the ground. Now, all of us know that
8 political boundaries are imaginary lines drawn
9 by politicians. They don't always follow where
10 people live, how they work, where they worship
11 and what kind of folks they are, but we are
12 going to follow the dictates of the Supreme
13 Court. We are going to conform our plan to
14 their ruling as opposed to arguing with them.
15 It is not our job to argue with them.

16 The Court found further that though the
17 Senate followed numerous boundaries when
18 drawing Districts 1 and 3, that they said,
19 "Look, you used the Eglin Reservation in some
20 places, you used major highways and rivers in
21 other places, and you sacrificed compactness."
22 And, therefore, what we have done is to
23 propose, and your Reapportionment Committee,
24 Mr. President, proposes to you that we use a
25 different configuration for northwest Florida,

1 and you see it now before you. It is the
2 configuration which largely follows the
3 recommendations which the League of Women
4 Voters and the coalition presented to the
5 Supreme Court and which the Supreme Court
6 referenced in saying here is how you ought to
7 do it. And what has occurred here is that
8 first the amendment renumbers these districts,
9 then District 2 is in Escambia, Santa Rosa and
10 the northern part of Okaloosa County, and
11 District 1 is in southern Okaloosa, plus all of
12 Walton, Holmes, Washington, Jackson and Bay
13 Counties, but if you'll go back to the map,
14 please, Jay, just point out to you that all of
15 Escambia and Santa Rosa County are now in one
16 Senate district, and northern Okaloosa
17 County -- except you see a little bump up
18 there. Let me tell you what the bump is. It
19 is the City of Crestview, and this is what the
20 League of Women Voters' plan recommended, that
21 the City of Crestview be included for purposes
22 of equalizing population in the district that
23 includes south Okaloosa County. And so we
24 largely followed, I think we improved upon to
25 some extent, the recommendations from the

1 League of Women Voters and their plan, but we
2 followed in general what they have recommended.

3 The east-west line that you see running
4 through Okaloosa County is Highway 10, and the
5 Supreme Court has indicated that major highways
6 ought to be used and are recognized as major
7 geographic boundaries. So, therefore, we
8 believe that we have a configuration in
9 northwest Florida which complies with the
10 guidance that we have now been given by the
11 Court.

12 The functional analysis for northwest
13 Florida is not really applicable, because there
14 is not a significant African-American or
15 Hispanic population. So the functional
16 political analysis that the Supreme Court
17 recognized is not applicable, but the geometric
18 compactness is an important issue to the Court.
19 That is where they gipped us on the way that we
20 drew northwest Florida. So if you'll look at
21 the geographic compactness -- or geometric
22 compactness analysis there, and I don't mean to
23 take you deeply inside geometry, I think it was
24 the worst grade I got in high school, I got a C
25 in geometry, and that led me into the softer

1 sciences pretty fast, but there are -- there
2 are three indices, three geometric indices that
3 are used by the Court and also by the coalition
4 to some extent in determining whether or not a
5 district is compact. One is end-to-end
6 distances, which are decreased in the proposed
7 map from 148 miles to 102 miles. Secondly, the
8 Reock score, which is basically a circle which
9 would be compressed until it couldn't be
10 compressed anymore, touching all the outward
11 parts of the districts, the Reock score
12 increases, and that is good, from 0.20 to 0.44,
13 so that is a substantial increase in
14 compactness. And then the convex hull ratio
15 increases from .6 to .79. So, therefore, we
16 believe that we have responded in a faithful
17 manner to the Court's admonition as to
18 compactness.

19 And so, consequently, when you look back
20 at the result, the number of counties that are
21 split by the two districts decreases from five
22 to one, because we are not doing the horizontal
23 line anymore, we are doing a vertical line with
24 one split in Okaloosa County, and that conforms
25 with what the Court has asked us to do. None

1 of the 45 municipalities in the western
2 Panhandle is split, and the district borders
3 follow political and geographic boundaries for
4 99 percent of their length. So that is how we
5 responded to the Court's direction as to
6 northwest Florida.

7 Now if we could move to northeast Florida.
8 There you will see that our proposed Senate
9 District 6 was criticized by the Court and
10 found to be invalid, and that affected District
11 9. District 9, as the Court said, was not by
12 itself invalid, but because its configuration
13 was really driven by District 6, and District 6
14 in the Court's view was invalid, we needed
15 to -- we needed to address both of them.

16 So if you look at -- if you look at
17 District 6 and 9 as we had proposed them, the
18 Court said District 6 sacrificed compactness
19 and utilizing boundaries when not necessary to
20 do so to avoid conflict with minority voting
21 protection provision. And I guess what the
22 Court was saying here, and I am not a lawyer,
23 but we certainly had excellent legal counsel in
24 this matter, and our committee has discussed
25 this at substantial length, the Court has asked

1 us to strike a balance to, first of all, ensure
2 that minority voting rights are protected, but
3 if we can do so while being more compact and
4 thereby providing a functional analysis that
5 demonstrates that minority voting rights have
6 not been reduced, we ought to do so. And then
7 the Court also said that a district based
8 solely in Duval County would be much more
9 compact, it certainly would, and likely afford
10 black voters the ability to elect candidates of
11 their choice. So that was the guidance we got
12 from the Court there.

13 And then, as I said, adjoining District 9,
14 which while not being declared invalid, its
15 reason for lack of compactness and failure to
16 utilize political and geographic boundaries was
17 its location next to District 6, so when we
18 resolve the District 6 problem, we can resolve
19 the compactness criticism that the Court had
20 with respect to District 9.

21 So if you'll look at the new map -- flip
22 to the new map, please, Jay -- you will see
23 that we have attempted to do that. We believe
24 that we have a northeast Florida solution. You
25 will notice that District 6 is contained

1 entirely in Duval County. You will notice that
2 District 4 is a district which takes into
3 account Nassau, which is all included in one
4 district, as well as the rest of Duval County,
5 and then District 9 on this map includes St.
6 Johns, Flagler, Putnam and part of Volusia
7 Counties. So it is substantially more compact
8 and more functional, and let's look at the
9 numbers that prove that.

10 The functional analysis -- and if you -- I
11 know you have read the Supreme Court opinion.
12 The Supreme Court is looking at a functional
13 analysis as a way of really drilling down one
14 more level past voting age population. When
15 we've talked on the floor before, we've said,
16 "Well, here's the African-American voting age
17 population, here is the Hispanic voting age
18 population, here is how we can assess the
19 extent to which minorities have an opportunity
20 to elect candidates of their choice." The
21 Court has said drill down a little deeper and
22 look at the likelihood, then, of those
23 minorities going to the polls, being able to be
24 effective in primaries and then having the
25 primary victor, the primary election victor, be

1 successful in the general election. The
2 functional analysis shows that in the new
3 configuration of District 6, which, and we will
4 get to the numbering system later, becomes
5 District 9, African-American voters made up
6 66.3 percent of the electorate in the 2010
7 primary, and among blacks who are registered to
8 vote, 90 percent of those in that district are
9 Democrats, most voters are Democrats in the
10 district, and most Democrats are black.
11 Therefore, both a minority district and the
12 adjacent coastal district could be more compact
13 without diminishing opportunities for
14 African-Americans to elect candidates of their
15 own choosing.

16 Now let's go to geometric compactness as
17 to northeast Florida. The average end-to-end
18 distance of those district -- of the district
19 decreases from 97 to 55 miles. And then if you
20 look at the geometric compactness, the other
21 indices, you will see that the Reock score
22 increases, which is good, from .014 to .045,
23 and the convex hull ratio increases from .52 to
24 .71.

25 The random renumbering by the amendment

1 that is before us switches the numbers of these
2 two districts. Six becomes 9, 9 becomes 6, we
3 will get to that later, but we want you to
4 understand visually and also as to the specific
5 mathematical formulas how we've made a change.
6 District 9 then is entirely in Duval County.
7 District 6 is in the northern portion, as I
8 said, of Volusia County, plus all of St. Johns,
9 Putnam and Flagler Counties.

10 So if you look at the other issues that
11 are important to the Supreme Court as
12 pertaining to northeast Florida, the number of
13 counties that are kept in a single district
14 increases from none under our previous plan to
15 three. Substantial improvement. Among the 17
16 separate municipalities in this part of the
17 state, in northeast Florida, only the two
18 largest, Jacksonville and Daytona Beach, are
19 split by the district lines. The others are
20 kept whole. And the district borders follow
21 political and geographic boundaries for almost
22 90 percent of their length. So that is how
23 we've responded to the Court's admonition as to
24 northeast Florida.

25 Then if you will look at central Florida,

1 please. If you see the central Florida map,
2 you notice that the central Florida map has two
3 districts that are not shaped the way other
4 districts are. That is District 12 and
5 District 14 in the map that we sent to the
6 Supreme Court. Remember that District 12 is a
7 minority opportunity district, and District 14
8 is the district which the Senate is committed
9 to ensuring that Hispanics would have the
10 opportunity to nominate and elect a candidate
11 of their choice, that they would have a greater
12 opportunity than they do now. And, of course,
13 members of the Committee know well that we
14 received extensive testimony from the Latino
15 community asking for this, and the facts
16 justified going forward with this district.
17 However, the Supreme Court came back and said
18 that District 10, which was affected by those
19 two districts, District 10's geometry was
20 driven by the two minority districts, and
21 notwithstanding that fact, the Supreme Court
22 came back and said, look, District 10 is --
23 doesn't look visually compact as a result of
24 what they called a bizarrely-shaped appendage
25 in which 160,000 people live between Districts

1 12 and 14. So we had to address the problem of
2 District 10 because we had two minority
3 districts, but the Court has said you could
4 have done a better job of addressing it and not
5 have the problems with geometry that you had in
6 District 10. The Court further said the
7 dividing line between District 10 and the
8 surrounding districts doesn't consistently
9 follow any particular boundary, and, further,
10 the Court found that District 10 violated
11 constitutional mandates because it was visually
12 non-compact, as we said, with an appendage
13 which in the Court's view reached out to
14 clearly encompass an incumbent. It also
15 reached out to encompass 160,000 people.

16 So if you will look at our proposed
17 change, you will see that our change attempts
18 to address these problems, again, within the
19 context of the Tier 1 standards and within the
20 context of our commitment to provide a Hispanic
21 district in that area, or an opportunity for a
22 Hispanic district. So District 10 borders a
23 black opportunity district on the north and a
24 Hispanic district on the south. Its borders
25 are implicated by the fact that it does border

1 those two districts. So if we apply the same
2 method recommended by the Supreme Court for
3 northeast Florida, for the Jacksonville
4 district, a significantly more compact district
5 can be drawn entirely in Orange County, and we
6 believe that we have accomplished that.

7 So now let's go to the numbers.
8 Functional analysis shows that in the new
9 configuration of District 12, black voters make
10 up 66.3 percent of the electorate, that almost
11 90 percent of those African-American voters are
12 Democrats, that the Democratic candidates will
13 win the elections. That is the functional
14 analysis that supports that district.

15 For the Hispanic district on the south to
16 which this Senate is committed, the functional
17 analysis shows that in the new configuration of
18 District 14, Hispanic voters made up 28.3
19 percent of the electorate in the 2010
20 Democratic primary, African-Americans add
21 another almost 20 percent, and this is a level
22 of participation which central Florida
23 candidates preferred by Hispanic voters have
24 had success. So this provides an opportunity
25 district where an opportunity district did not

1 exist before.

2 And then, shifting District 10, which is
3 newly numbered as District 13, shifting it to
4 the east of Orlando results in a district that
5 gets only 12 percent of its population from the
6 current Senate District 9. And so even though
7 it is a substantial change in the configuration
8 and geography of the district, we believe that
9 it responds to the requirements of the Supreme
10 Court for trying to improve the shape of
11 central Florida districts.

12 So let's go to shape. In geometric
13 compactness, end-to-end district of --
14 end-to-end distance of District 12 decreases
15 from 34 miles to 29, its Reock score increases
16 substantially from .24 to .40, the convex hull
17 ratio increases from .41 to .74, a substantial
18 increase. And that is how we responded to the
19 Court's criticism, the Court's invalidity of
20 the central Florida district that I have just
21 depicted for you.

22 And then if you will go to southwest
23 Florida, please. You will see that in
24 southwest Florida, we have a District 30, which
25 this Senate proposed, which is a coastal

1 district, but which the Court found to be
2 invalid. The Court's determination was that
3 District 30 is visually non-compact, and that
4 the mathematical measures of compactness --
5 and, again, we will get to those measures and
6 show you how the remedy addresses it -- support
7 the conclusion that the district as we
8 recommended it was not as compact as it could
9 be. And then the Court also found that in
10 addition to being non-compact, District 30
11 splits the counties, municipalities and
12 geographical features more than the Court would
13 liked to have seen. So with the exception of
14 the boundary it shares with District 40, the
15 Court finds that District 30 does not need to
16 be reconfigured to avoid diminishing minority
17 voting strength.

18 And then -- well -- and we heard this from
19 the Court in a couple of places. While the
20 Legislature intended to tie coastal communities
21 together, the Court found that this is not a
22 valid constitutional justification for what
23 they deem to be a departure from the two tier
24 standards.

25 So, again, this is the way it looked in

1 the plan that we sent to the Court, and now if
2 you will look at the new configuration, which
3 your Reapportionment Committee, Mr. President,
4 recommends to the full Senate, and with your
5 sufferance to the Supreme Court, you will see
6 that the changes provide a -- first there is a
7 renumbering, and we will get to that in a
8 minute, so District 30 becomes District 23 in
9 the renumbering, but the border of the district
10 now follows the Estero River, major roadways
11 and the borders of Bonita Springs and Lehigh
12 Acres to connect with Collier County
13 territories immediately to the north. So we
14 cure the criticism that the Court had with
15 respect to the nature of the boundaries, but
16 more importantly, in getting to the Court's
17 issue of geometric compactness, the end-to-end
18 district, the new District 23, formerly
19 District 30, decreases from 95 miles to
20 67 miles. The Reock score increases
21 substantially again from .19 to .32, and the
22 convex hull ratio increases from .56 to .67.
23 So we make a substantial improvement in the
24 compactness of that district, we make its
25 borders and boundaries follow geographic and

1 political boundaries as the Court has asked,
2 and that is the remedy that we propose for that
3 district.

4 And now if you would turn your attention
5 to southeast Florida, to Palm Beach County and
6 Broward County, you will see that in Palm Beach
7 and Broward, there is a -- there is District 34
8 which we proposed to the Supreme Court, which
9 runs from the Ft. Lauderdale area, actually
10 almost the Dania Beach area almost, all the way
11 to Riviera Beach in the north in Palm Beach
12 County, and the Supreme Court said that we
13 could do a better job of ensuring that we have
14 a minority district, but at the same time
15 having it doing a better job of compactness.

16 So the Court found that Districts 29 and
17 34 were drawn to favor an incumbent and a
18 political party by keeping 29 essentially the
19 same as its predecessor district. They found
20 that 29 leans Republican in an area of the
21 state that is largely Democratic. And the
22 Court found, as I noted, that the districts in
23 this area might have been drawn to make the
24 area as a whole more compact. If the
25 Legislature, the Court said, had drawn logical,

1 compact districts in a neutral manner, the map
2 would likely have reflected five Democratic
3 districts.

4 And we certainly don't want to argue with
5 the Court, but there is another variable in
6 elections, and that variable is you, those who
7 run and win for office. So we have people on
8 this floor who are Republicans who have won in
9 districts that have a higher Democratic
10 registration than Republican registration, and
11 my guess is that you don't have to look too far
12 into the history of this body and perhaps into
13 its future to find circumstances in which
14 Democrats could win in districts that have more
15 Republican voters. In fact, as we have pointed
16 out before, that happened in the Presidential
17 race in 2008 where President Obama won eight
18 districts that were represented by Republican
19 Senators.

20 But, notwithstanding that, again, our job
21 is not to take issue with the Court, but rather
22 to comply with the Court. So if you will look
23 at the remedy that has been proposed, you will
24 see that District 34 is now a district that is
25 wholly within Broward County, and the other

1 districts are substantially more compact, and
2 we attempt to cure what the Court saw as an
3 attempt to lean one way or the other from a
4 partisan standpoint.

5 So the functional analysis now shows that
6 in the new configuration of District 34, which
7 now is District 31, African-American voters
8 make up 61.2 percent of the electorate in the
9 most recent Democratic primary, and among
10 African-Americans who were registered to vote,
11 over 90 percent are Democrats, most voters in
12 the district are Democrats and most Democrats
13 are black. And, therefore, the functional
14 analysis would suggest that we can make these
15 changes without diminishing the opportunity for
16 African-Americans to elect candidates of their
17 choice.

18 The geometric compactness, let's look at
19 those -- at those indices. The average
20 end-to-end district of the five Palm Beach and
21 north Broward districts now decreases from an
22 average of 46 miles to 39 miles, so more
23 compact visually just end to end. And then if
24 you look at the geometric compactness scores,
25 using the mathematical formulas that the

1 Supreme Court favors and uses and has held up,
2 you will see that the Reock score increases,
3 and that's again good, from 3.0 to 4.3, a
4 significant increase, the convex hull ratio
5 increases from .68 to .84. And then the random
6 renumbering by the amendment that is before us
7 switches the numbers of these two districts.
8 As I said, 34 becomes 31 and 29 is absorbed
9 primarily by 25, 27 and 34. But the important
10 point is that District 31 is entirely within
11 Broward County, and now in the plan that we
12 would ask you to approve and we would hope to
13 submit to the Court, only one district crosses
14 the boundary between Broward and Palm Beach
15 Counties, compared to three in the plan that
16 you approved overwhelmingly on this floor. The
17 number of counties kept in a single district
18 increases from two to four, and among the 38
19 municipalities in Palm Beach County, only three
20 are split by districts.

21 Now if you will go to the City of
22 Lakeland, and if you will remember in the
23 previous map that was voted off this floor, the
24 City of Lakeland was split, and there were
25 concerns expressed about that split. And so,

1 therefore, since we have had a second bite at
2 the apple, we wanted to go back and address
3 those concerns in a positive fashion.

4 The Court found that the Senate failed to
5 adhere to any consistent definition of
6 political and geographic boundaries, especially
7 in the case of District 24 where the Senate
8 placed part of inland Lakeland with the coastal
9 communities of Manatee County, and the Court
10 asked us -- even though they didn't find this
11 to be invalid, they asked us while we were at
12 it, could we fix it.

13 So if you will turn to the -- if you will
14 turn to the map that addresses the problem, you
15 will see that now all of Lakeland is included
16 in one Senate district, and you will see that
17 Polk County is divided primarily in two, so
18 that northern Polk is in District 16, southern
19 Polk is in another district. You will see that
20 the Hispanic opportunity district that we
21 referenced before does come into Polk County
22 into the Haines City area, and that is in order
23 to provide the kind of minority opportunity
24 that we described below, or we described
25 before. But, in general, what you find is a

1 more -- in my view, a more logical map and a
2 map that does not split Lakeland.

3 Now, as was pointed out in Committee, we
4 have had some discussion on the floor, Plant
5 City is included in this district with
6 Lakeland. There will be an amendment later
7 that will address this issue, and we can talk
8 about that at that time.

9 So, in summary, Mr. President, if you look
10 at the metrics, I think we have a plan, and
11 your Reapportionment Committee believes
12 overwhelmingly by a 21 to 6 vote that you have
13 a plan which provides the metrics that are
14 clearly in compliance with what the Supreme
15 Court has ordered.

16 In the benchmark district -- by that we
17 mean the districts we represent today -- 21
18 whole counties are included in districts. In
19 the map that was voted off this floor, 36. In
20 the League of Women Voters' plan, which the
21 Court held up in several instances as being an
22 example of what we ought to try to get to, 45
23 counties were maintained whole, and in our plan
24 that is before you today, it is 43.

25 Whole cities, you will see that we make

1 significant improvements. In the benchmark
2 plan, there are 284 whole cities; in what we
3 voted off the floor, 356; the League of Women
4 Voters said 369; the plan that we have comes
5 very close to that with 364.

6 And then political and geographic borders,
7 to what extent did districts follow those?
8 Their benchmark plan where we -- those we
9 represent today, about 74 percent of our
10 borders of our district follow what the Court
11 would describe as geographic and political
12 boundaries. We voted off the floor a plan that
13 provided almost 83 percent of district
14 boundaries being geographic and political
15 boundaries recognized by the Court, the League
16 of Women Voters' plan, 81.4 percent, but the
17 plan before you today, 83.4 percent. So it
18 improves upon the work that we did before, as
19 well as improving upon the recommendations of
20 our friends from the League of Women Voters.

21 Then if you look at the average perimeter,
22 which is an indication of compactness, you as
23 well see significant improvement, going from
24 286 to 249 -- these are miles -- down to
25 244 miles as recommended by the League of Women

1 Voters, but the plan before you has average
2 perimeter of 224 miles. By perimeter, we mean
3 if you've got on your hiking boots and you walk
4 all the way around our districts.

5 Average end to end, the districts that we
6 have today on the average are 71 miles long.
7 Some of us have districts that are shorter,
8 smaller, because they are more urban. Some of
9 us have districts, like Senator Montford and
10 Senator Evers and I, that are substantially
11 longer because they are less populated. But
12 when you look together, they have about a
13 71-mile average, end to end. In the resolution
14 voted off this floor, 68 miles; the League of
15 Women Voters, 64 miles; and we make the average
16 end to end even shorten than the League of
17 Women Voters does.

18 The convex hull metric, there is a
19 significant improvement, as you can see,
20 between the benchmark, what we voted off the
21 floor, and the League of Women Voters, and what
22 we recommend to you today provides a more
23 compact set of districts than the League of
24 Women Voters has recommended.

25 Same with the Reock score. Our Reock

1 score is better than what we have, better than
2 what we recommended to the Court, better than
3 the League of Women Voters has recommended,
4 and, therefore, we believe that it provides us
5 with a strong argument that we have done a
6 better job in compactness.

7 And the Polsby-Popper metric, the same
8 thing, that in every case the metrics show that
9 we have made improvements in compactness,
10 substantial improvements in compactness, and
11 our districts are more compact even than our
12 friends from the League of Women Voters have
13 recommended.

14 Now, Mr. President, if we could go to the
15 numbering issue. The Legislature, as we know,
16 is prohibited from numbering districts with the
17 intent to favor or disfavor. A system that
18 significantly advantages incumbents by
19 increasing the length of time that they may
20 serve most assuredly favors incumbents. If you
21 have a system that has as its purpose ensuring
22 that incumbents would have longer terms and
23 face fewer elections would favor incumbents,
24 according to the Court. The Court further
25 found that purposefully manipulating the

1 numbering of districts in order to allow
2 incumbents to serve in excess of eight years
3 would appear to frustrate the intent of the
4 voters when term limit amendments were adopted,
5 and we will get to that issue on an amendment
6 in a few moments.

7 That is an explanation of where we are,
8 how far we have come and the proposal that is
9 before you today. Again, while we had ten
10 issues that the Court asked us to address,
11 eight specific districts, the Lakeland issue
12 and the numbering issue, the result of
13 addressing those problems was to affect to a
14 greater or lesser extent the borders and
15 configurations and makeups of 24 districts. So
16 this was not an attempt to marginalize a
17 response to the Supreme Court, but to in a full
18 and faithful manner address the Supreme Court's
19 opinion and to present to the Senate a plan
20 which we believe is faithful to the
21 Constitution and which can be defended before
22 the Court. And that is my explanation,
23 Mr. President.

24 SENATOR BENNETT: Questions? Senator
25 Smith, you are recognized.

1 SENATOR SMITH: Thank you.

2 Senator Gaetz, when you were explaining
3 Senate District -- the Jacksonville district,
4 the access district in Jacksonville, and what
5 you mentioned was that the City of Daytona
6 Beach, by you making that district more
7 compact, that the City of Daytona Beach was no
8 longer split, and you had it on the screen. It
9 is my understanding in looking at the committee
10 map that the City of Daytona is still split
11 between Senate Districts. Is that true?

12 SENATOR GAETZ: Mr. President?

13 SENATOR BENNETT: You are recognized.

14 SENATOR GAETZ: Thank you. I did not say
15 that the City of Daytona Beach was not split.

16 SENATOR BENNETT: Senator Smith,
17 additional questions?

18 Senator Oelrich, you are recognized.

19 SENATOR OELRICH: Thank you,
20 Mr. President.

21 Senator Gaetz, you stated that it was not
22 your position or position as the Chairman of
23 the Redistricting Committee to take issue with
24 the Supreme Court, so perhaps I will. I want
25 to take some issue with the Courts as far as

1 what I see since I did not serve on the
2 Redistricting Committee, and so some of this is
3 new language to me, whatever you call the
4 roly-poly or whatever that report. I wasn't
5 sure what that meant. When you used in your
6 early --

7 SENATOR GAETZ: Yes.

8 SENATOR OELRICH: When you used in your
9 early slides "conclusions of the Supreme
10 Court," was that your language or was that
11 their language?

12 SENATOR BENNETT: Senator Gaetz.

13 SENATOR GAETZ: If it was -- thank you,
14 Mr. President.

15 Senator Oelrich, if it was in quotes, it
16 was the Supreme Court's language, sir, not
17 mine.

18 SENATOR BENNETT: Senator Oelrich.

19 SENATOR OELRICH: Thank you,
20 Mr. President.

21 So if it -- it was not in quotes, so that
22 would be your language. I would submit to you
23 that maybe the correct term might have been
24 opinion of the Supreme Court.

25 And another question might be that

1 District 29 I saw on your list there,
2 quote/unquote -- and I think this was in quotes
3 -- "leans Republican in a Democratic part of
4 the state." Now, under what authority would
5 the Supreme Court -- was that anywhere in the
6 amendments or in the Florida Constitution where
7 they would say that -- find issue with your
8 district -- redistricting if an election was
9 held in perhaps a heavily Republican area and
10 the voters chose to elect a Democrat, that is
11 somehow improper, would you care to enlighten
12 me on that?

13 SENATOR BENNETT: Senator Gaetz. Senator
14 Gaetz.

15 SENATOR GAETZ: Thank you, Mr. President.

16 And, Senator Oelrich, you make a very good
17 point, and it is true that southeast Florida
18 largely, if you look at Republican and
19 Democratic registration, southeast Florida in
20 the main is an area of the state that has more
21 Democrats registered than Republicans, and if
22 you look at election results, you will see that
23 Broward and Palm Beach Counties tend to vote
24 Democratic in statewide elections and in
25 national elections. The Court did say that

1 District 29 leans Republican in an area of the
2 state that is largely Democratic, but I
3 attempted to point out, and I think you are
4 making an excellent point, I attempted to point
5 out that there is an additional variable --
6 there are two additional variables at least.
7 One is the voters and what they decide to do
8 when they go in the voting booth, and the other
9 is the strength and message of an individual
10 candidate. And so you find that President
11 Obama was able to make ground in areas that
12 elected Republican Senators, and you find that
13 there can be Republican State Senators who can
14 make ground in areas that -- including
15 yourself, Sheriff, in areas that are largely
16 Democratic. In fact, if I recall correctly, I
17 believe in the district that you currently
18 serve, Democrats are the plurality and then
19 Independents are not affiliated voters and then
20 Republicans. Notwithstanding that, you have
21 won elections there as a constitutional officer
22 at the county level, and, of course, you have
23 won election to the Senate representing that
24 area.

25 So I would agree with you as a -- as a

1 citizen that my rights to vote for a Democrat,
2 a Republican or a Whig are mine, and I exercise
3 those rights in the privacy of the voting
4 booth, and then there is the variable of the
5 candidate. The Supreme Court was, I think,
6 making an empirical conclusion that there are
7 more Democrats there, but that doesn't
8 necessarily mean that Democrats have to vote
9 for Democrats. It only means that,
10 historically, Democrats tend to vote for
11 Democrats. But you, sir, are a huge exception
12 to that rule, and there are others on this
13 floor.

14 SENATOR BENNETT: Senator Oelrich.

15 SENATOR OELRICH: Thank you.

16 In another area, and I am not exactly sure
17 what page we were on, but you said that -- and
18 I believe this -- I am not sure whether this
19 was on quotes, voter turnout, the Court
20 mentioned something about they took into
21 consideration voter turnout in a particular
22 area, and I would wonder under the -- whether
23 the Supreme Court, under what document or
24 doctrine or statute that they would take a
25 determination to pick -- draw out the districts

1 of the state of Florida, where would voter
2 turnout enter into that picture, or do you have
3 an answer for that?

4 SENATOR BENNETT: Senator Gaetz.

5 SENATOR GAETZ: Well, I can't speak for
6 the Court, Senator, and I am not a lawyer, but
7 I can tell you that a layman's reading of the
8 opinion and a more learned reading by more
9 learned members of this body shows that the
10 Court is interested in determining whether or
11 not we are protecting the rights of minorities
12 to elect candidates of their choice, that we
13 look beyond merely whether there are more
14 African-Americans or more Hispanics or more
15 Democrats or more Republicans in an area, and
16 look at whether or not these people actually
17 show up at the polls so that you can determine
18 functionally, practically, whether or not you
19 have a district that truly performs. And that
20 is what the Supreme Court meant by a functional
21 analysis, and, therefore, the Supreme Court has
22 asked that turnout be considered, because it
23 determines, obviously, whether or not in a
24 district that on paper may look
25 African-American or Hispanic or Democrat or

1 Republican, that it truly is. And, again, I
2 can't defend the Court or speak for the Court
3 or criticize the Court in this regard, but that
4 is my layman's reading of the Court's opinion.

5 SENATOR BENNETT: Senator Oelrich.

6 SENATOR OELRICH: Another area that I
7 believe was the language of the Court, quote,
8 says, "clearly reaches out to include an
9 incumbent." Did they give you any indication
10 what investigation they did where it clearly
11 reached out where your Committee went with some
12 sort of intent to include an incumbent, clearly
13 include an incumbent? Would you care to
14 respond to that?

15 SENATOR BENNETT: Senator Gaetz.

16 SENATOR GAETZ: Thank you, Mr. President.
17 Thank you, Senator Oelrich.

18 It was -- it was the intent of the
19 Committee and it was our operational method
20 that we did not go looking for the addresses of
21 either incumbents or challengers, because when
22 we drew the lines for the plan that was voted
23 off this floor, we wanted to be neutral as to
24 incumbents and challengers or potential
25 challengers. We wanted to draw our lines in a

1 way that we thought was constitutionally valid
2 and made sense according to sound redistricting
3 principles. But the Supreme Court was provided
4 by other parties with the addresses of
5 incumbents and perhaps challengers, and so the
6 Court then inferred that because an incumbent
7 lived in this area that had 160,000 voters
8 which was sandwiched between two minority
9 areas, that it was an appendage that favored or
10 reached out to include the residents of an
11 incumbent. We have cured that in this plan
12 that is before you now, but I would just say
13 this: The positioning of those 160,000 -- or
14 the positioning of that part of the district
15 was based upon the two minority districts that
16 were found on either side of a series of
17 neighborhoods that had 160,000 people, but I
18 give you my word, Senator, that there was no
19 intent on the part of the Reapportionment
20 Committee or our professional staff to either
21 include or exclude any incumbent or any
22 challenger, but the Court found that the
23 result, in their minds, provided an appendage
24 that included an incumbent, and so we have
25 cured that in the plan that is before you now.

1 SENATOR BENNETT: Senator Oelrich.

2 SENATOR OELRICH: So if I get it straight,
3 that you did not, nor any of the members of
4 your Committee, nor did staff get out a
5 directory of the -- of where a particular
6 incumbent lived and let's say -- and made sure
7 that an incumbent was in that, but clearly, by
8 that kind of reasoning, clearly the Court must
9 have done that, because they must know where
10 this particular incumbent lives, and they --
11 therefore, they must have said, well, ha, ha,
12 we have -- and I am -- this is my language, we
13 have caught them putting an incumbent into a --
14 into a district that would favor him. Would
15 that be --

16 SENATOR BENNETT: Senator Gaetz.

17 SENATOR GAETZ: I can't tell you what was
18 in the Court's mind, but I can tell you this,
19 that in all of the conversations, and there
20 have been many, between Democratic members of
21 this body and myself and professional staff and
22 Republican members of this body, not one
23 Democrat and not one Republican has said, "Here
24 is where I live, make sure I am in -- on this
25 side or that side of a particular line." No

1 Democrat has asked for that, no Republican has
2 asked for it, and the Reapportionment Committee
3 and its professional staff have been careful to
4 be incumbent-neutral. But the Court found
5 that, in its opinion, the result of configuring
6 a district that included that 160,000 people
7 included where an incumbent lived. And so
8 instead of arguing with the Court, we have
9 acknowledged that, in their minds, effect
10 proved intent, although we had no intent, but
11 we have cured that with the plan that is before
12 you now. And so there is not an attempt to
13 place one incumbent or one challenger in that
14 appendage or in any other part of the plan that
15 is before you.

16 SENATOR BENNETT: Senator Oelrich.

17 SENATOR OELRICH: And I assure you,
18 Mr. President, I am trying to get to the end of
19 this.

20 One of the things that you referred to
21 many, many times, and was even up on your
22 chart, referred to what the plans of the League
23 of Women Voters. Now, what authority or why
24 would we or -- I don't know if the Courts took
25 that into consideration or whatever. What

1 authority -- to my knowledge, the League of
2 Women Voters is a completely non-governmental
3 group of people that join up to -- that they
4 are interested in politics and voting. What
5 authority -- or why would you put that on a
6 chart about what the League authority -- or the
7 League of Women Voters wanted in theirs, under
8 the question, who cares?

9 SENATOR BENNETT: Senator Gaetz.

10 SENATOR GAETZ: Well -- thank you,
11 Mr. President. Thank you, Senator Oelrich.

12 The Supreme Court cared, and I think many
13 of us on this floor believe that the League of
14 Women Voters -- I believe the League of Women
15 Voters is a responsible, respectable
16 organization. They have taken a significant
17 leadership role in the passage of Fair
18 Districts. They took a significant leadership
19 role in developing advice and input to this
20 Senate and to this Legislature. And the only
21 reason that they are referenced in the
22 presentation that we make is because the
23 Supreme Court referenced them. The Supreme
24 Court said, in effect, in several places in
25 their opinion, if you want to know what to do,

1 look at this configuration, which is presented
2 by the -- what is called the coalition, but
3 includes the League of Women Voters as a
4 dominant player, look at this configuration as
5 an example of what you ought to do. And so
6 what we tried to do is be respectful of the
7 Supreme Court's use of the League's maps as a
8 point of reference, and to simply show that we
9 have been respectful of that reference, and
10 that in many cases, including in my own part of
11 the state, we have largely done what the Court
12 said the League of Women Voters recommended
13 that should be done, and that in the Court's
14 opinion represented a better way to address
15 compactness than the way that was voted off
16 this floor.

17 So I am not suggesting, Senator Oelrich,
18 that the League of Women Voters has any
19 governmental authority. I am simply saying
20 that the Supreme Court referenced them from
21 time to time in their opinion by saying, you
22 know, if you want to know what we mean when we
23 say you could do this differently in a
24 particular area, look here at what the League
25 of Women Voters has recommended, and that is

1 purpose of the reference.

2 SENATOR OELRICH: In conclusion.

3 SENATOR BENNETT: Senator Oelrich in
4 conclusion.

5 SENATOR OELRICH: Thank you,
6 Mr. President.

7 I think that it would be one Senator's
8 opinion that the Supreme Court has traded your
9 proposal, which I think that you were duly
10 authorized and bound to present, and has put --
11 or ordered you to replace it with one that they
12 put in their own prejudices, their own bias and
13 their own political agenda in there, and forced
14 you into a situation where they are having us,
15 meaning as a body, to gerrymander on their
16 behalf. I find the findings based on this and
17 study, the arrogance of the Florida Supreme
18 Court to be astounding, and that is just one
19 Senator's opinion.

20 SENATOR BENNETT: Senator Gaetz.

21 SENATOR GAETZ: Thank you, Mr. President,
22 and I respect the opinion of Senator Oelrich
23 and every member of this body, but, Jay, if you
24 could take us back to the slide that came
25 directly after the reference to the Florida

1 Constitution. There is a long slide about what
2 the constitutional standards are. Can you take
3 us back to that, Jay, please? The next slide.

4 This is in the Constitution, and this
5 constitutional standard respects the balance of
6 power among the three branches of government as
7 crafted by our founders. The Legislature's
8 constitutional duty is to -- and this is a
9 quote not from the Supreme Court, not from Don
10 Gaetz, not from any member of the Senate,
11 Democrat or Republican, but from the
12 Constitution which we are sworn to uphold --
13 that we must adopt a joint resolution of
14 apportionment which conforms to the judgment of
15 the Supreme Court.

16 So while there may be members of this body
17 who would have criticisms one way or the other
18 about what the Supreme Court's judgment might
19 be in a particular case, they are the Supreme
20 Court, and we do swear an oath to preserve,
21 protect and defend the Constitution of the
22 State of Florida, and this is in the
23 Constitution. So our job now -- we may have
24 personal opinions, and that is fine, we may
25 have political opinions that we can take to the

1 stump, but we are now in a solemn -- we are
2 bound by the solemn duty to conform our
3 reapportionment plan to the judgment of the
4 Supreme Court, and I believe that our plan does
5 that.

6 Thank you, Mr. President.

7 SENATOR BENNETT: Senator Braynon.

8 SENATOR BRAYNON: Thank you,
9 Mr. President.

10 Senator Gaetz, in District 14, which is
11 the new -- in I guess the new map, which is the
12 central Florida district, you talked a little
13 bit about the functional analysis that was
14 performed on that and showed its performance.
15 How does that perform again? I maybe missed it
16 or I didn't exactly hear exactly how it
17 performed according to the functional analysis
18 as it related to minority voters.

19 SENATOR GAETZ: I apologize --
20 Mr. President?

21 SENATOR BENNETT: Senator.

22 SENATOR GAETZ: I apologize if I didn't
23 make that as clear as I could have or should
24 have. There was a slide, and if -- Jay, if you
25 wouldn't mind, please, putting up that slide.

1 It is the central Florida metrics three out of
2 five slide. And that is what I attempted to
3 refer to in my explanation, that the functional
4 analysis shows it in the new configuration of
5 District 14, Hispanic voters make up 28.3
6 percent of the electorate in that primary,
7 blacks add another 19.7. These are people that
8 actually showed up at the polls and voted. And
9 so this is a level of participation which would
10 allow central Florida to have an opportunity
11 district that doesn't exist now.

12 SENATOR BENNETT: Senator Braynon.

13 SENATOR BRAYNON: Thank you,
14 Mr. President.

15 I want to switch to another topic that we
16 only touched on a little bit. I know that
17 there are several counties in Florida, I guess
18 five, that are protected under the Voting
19 Rights Act. And the Court opinion made
20 reference to them a few times, but kind of
21 didn't touch them at all, didn't want to say
22 anything. Why do they do that? Is there going
23 to be a federal challenge or something that --
24 or that will relate to those?

25 SENATOR BENNETT: Senator Gaetz.

1 SENATOR GAETZ: Thank you very much,
2 Mr. President, and thank you for that question.
3 That helps us explain sort of the other part of
4 the approval process.

5 Any redistricting plan that would affect
6 those counties has to be pre-cleared by either
7 the Federal Justice Department or a three-judge
8 federal panel. And so, of course, as you
9 pointed out, we did not want to upset the
10 Section 5 counties in any way that would cause
11 a problem with pre-clearance, but the clear
12 answer to your question is we also have to get
13 federal pre-clearance of any plan that affects
14 those Section 5 counties.

15 SENATOR BENNETT: Senator Braynon.

16 SENATOR BRAYNON: The -- also it mentions
17 a little bit about retrogression, and when it
18 deals with those Section 5 counties, there is a
19 history with Section -- with the Voting Rights
20 Act, and I was just wondering if anywhere in
21 the history do they talk about some sort --
22 some semblance of what the definition of
23 retrogression is when it comes to those?

24 SENATOR BENNETT: Senator Gaetz.

25 SENATOR GAETZ: Thank you, Mr. President.

1 The approach we have taken is that we
2 shouldn't lose ground. However, the Supreme
3 Court has come back and offered us a
4 permutation on you shouldn't lose ground, and
5 they have said you shouldn't lose ground, but
6 you should also keep in mind the necessity for
7 compactness. And so if through a functional
8 analysis you can show that minorities will
9 still have the opportunity to elect candidates
10 of their choice, if you can make the district
11 more compact, you ought to try to do that.

12 SENATOR BENNETT: Senator Braynon.

13 SENATOR BRAYNON: Thank you.

14 Is that only in the Section 5 counties, or
15 is that in any minority or minority access
16 seats?

17 SENATOR BENNETT: Senator Gaetz.

18 SENATOR GAETZ: Thank you, Mr. President.

19 My reading of the -- again, I am a layman.
20 My reading of the Supreme Court opinion is that
21 the Supreme Court believes that we ought to try
22 to balance those values wherever we make -- we
23 make changes to the plan as those changes were
24 articulated as being necessary by the Court,
25 bearing in mind again that there is a Tier 1

1 standard and there is a Tier 2 standard.

2 SENATOR BENNETT: Senator Braynon.

3 SENATOR BRAYNON: Thank you, last
4 question, and also I want to compliment you on
5 your suit.

6 SENATOR GAETZ: Senator Alexander has left
7 the floor, but he actually called me and told
8 me that the Braynon/Alexander sartorial for the
9 day was one I should aspire to.

10 SENATOR BRAYNON: Thank you, and last
11 question.

12 You -- and I have asked this before, and
13 you have somewhat -- you have mentioned it and
14 you started talking about it a little bit, but
15 I know in the opinion they asked us to go back
16 over all of the minority seats and do a
17 functional analysis. We did that, is that
18 correct?

19 SENATOR BENNETT: Senator Gaetz.

20 SENATOR GAETZ: Thank you, Mr. President.

21 Yes, sir.

22 SENATOR BENNETT: Additional questions?

23 Before we get into that, members, I would
24 like to welcome the members of the Tabernacle
25 Christian Church from Sarasota, Florida.

1 Please give them a Senate welcome. Welcome to
2 the Florida Senate. And since I represent
3 Sarasota, it's got to be a good group of
4 people.

5 Okay. Let's get it back on track.
6 Additional questions? Additional questions? A
7 comment? Comment, go ahead.

8 A VOICE: Mr. President, I think -- I just
9 want it noted that I think Senator Gaetz and
10 his committee failed miserably when they did
11 not make that part of Monroe County that is
12 about five miles or three miles or two miles,
13 depending on where you are, and 150 miles long,
14 that you did not make that a compact area.

15 SENATOR BENNETT: Senator Gaetz.

16 SENATOR GAETZ: The President *pro tem*
17 using his fleet of boots is going to be working
18 on that after he retires from the Senate, yes.

19 SENATOR BENNETT: Senator Thrasher.

20 SENATOR THRASHER: Thank you,
21 Mr. President.

22 Senator Gaetz, I wanted to not get exactly
23 into what Senator Oelrich said, because I am an
24 officer of the Court and I might get disbarred
25 if I said some of the things you said, so I

1 don't want to go that far, but a lot of what
2 you said I don't disagree with. But I want to
3 get back to -- just to about what the object of
4 today is. We have gone through a year and a
5 half of stuff, of meetings and talking and all
6 that, a bunch of committee meetings, a lot of
7 public input. So here we are today responding,
8 as you said, to the Constitution and what the
9 Supreme Court said we had to do. We went
10 through two days of extensive committee
11 hearings, talked a lot about the eight
12 districts that were referenced in the Supreme
13 Court, the Lakeland issue and, of course, the
14 numbering issue, the ten -- the big ten as you
15 described it. So they basically, as I read the
16 opinion, said those were the areas we really
17 had to concentrate on and make sure that we got
18 right as we send this map back to them for
19 further review.

20 So as we do that and as we get into today
21 after questions, there are a number of
22 amendments, timely filed, and we will hear them
23 and I am all for listening to them. But as you
24 went through the metrics of the eight districts
25 that we dealt with, I hope today that as we get

1 into the amendatory process -- because I
2 believe what we passed in the Committee is an
3 appropriate response to what the Supreme Court
4 says. So, to me, there ought to be a fairly
5 significant burden on the proposers of
6 amendments today to suggest that what they are
7 suggesting, at least in respect to the eight
8 districts, is better than what the Committee
9 had, using the same metrics that you've
10 described. Would you agree with that?

11 SENATOR BENNETT: Senator Gaetz.

12 SENATOR GAETZ: Thank you, Mr. President.

13 Well, I have a -- I have an interest in
14 the good work of the Committee. I believe that
15 President Margolis and the Democrats on the
16 Committee joined the Republicans on the
17 Committee in a good faith effort to respond
18 faithfully to the order of the Court, to the
19 opinion of the Court.

20 I also believe that every member of this
21 Senate has a right to improve upon the work of
22 any committee. Our work is not divinely
23 inspired. Our work was done by human beings
24 using the best analyses that we could. But I
25 do agree with you, Senator Thrasher, that

1 amendments that come now do have a burden of
2 proof, there needs to be a clear determination
3 by the Senate that it is better to do what the
4 amender proposes to do than what this Committee
5 recommends. We have had a substantial majority
6 of the Senate, thanks to the President, serves
7 on this Committee. So we have had -- we've had
8 not one opinion, but we've had many opinions
9 melded together to form the recommendations
10 that are before you. So I would agree that
11 they're -- a heavy burden of proof lies on
12 anybody who comes forward with an amendment,
13 but at the same time, it is the right of any
14 member of the Senate to attempt to improve upon
15 the work of any committee or any Senator.

16 SENATOR BENNETT: Senator Thrasher.

17 SENATOR THRASHER: And I agree with that
18 100 percent. All I am suggesting is that when
19 we get into that process, that we have the
20 same, I hope, opportunity to review the metrics
21 as to whether or not we complied further with
22 what the Supreme Court said we should do, or
23 whether or not we are digressing from whether
24 the Supreme Court said we'd do. I think that,
25 to me, would be material in terms of evaluating

1 the benefit of any particular amendment,
2 whether it actually improves on those metrics,
3 gets closer to what the Supreme Court suggested
4 or gets further away from it.

5 SENATOR BENNETT: Senator Gaetz.

6 SENATOR GAETZ: Thank you, Mr. President.

7 I would agree, Senator Thrasher. There is
8 -- there is a practical issue that I would
9 point out, and that is that we do have a small
10 staff, and we do have a staff that has been
11 working virtually around the clock, and our
12 staff has tried without fear or favor to
13 provide the same service to every Senator who
14 has come forward with an amendment or a
15 suggestion. We have had a number of Senators
16 who have come forward with potential amendments
17 and have wanted them worked through to
18 determine whether or not the amendment would
19 be -- would be suitable or would be an
20 improvement on the plan. And so it may be the
21 case, because of the fact that we do have a
22 small staff that has been working very hard,
23 that some Senators may be -- may have more
24 information available to them than others, but
25 certainly the Supreme Court is going to look at

1 whatever we do with these maps, and they are
2 going to apply the standards that we have
3 described. They are going to apply the
4 functional analysis standards, they are going
5 to apply the compactness standards and they are
6 going to apply the standards of Tier 1 and Tier
7 2 as they have articulated them. So I think
8 that any amender has to be in an position to
9 show how they are making an improvement.

10 SENATOR BENNETT: Senator Latvala.

11 SENATOR LATVALA: Thank you,
12 Mr. President.

13 As Senator Gaetz knows, you know, the
14 amendment that I filed, for instance, was
15 timely filed. I actually started working in
16 the office yesterday with staff down there
17 right after lunch. We filed -- we pushed the
18 button to file the amendment around four
19 o'clock, and this morning when I went looking
20 for the reports which would be comparable to
21 the reports, the Reock and the perimeter and
22 that kind of thing on my amendment, it's still
23 not available. Then it was my understanding
24 that that is why we were late getting started,
25 so they would be doing my statistics this

1 morning, but come to be advised that they still
2 don't have my statistics done, you know.

3 So, therefore, I have a problem if Senator
4 Thrasher or any of the other members are going
5 to want data to justify that amendment, which
6 is based on changes made in the Chairman's
7 amendment, not from the original plan, but
8 changes from the Chairman's amendment itself,
9 that if we are going to want that data as a
10 justification for making the change, then staff
11 needs to produce that data in some fashion or
12 the other. And it is not as an individual, so
13 I don't know whether the other Senators that
14 are proposing amendments have their reports,
15 but I don't, and it is not my fault.

16 SENATOR BENNETT: Senator Gaetz.

17 SENATOR GAETZ: Thank you, Mr. President.

18 Senator Latvala makes a valid point that
19 the staff is continuing to work on trying to
20 provide an analytical -- try to provide
21 analytical support for all Senators who have
22 offered amendments. That is why the President
23 and the Rules Chair have scheduled two days for
24 our consideration of this matter, so that if
25 there is information that is germane and that a

1 particular Senator wants to have produced, that
2 within the realm of human possibility our team
3 has worked all night last night, and until they
4 drop they will work all night tonight, and that
5 is also why Senator Latvala's amendment at my
6 request is later in the day, so that we have
7 the opportunity to produce as much data to help
8 him support his amendment as possible. But I
9 certainly will be happy to be here tomorrow to
10 make sure that we have all the data necessary
11 for any Senator to support her or his
12 amendment.

13 SENATOR BENNETT: Additional questions?
14 Senator Braynon.

15 SENATOR BRAYNON: Thank you,
16 Mr. President, I just have one more question.

17 My last question was did we do a
18 functional analysis of the minority districts?
19 I know that there were some districts that we
20 ended up drawing that -- and specifically
21 District 29, the new District 29. Did we do a
22 functional analysis on districts that we
23 thought may perform like a minority district,
24 and if we did, which ones were those, or did we
25 do them on every district?

1 SENATOR GAETZ: Mr. President?

2 SENATOR BENNETT: Senator Gaetz.

3 SENATOR GAETZ: Thank you very much,
4 Mr. President.

5 Senator Braynon, there is a functional
6 analysis of District 29, and any part of that
7 functional analysis that you wish to discuss,
8 we can certainly -- I am sure that we can
9 discuss it here in detail on the floor.

10 SENATOR BENNETT: Additional questions?

11 Before we go to the amendment process, I
12 would like to recognize the students from
13 William R. Boone High School in Orange County.
14 They are honor level students who are
15 interested in a career in law enforcement, and
16 they are members of the Orlando Police
17 Explorers, and for the past approximately six
18 years, this group has taken a trip to
19 Tallahassee to -- so the students could see the
20 operation of the state level system firsthand.
21 Welcome to the Florida Senate.

22 Senator Gardiner.

23 SENATOR GARDINER: Thank you,
24 Mr. President, I will be very brief. I just
25 want to add to that, I am a proud graduate of

1 Boone High School, class of 1987, and my
2 legislative office is actually located just
3 around the corner, and welcome to Tallahassee
4 and go Braves.

5 SENATOR BENNETT: Welcome to the Florida
6 Senate. And you all will do quite well in
7 spite of your good Senator.

8 Okay. Let's go to the amendment process.
9 Amendments on the desk?

10 THE CLERK: On the desk, Mr. President.

11 SENATOR BENNETT: Take them and read the
12 first amendment.

13 THE CLERK: Bar code 472686, Senator
14 Gaetz, lines 13 through 5927, into an
15 amendment.

16 SENATOR BENNETT: Senator Gaetz.

17 SENATOR GAETZ: Thank you very much,
18 Mr. President.

19 This amendment arises out of the good work
20 of Senator Rich and Senator Gardiner as our
21 Democratic and Republican Leaders. They
22 oversaw a process yesterday where a random
23 selection was done to assign Senatorial
24 districts, and the Senatorial districts that
25 are included in the amendment -- are included

1 in the amendment, and that is what is before
2 you, a randomly -- a random selection of even
3 and odd in order to determine numbers.

4 One of the concerns of the Supreme Court
5 was that they inferred intent from the result
6 that was in our numbering system before, and
7 while I can assure you that there was no
8 partisan intent or incumbent-favoring intent in
9 what we submitted to the Court, notwithstanding
10 that fact, the Court believed that we could do
11 better, and so we went through, Mr. President,
12 a large number of scenarios, not just in the
13 last two days, but throughout the work of this
14 Committee, a large number of scenarios for
15 numbering districts and determining odd and
16 even numbers. And it turned out that in every
17 one of the cases that we looked at, we
18 believed, or based upon the Court's opinion, it
19 was obvious that intent could be inferred from
20 the result. And so, consequently, it was the
21 overwhelming determination of the
22 Reapportionment Committee by a 21 to 6 vote
23 that we ought to use a random process.

24 We did that yesterday, Mr. President, in a
25 way that was oversight -- the Secretary of the

1 Senate oversaw it. She brought her employees
2 to the Reapportionment Committee, and in front
3 of the press and the public, the Secretary of
4 the Senate, with direction from the Majority
5 and Minority Leaders, through a random process,
6 pulled numbers, and those numbers and odd/even
7 assignments were made, and that is what is in
8 the amendment.

9 SENATOR BENNETT: Questions on the
10 amendment? Questions on the amendment?

11 Seeing no questions, all in favor of the
12 amendment, say aye.

13 (Chorus of ayes.)

14 SENATOR BENNETT: Opposed, like sign.

15 A VOICE: No.

16 SENATOR BENNETT: Show the amendment
17 adopted.

18 Take up and read the next amendment.

19 THE CLERK: Bar code 569836 by Senator
20 Storms, lines 13 through 5918, into an
21 amendment.

22 SENATOR BENNETT: Senator Storms, you are
23 recognized.

24 SENATOR STORMS: Thank you, Mr. President.

25 So, members, the Supreme Court objected to

1 the numbering system on a variety of -- on a --
2 for a variety of reasons, but the primary
3 reason is because we -- the Supreme Court
4 determined that we had sought to favor
5 incumbents. So what the Supreme Court wants us
6 to do is to number the system in such a way so
7 as not to provide any benefit at all to
8 incumbents.

9 Now, you all know that I had very
10 significant objections to the process
11 yesterday, to choosing a lottery. We initially
12 thought we were going -- staff told us that
13 they inquired of the Lottery if we could host
14 it there, and I have very serious objections to
15 that. I am not going to spend my time today
16 talking about the objections to that process,
17 except to tell you that this amendment does
18 exactly what the Supreme Court asked. This
19 provides zero benefit for any incumbent.
20 Senators -- the Senator from -- I can't see
21 you, Senator Sobel, let's see, you are -- the
22 Senator from the 31st District suggested that
23 we should all just give all the incumbents the
24 two years and we will be done with it. Or was
25 it Senator -- the Senator from the Seventh

1 District? So we should not provide any benefit
2 to ourselves. Well, here's what I have done.
3 You all can have this. I worked with staff
4 yesterday afternoon. Here is my personal
5 signed amendment that I worked on. It has all
6 of your numbers, and based on this number,
7 nobody, no incumbent, gets four years. None of
8 the incumbents get four years. Every person
9 who has -- who is a ten-year person, like I am
10 a ten-year person, gets two years. Every
11 single one of us gets two years. That it is an
12 improvement from the lottery method, which is
13 what the Supreme Court wants from us. The
14 Supreme Court does not want us to do anything.
15 There can be assigned no personal benefit, no
16 intent to benefit the incumbents if none of us
17 receive anything of value, and we didn't
18 receive anything of value under this amendment.

19 Under my amendment -- and I will just read
20 them, because all I did with this amendment is
21 I took the Chair's amendment and I assigned
22 all -- the only thing that I asked staff to do
23 was to change the numbers. So everything else
24 in the amendment is exactly the same, or should
25 be. Naturally, I didn't do it myself, I asked

1 staff to do it, so I am trusting that staff did
2 it exactly the same except changing the
3 numbers.

4 This is what everybody gets: Chair Gaetz
5 gets District 4. That gives him a two-year
6 term -- a four-year term. Chair -- Senator
7 Evers gets District 2, Senator Montford gets
8 District 6, Senator Oelrich gets District 8,
9 Senator Thrasher gets District 10, Senator Hays
10 gets District 12, Senator Simmons gets District
11 14, Senator Norman gets District 16, Senator
12 Latvala gets District 18, Senator Arthenia gets
13 District 20, Senator Storms gets District 22,
14 Senator Benacquisto gets District 24, Senator
15 Negron gets District 26, Senator Sachs gets
16 District 28, Senator Bogdanoff gets District
17 30, Senator Ring gets District 32, Senator
18 Garcia gets District 34, Senator Margolis gets
19 36, Senator Diaz de la Portilla gets 38,
20 Senator Anitere Flores gets District 40. Evens
21 get two years. I misspoke at the beginning.
22 So that is two years, all of those incumbents
23 only get two years, which is exactly what the
24 Florida Supreme Court asked us to do. They
25 asked us to come up with a plan that reduces

1 the benefit to incumbents, and that is what
2 this plan does.

3 To continue, Senator Dean gets District 1,
4 Senator Wise gets District 3, Senator Gibson
5 gets District 5, Senator Lynn gets District 7,
6 Senator Gardiner gets District 9, Senator
7 Siplin gets District 11, Senator Haridopolos
8 gets District 13, Senator Dockery gets District
9 15, Senator Altman gets District 17, Senator
10 Fasano gets District 19, Senator Jones gets
11 District 21, Senator Bennett gets District 23,
12 Senator Alexander gets District 25, Senator
13 Detert gets District 27, Senator Richter gets
14 District 29, Senator Rich gets 31, Senator
15 Smith gets 33, Senator Sobel gets 35, Senator
16 Braynon gets 37 and Senator Bullard gets 39.

17 Now, it is true that none of you all --
18 those aren't your districts. But rather than
19 reading -- the only reason why I used your name
20 is because it is the closest approximation, so
21 rather than reading the legal description of
22 every single one of them, if you came in and
23 you have -- and you are newly elected, you came
24 in in 2010, you could still get a four-year
25 term, but if you are like me who came in in

1 2006, none of us who came in in 2006 get a
2 four-year term, not a one of us who came in in
3 2006 get a four-year term. So I didn't draft
4 it to help myself. I said all of the old
5 folks, I am one of the old folks, none of us
6 get four years.

7 The next thing is the people who would
8 come, who would be here and would -- anybody
9 would be entitled to a ten-year term. The sole
10 difference is with Senator Dean, because, for
11 example, with Senator Dean, the Senator from
12 the Third District, if you came in at an odd
13 term, you only got one year, there isn't any
14 way for you to come up with just eight years,
15 we are not kicking you out. You may get one
16 extra year, but we can't do anything about
17 people who got elected because somebody passed
18 away or resigned.

19 I think this is -- addresses Senator
20 Margolis' concern from the District -- from
21 District 35, the Senator from the 35th
22 District, and I think this addresses the
23 Supreme Court's concerns, most importantly.
24 And so I ask for your support, and I have the
25 analysis. This tells you what your old

1 district is, what the current district, when
2 you ran, and I have all of the analysis. Thank
3 you, Mr. President.

4 PRESIDENT HARIDOPOLOS: Thank you. Let's
5 go to Senator Bogdanoff, followed by Senator
6 Latvala, Jones and Oelrich, all for questions.
7 So let's start with Senator Bogdanoff for a
8 question, and then we will go to Senator
9 Latvala next.

10 Senator Bogdanoff for a question.

11 SENATOR BOGDANOFF: Thank you,
12 Mr. President.

13 Senator Storms, I guess I am trying to
14 figure this out. Based on the constitutional
15 provision that says that we should not consider
16 incumbency as a part of redrawing the maps, you
17 have just indicated that any of us would
18 receive a benefit under the old -- under the
19 old scheme. I guess my question is, none of us
20 have a guarantee of reelection. So, therefore,
21 based on that alone and based on the fact that
22 we have drawn new districts that are supposed
23 to be blind when we drew them, how do we
24 justify actually going and creating a numbering
25 system that assumes that the incumbents will be

1 reelected and that we need to limit incumbents
2 to certain terms?

3 PRESIDENT HARIDOPoulos: Senator Storms,
4 you are recognized to respond.

5 SENATOR STORMS: Thank you, Mr. President.

6 So the question is, is the numbering
7 system, as opposed to Fair Districts, as you
8 know, dealt with the actual drawing, putting
9 the pencil to the paper, and those of us who
10 found the Supreme Court -- who were surprised
11 by the Supreme Court dealing with the numbering
12 system, and I think the minority opinion dealt
13 with that very well, we are surprised to see
14 renumbering to be included in that, because
15 renumbering in the eyes of the minority
16 opinion -- and I count myself and it sounds
17 like you probably are in the minority camp
18 also -- think that the numbering system was not
19 part of District 5 and 6. The Court didn't try
20 to say that it is -- that it was -- that it was
21 part of redrawing the lines. District -- fair
22 Amendments 5 and 6 dealt with solely drawing
23 the lines, that we should not draw the lines.
24 It didn't deal with numbering. It dealt with
25 drawing the lines. A separate constitutional

1 provision is the eight is enough segment of the
2 Constitution, and on that basis, the Supreme
3 Court said you have drawn these numbers in a
4 way that benefits incumbents. And so what the
5 Supreme Court asked us to do is renumber it in
6 such a way as to not benefit the incumbents,
7 and that was the sole basis for the lack of --
8 for the finding that it was unconstitutional.
9 That is the sole basis is that it appears that
10 we were trying to skirt the eight is enough
11 constitutional provisions in the eyes of the
12 Florida Supreme Court. That is not a Fair
13 District provision. That doesn't have anything
14 to do with Amendments 5 and 6. That can be
15 distinguished from the Court's analysis in 5
16 and 6, because it goes to the constitutional
17 provisions of the eight is enough segment of
18 the Constitution. And so that is what we --
19 that is what the Supreme Court ordered us to
20 do, to come up with a system that numbers the
21 districts in such a way as to only produce
22 eight years in accordance with the
23 Constitution, and that is what this does. This
24 is completely compliant with the Constitution.
25 None of us get more than eight years.

1 PRESIDENT HARIDOPoulos: Senator Bogdanoff,
2 you are recognized for a question.

3 SENATOR BOGDANOFF: Thank you.

4 I want to try to follow the logic.

5 Regardless, I guess, of the inconsistencies
6 that are in the Court opinion, and regardless
7 of the inconsistencies of what we believe the
8 Court intended, the Court specifically has
9 injected Amendments 5 and 6 into the numbering
10 system, and that -- it would be my opinion, I
11 guess I need to understand more to be able to
12 support an amendment like this, is that based
13 even on your testimony in terms of opening up
14 the amendment and explaining it, you have
15 specifically considered incumbency, which
16 indicates to me is a direct violation of what
17 the Supreme Court said. Even though you and I
18 might disagree with them, even though there
19 are -- the entire opinion is riddled with
20 inconsistencies, it is what the Court said.
21 And going with Senator Gaetz' desire to just
22 simply abide by the Court's ruling, it would
23 seem to me that your amendment actually
24 specifically violates what they asked us not to
25 do, regardless of whether or not -- because you

1 are not supposed to, you know, benefit or not
2 benefit an incumbent, benefit or not benefit a
3 particular party, but the way you have
4 described it, it specifically does. So if you
5 can let me know, regardless of your
6 interpretation, how that works with the Supreme
7 Court's opinion.

8 PRESIDENT HARIDOPoulos: Senator Storms to
9 respond.

10 SENATOR STORMS: Thank you, Mr. President.

11 The Supreme Court did not order us not to
12 consider incumbents. The Supreme Court, in
13 fact, specifically ordered us to renumber the
14 plan in such a way to comply with the eight is
15 enough. And so the -- the finding that -- or
16 the opinion of apparently the Senator from the
17 25th District that we should comply with 5 and
18 6, that flies in the face of what the Supreme
19 Court ordered us to do specifically. They
20 specifically ordered us to redraw the line in a
21 way that complies with the eight is enough
22 amendment.

23 This provides exactly the eight is enough
24 amendment, compliance with that. That is what
25 the Court ordered us to do, and that is what

1 this amendment does. They did not tell us not
2 to consider incumbents. They said comply with
3 the eight is enough, and that is what I did.

4 PRESIDENT HARIDOPOLOS: Senator Latvala
5 for a question.

6 SENATOR LATVALA: Mr. President.

7 The Senator from the Tenth is a lawyer and
8 a smart lawyer, and I am just a plain old
9 simple printer, but when I read this, Senator
10 Storms, when I read Article III, Section 21 of
11 the Constitution, it says, "In establishing
12 legislative district boundaries, no
13 apportionment plan or district shall be drawn
14 with the intent to favor or disfavor a
15 political party or an incumbent." Now, that is
16 the basis in my simple mind that the Court gave
17 us the decision that they did with regarding
18 our numbering plan.

19 And I also had problems with doing it by a
20 lottery, but I have a question about your
21 amendment too, because it would seem like what
22 you are doing with your amendment is basically
23 disfavoring every incumbent. And instead of
24 letting it be by chance or by some sort of
25 sequence, which was the way I would have

1 preferred to do it, just start one end of the
2 state and go to the other like we've always
3 done it up until ten years ago, does not your
4 amendment actually disfavor someone, eliminate
5 them from the possibility of getting a ten-year
6 term just because they happen to be an
7 incumbent?

8 PRESIDENT HARIDOPOLOS: Senator Storms.

9 SENATOR STORMS: Thank you, Mr. President.

10 No. No, not under this analysis, because
11 what the Supreme Court did -- and I am turning
12 to page -- I am in page 136 of the opinion, and
13 the Supreme Court says -- what the Supreme
14 Court did was it used Amendments 5 and 6 as the
15 vehicle to deal with the numbering system. It
16 did not apply the favor/disfavor incumbents
17 necessarily in its drafting in its order to us.
18 It didn't order us to go back and redraw the
19 numbers in such a way so as not to disfavor or
20 favor. What it did was use 5 and 6 as a
21 vehicle.

22 So on page 136, it says, "While the
23 introductory clause of Article III, Section 21,
24 states the provision applies in establishing
25 legislative districts, subsection a then states

1 that no apportionment plan or district shall be
2 drawn with the intent to favor or disfavor an
3 incumbent," and the Court underlined the word
4 "plan" there on page 136.

5 The Court goes on to say, "The numbers of
6 the Senate districts are unquestionably part of
7 the apportionment plan." That is the car that
8 they drove in on. They said, okay, we have
9 standing to deal with this, because in 5 and 6,
10 numbering is part of the plan, and that is how
11 we can get here.

12 And then they went on to use the analysis
13 to say that the numbering system significantly
14 advantages incumbents by increasing the length
15 of time that may serve to two more years. So
16 that is -- they are continuing to talk about
17 the vehicle, using 5 and 6. But then they go
18 on to talk about the term limit provisions of
19 Article IV, Section 4B, and now I am on page
20 138 of the opinion: "The interaction" -- and
21 this is where the Court bifurcates the issues.
22 They used the 5 and 6 as a vehicle, in my
23 opinion, and now they bifurcate the issues to
24 get to the other provision that they have to
25 apply constitutionally to the numbering system,

1 and that is found in the last paragraph on page
2 138: "The interaction between the term limit
3 provisions of Article IV, Section 4B, and the
4 staggering of Senate terms under Article III,
5 Section 15A, determines the overall length of
6 time a Senator will be eligible to serve.
7 Under these provisions, most Senators who were
8 first elected in general election years as
9 scheduled by Article III, Section 15A, will be
10 eligible to serve for a maximum of eight
11 consecutive years. An exception applies to
12 Senators who are first elected to two-year
13 terms in the election following the
14 reapportionment. These Senators, if
15 subsequently reelected, will have served only
16 six years at the conclusion of their second
17 term." And at this point, the Court then
18 begins to discuss the eight is enough, and that
19 is what they found as unconstitutional.

20 PRESIDENT HARIDOPOLOS: Senator Latvala,
21 you are recognized for a question.

22 SENATOR LATVALA: Thank you, Senator.

23 I would -- I would say that you really --
24 and you are the last Senator in this place that
25 I'd like to have this conversation with, you

1 know, because I have the utmost respect for
2 your principles and your integrity, but you
3 didn't really answer my question about how what
4 you are doing here doesn't specifically
5 disfavor incumbents by singling out the
6 incumbents, as opposed to a random method that
7 would treat everyone the same way. When I read
8 the Constitution that says you can't favor or
9 you can't disfavor, that would mean, to me,
10 that everybody needs to be treated the same
11 way. And what I see in your amendment is
12 specifically not treating someone a certain way
13 just because they are an incumbent, and that is
14 the first question.

15 The second question is, you know, maybe
16 you could enlighten us as to how you think this
17 is a better plan of getting at what the Supreme
18 Court told us to do than some sort of a random
19 selection where everyone takes their chances,
20 you know, on an eight or a ten-year type
21 situation.

22 PRESIDENT HARIDOPOLOS: Senator Storms.

23 SENATOR STORMS: Thank you, Mr. President.

24 So we have a two-part question. The first
25 question is whether it disfavors the incumbent.

1 And you could argue that it does favor -- it
2 does disfavor the incumbents, and then that
3 would be a violation of 5 and 6. I don't think
4 the Supreme Court -- in my opinion, this is a
5 balancing test from the Supreme Court. The
6 Supreme Court doesn't say that of the two that
7 they -- in their balancing test, like this, on
8 one side they put Amendment 5 and 6,
9 favor/disfavor the incumbents and favor or
10 disfavor a political party. In their balancing
11 test, on this side they put the eight is enough
12 amendment -- the clause to the Constitution.
13 In my opinion, the Supreme Court is saying they
14 put on the elements of favor incumbents, but in
15 my opinion, the Supreme Court weighs more
16 heavily the provision of eight is enough, and
17 they say even if it disfavors an incumbent,
18 which takes priority in my -- in the balancing
19 test, because they can't both balance, what
20 would take priority in that balancing test?
21 The Supreme Court, in my opinion, says what
22 takes priority is the eight is enough. So even
23 if it disfavors incumbents, what takes priority
24 is eight is enough, because that is in the
25 Constitution.

1 When you have competing elements to a
2 Constitution that -- such as this where you
3 would have an incumbent -- something that
4 disfavors incumbents, what you set up is what
5 is known as a balancing test. And so you put
6 those elements beside each other and you say,
7 which does the Court weigh more heavily? That
8 is what the Court weighs more heavily.

9 Now, the second part of the question, you
10 asked me why isn't a random system better. A
11 random system would be better if at the outcome
12 you could measure the results, and after all,
13 that is what the Supreme Court objected to was
14 the results. So when you put side by side the
15 two amendments on numbering system and you say
16 what are the results, which one of these
17 elements more closely resemble what the Supreme
18 Court tried to get us to do, based on the
19 results, on that balancing test of the two
20 amendments or the Chair's amendment and my
21 amendment, which one most closely resembles
22 what the Supreme Court tried to do? In my
23 opinion, that is my amendment, because it is
24 more faithful to the eight is enough provisions
25 of the Constitution.

1 But, in addition, you asked why I -- why
2 else I don't like, and I do like a random
3 system. I thought there were some excellent
4 random systems that were suggested, one by the
5 Senator from the 22nd District. I would take
6 all kinds of random systems. I did deeply
7 object to the lottery system that we used. I
8 was -- I was -- I was deeply offended on a
9 variety of levels, including the whole image of
10 having the Attorney General somehow come here
11 and play some sort of ball hostess. That was
12 very offensive to me. That -- set that aside.
13 The lottery was deeply offensive to me, and I
14 think to a lot of other people.

15 I came and I raised a point, and the
16 points were on the -- the Florida Statute
17 849.08 where I thought that it was gambling,
18 also eight point -- 849.09, where it
19 specifically prohibits lotteries, any
20 lotteries, and makes it a misdemeanor for us
21 to -- for people to be having the accoutrements
22 of a lottery. So, on those points, I think we
23 can arrive at the conclusion that the Supreme
24 Court wanted us to arrive at without -- without
25 reducing the dignity and stature of this body,

1 which I really felt like -- I personally felt
2 that that is what it did yesterday. And so I
3 thought how can I draft something that I can
4 support so that I can vote for the plan in the
5 end without having the elements that are so
6 deeply offensive to me.

7 And so you asked me the question, so the
8 answer to that question is on those points, I
9 was personally offended. And so because of
10 that, I felt like I had to -- and I appreciated
11 what the Chair said. The Chair said so put up
12 or shut up. Not really, he didn't say that,
13 but he said -- but he said, you know, draft
14 something, draft something. And I had hoped
15 through the process that -- you know, that just
16 kind of talking through it in committee and
17 raising the objections -- and it seemed like we
18 were making some headway there because the way
19 I saw the amendments moving were that we were
20 making some headway, we would have some other
21 choices, but I wasn't prepared for 30 minutes
22 later yesterday to see the thing happen. I was
23 not prepared for that. I did not think that
24 yesterday we would be, you know, twirling balls
25 30 minutes later. So I was completely caught

1 off guard yesterday when that happened. You
2 asked me the question, so I am answering that
3 question, and that is what -- that is what
4 happened. That is why I came up with this
5 situation, and I feel like I have to do it
6 because I -- I really feel like I was given no
7 other alternative but to do this thing. Thank
8 you.

9 PRESIDENT HARIDOPoulos: Further questions?
10 Senator Jones, did you want to ask a question,
11 followed by Senator Oelrich.

12 Senator Jones, you are recognized for a
13 question.

14 REPRESENTATIVE JONES: Thank you, Mr.
15 President.

16 Well, half of my question has been
17 answered, and the other half raised another
18 question, but I wasn't here when you were
19 discussing the lottery, but as Chairman of the
20 Regulated Industries Committee, I don't know
21 what the question or the problem would have
22 been. To Senator Storms' question on gaming,
23 gambling, clearly there is a precedent set in
24 the state, gambling is a game of chance in
25 which the participant risks money or property

1 on a outcome with expectation of gaining or
2 losing as a result of the game, and that has
3 been accepted by the standard jury
4 instructions, and there are several criminal
5 cases mention that, and then Black's Law
6 Directory says, "gambling, the act of risking
7 something of value, especially money for a
8 chance to win a prize." So I don't think -- I
9 wasn't here for that, but that shouldn't have
10 probably even have been a question that came
11 up.

12 I think the problem I have with this
13 numbering system -- well, it was an observation
14 to the previous discussion. I thought somehow
15 that got off on a tangent with Senator
16 Latvala's question, we got off into this area,
17 so I tried to bring that back in for a landing.
18 Now, what my question would have been is I was
19 under the opinion, and I didn't serve on
20 reapportionment this time, but I was under the
21 opinion that really we should go into this
22 drawing these lines by being blind. And I am
23 concerned about, with this amendment, we are
24 actually going the other direction. We are
25 purposely trying to see who sits where and

1 where they live and if they should or shouldn't
2 run. And, you know, it really -- and this is
3 my question: Isn't it up to the voters, isn't
4 it up to the voters when it comes to election
5 time whether this particular new seat is going
6 to be held by a Senator that is going to be
7 there for two years, four years, six years,
8 eight years, or possibly in some very
9 extenuating circumstances, ten years? But
10 these seats belong to the public, and they can
11 become campaign issues in the future if there
12 is a problem with somebody maybe going to be in
13 that seat for ten years. The voters can know
14 that, it can be a campaign seat. But if
15 someone draws a two-year seat, they might be a
16 lousy, lousy incumbent, they might only be in
17 that seat two years and the voters turn them
18 out the next time, so they would only be in
19 that seat for two years.

20 So really we look at this numbering, you
21 know, eight sounds -- eight is enough, but
22 there are circumstances where some members
23 could serve only two, some four, some six, some
24 eight, and, yes, a few ten. So I really think
25 by identifying -- going out of our way to

1 identify who sits where and when, that really
2 we are just going outside of the spirit of what
3 the Court wanted us to do to these districts.

4 PRESIDENT HARIDOPOLOS: Senator Storms.

5 SENATOR STORMS: Thank you, Mr. President.

6 So I didn't hear a question mark at the
7 end, but because we are in questions, I am
8 going to put a question mark at the end. The
9 question was whether or not -- whether or not
10 there is anything of value given and being
11 exchanged. And under Florida Statute 849.08,
12 you can make a case that it would not be
13 gambling. I say that because we are -- the
14 statute specifically says whoever plays or
15 engages in any game, cards, keno, roulette, I
16 think -- I don't know, you know better than I
17 do, because I know you don't gamble, but you
18 are in charge of it for the states -- for the
19 Senate and as Chair of the Committee, so I
20 guess that is roulette where you do the balls
21 around is the roulette, and so it says at any
22 place by any device -- or it says or --
23 actually, or other game of chance, at any place
24 by any device, whatever, for money or other
25 thing of value. Or other thing of value, in my

1 opinion, what we laid on the table yesterday
2 was two things, either two years or four years,
3 that was the game, or the salary, the extra two
4 years of the salary that you get. Then under
5 849.09, lottery prohibited, it is unlawful for
6 any person in this state to set up, promote or
7 conduct any lottery for money or anything of
8 value.

9 I am just answering the question, I am not
10 trying to belabor it. I recognized, you know,
11 yesterday I came running over from my office,
12 and so I was out of breath when I presented it,
13 and I lost. I mean, it was a big yawner to the
14 Chair, you know. I mean, he didn't -- I didn't
15 prevail on that, I understand that. I am not
16 arguing my point today. I am just telling you
17 the foundation as to why I believe and still
18 believe today that that was inappropriate.

19 But as to the other point to your question
20 on the numbering system, I don't think that
21 we're entitled to object to eight is enough
22 anymore, because it is the law, it is in the
23 Constitution and we have to follow it. And so
24 we are not supposed to be -- according to the
25 Supreme Court, we are not supposed to be doing

1 anything that draws additional districts for
2 anybody else to benefit, and so that is all I
3 am trying to address. I am not trying to have
4 the debate on eight is enough anymore. It is
5 done, it is in the Constitution, and so I have
6 drawn this, I have renumbered this district to
7 do exactly what the Supreme Court said, and
8 here it is, and you are welcome to it if you
9 want it.

10 PRESIDENT HARIDOPoulos: It is -- at 12:00
11 noon today we are going to take a lunch break
12 for roughly an hour and a half so that some of
13 the information that we want to gather and all
14 the amendments will be available for the Senate
15 to peruse before they make a vote on amendment,
16 let alone the final bill. And so we will be
17 taking a lunch break from 12:00 to 1:30 to make
18 sure that all the information that has been
19 requested can be provided by the staff and they
20 have the sufficient time to not only handle and
21 help the questions on the floor, but more
22 importantly, to help make sure all the
23 information is available to each of the
24 amendments that will be considered today.

25 Also during the lunch hour, last Sunday

1 was Senator Sachs' birthday, her 29th, and
2 there is a cake for her back there, so you can
3 sing her happy birthday as well there.

4 So with that, I believe -- are there more
5 questions before we go? Senator Oelrich, you
6 are recognized for a question.

7 SENATOR OELRICH: Thank you,
8 Mr. President.

9 I just wanted to -- having not served on
10 the Committee and being kind of an outsider
11 looking in, Senator Storms, is the Supreme
12 Court saying there is something magical about
13 the number -- certainly they can't be saying
14 there is something magical about the numbers.
15 In other words, whenever I think of District
16 28, Joe Negron just comes to my mind, and so it
17 just, 28, Joe Negron, you know, and that would
18 be the incumbent thing about the numbering
19 system. Or is the Supreme Court saying this
20 numbering system comes with the incumbency, and
21 we've got to shake all that up? Is that your
22 take on the -- on the question when they say
23 that a numbering system cannot favor or
24 disfavor an incumbent?

25 PRESIDENT HARIDOPOLOS: Senator Storms.

1 SENATOR STORMS: Thank you, Mr. President.

2 So what the Supreme Court said on page 140
3 and down to 141 is that on December 20th --
4 December 30th, 2011, however, the Committee of
5 Reapportionment published a committee
6 substitute to the plan proposed on
7 November 28th. Under the new plan, 39
8 districts were assigned new numbers. The Court
9 goes on to -- goes on to discuss what the
10 coalition objected to, but in the bottom of
11 that paragraph, the Court says, "Because the
12 Court was not provided the addresses for every
13 incumbent Senator, the Court cannot verify the
14 correctness of the statement of the coalition."

15 It does go on on page 141, "We can verify
16 that at least the 16 Senators that were
17 previously eligible for eight years will now be
18 eligible to serve a maximum of ten years, and
19 that is what -- and the three incumbents
20 originally eligible for nine years will be
21 eligible to serve 11 years. None of the
22 Senators for whom this Court was provided
23 addresses will be limited to a maximum of eight
24 years under the new numbering system." So the
25 Court objected to that. It is not the

1 numbering, it is the fact that resulted -- that
2 even and odd numbers that were assigned
3 resulted in more years than Article IV of the
4 Constitution provided.

5 PRESIDENT HARIDOPOLOS: Let's move to --
6 questions or do you want to do debate?

7 SENATOR OELRICH: Follow-up.

8 PRESIDENT HARIDOPOLOS: Okay. For a
9 question, you are recognized.

10 SENATOR OELRICH: So what they are saying
11 is -- it is my understanding that everybody
12 that is sitting in the Senate that is not
13 termed out is going to have to run for
14 reelection.

15 PRESIDENT HARIDOPOLOS: Senator Storms.

16 SENATOR STORMS: Yes, sir.

17 SENATOR OELRICH: And all to that is
18 that --

19 SENATOR STORMS: Excuse me, Mr. President.

20 PRESIDENT HARIDOPOLOS: Senator Storms,
21 you are recognized.

22 SENATOR STORMS: None of us have to run
23 for reelection. None of us have to. You asked
24 if all incumbents have to. Yeah, no, we don't
25 have to. Yes, yes.

1 SENATOR OELRICH: To follow that up --

2 PRESIDENT HARIDOPOLOS: Senator Oelrich,
3 you are recognized.

4 SENATOR OELRICH: Thank you.

5 And to follow up on that, and a point
6 brought up by Senator Jones is that -- and here
7 again, I am beating perhaps a very dead horse,
8 but what would you see as the viability or
9 involvement of the Florida Supreme Court in
10 circumventing the will of the people when the
11 folks that want to run for reelection either
12 get elected or not elected? That would be the
13 purview of the people to say that they want to
14 favor the incumbent with their vote or they
15 want to favor the challenger with their vote.
16 What do you see is the Supreme Court -- how are
17 we going to get around that? And the larger
18 question is how -- why doesn't the Supreme
19 Court just draw this all up and tell us what to
20 do and we will have a two-part government as
21 opposed to a three-part government?

22 PRESIDENT HARIDOPOLOS: Senator Storms,
23 you are recognized to respond. Any -- no?
24 Okay, let's go to debate, debate.

25 Senator Bogdanoff, you are recognized.

1 SENATOR BOGDANOFF: Thank you,
2 Mr. President, and I just wanted to kind of
3 address one of the issues that I believe in
4 terms of the way to interpret the opinion of
5 the Supreme Court and which I kind of alluded
6 to in my question, and if you go to page 138 --
7 and I am going to respectfully disagree with
8 Senator Storms, and forgive me, I cannot see
9 your number, so I am going to have to -- 10,
10 the Senator from the Tenth.

11 If you go to page 138, it says, "No
12 person" -- and in citing the particular part of
13 the Constitution that Senator Storms is
14 referring to in terms of term limits, and it
15 says, "No person may appear on the ballot for
16 reelection to the office of Senator if at the
17 end of the current term of office that person
18 will have served basically eight consecutive
19 years." It should be first emphasized that the
20 Florida Constitution does not limit Senators to
21 a maximum of eight consecutive years. Rather,
22 the Constitution prohibits anyone who has
23 already served for eight years for standing for
24 reelection. So basically it is talking about
25 what that provision provides, which means there

1 are some Senators who could have more than ten
2 years.

3 So if you move over to page 143 and we
4 talk about the holding in the case, which is
5 where I believe the Supreme Court is directing
6 this chamber to go, it says, "The Senate plan
7 plainly favors certain incumbents by
8 renumbering districts to allow them to serve
9 longer than they would have otherwise be
10 eligible to serve" -- under the Constitution,
11 you could reasonably infer -- "Because we
12 conclude that the plan was drawn with the
13 intent to favor incumbents in violation of
14 Article III, Section 21A, we declare the
15 renumbering in the apportionment plan to be
16 invalid." They specifically state that we did
17 something to favor incumbents, which means we
18 did not do the process blindly.

19 Whether I liked what happened yesterday or
20 not, it certainly was entertaining watching it
21 on video. It is separate and distinct from
22 actually looking at Senators, looking at how
23 many years that they served and limiting them,
24 because we cannot favor or disfavor, and that
25 clearly disfavors any incumbent that would

1 serve for reelection.

2 So I would respectfully -- I don't know
3 that I necessarily disagree with the whole, you
4 know, position of Senator Storms on doing the
5 lottery versus maybe another method, but the
6 lottery method was certainly objective. It
7 certainly didn't take into consideration
8 anybody in this chamber, and that is what I
9 believe the Supreme Court's ruling asked us to
10 do.

11 PRESIDENT HARIDOPOLOS: Senator Hays.

12 SENATOR HAYS: Mr. President, thank you.

13 I find us here today with one primary
14 purpose, and that is to follow the instructions
15 of the Florida Supreme Court relating to the
16 redistricting of the Senate map.

17 On page 190, two sentences: "Finally, we
18 have held that the numbering scheme of the
19 Senate plan is invalid. Accordingly, the
20 Legislature should renumber the districts in an
21 incumbent-neutral manner."

22 I would submit to you, Senator Storms,
23 that your amendment is not an incumbent-neutral
24 manner; therefore, it is in violation of the
25 instructions of the Florida Supreme Court, and

1 I would suggest to the members that we vote
2 down this amendment.

3 PRESIDENT HARIDOPOLOS: Further in debate?
4 Senator Oelrich in debate.

5 SENATOR OELRICH: Thank you,
6 Mr. President.

7 I would go along with that, except that,
8 Senator Hays, that what you are saying
9 basically is that we are not in coequal
10 division of government, that we are somehow
11 subservient to the Supreme Court.

12 What they have done here is gerrymandered
13 this thing on their standards, and they are
14 asking us to verify their plan. I take
15 exception to that, and I think it is also -- I
16 take some minor exception that you say that it
17 is not our sole purpose. I think we ought to
18 look at the basis of where we are today based
19 on a legislative body and facing a Supreme
20 Court.

21 Now, you talk about what we need to think
22 about, I won't be here, but others that will
23 follow me and you all have got to think about
24 this situation that we find this all-knowing
25 Supreme Court in now. We talk about protection

1 of incumbency. The Supreme Court comes up for
2 retention. They sit there, they are the
3 incumbents, they are ultimate incumbents. They
4 very seldom get turned out of office based on
5 the retention method. And I think we need to
6 give that very close scrutiny for the future,
7 perhaps changing the Constitution to
8 accommodate some sort of election process where
9 they have to come up for more than just
10 retention, but perhaps for reelection by the
11 will of the people. And I think this situation
12 that is right in front of me, from my personal
13 opinion, I think it is very, very offensive
14 what they have done.

15 PRESIDENT HARIDOPoulos: Okay, Senator
16 Gaetz, followed by Senator Storms.

17 Senator Gaetz, you are recognized.

18 SENATOR GAETZ: Thank you very much.

19 Senator Bogdanoff gave, I believe, the
20 appropriate legal argument as to why the
21 amendment does not follow the Constitution and
22 why it ought to be rejected.

23 I would just point out quickly that
24 Senator Sachs yesterday gave us, I think, the
25 appropriate format in which to discuss

1 districts, contrary to my good friend from the
2 Tenth who talked about Senator Gaetz gets this
3 district and Senator Sachs gets this district,
4 Senator Joyner gets this district. Senator
5 Sachs yesterday reminded us that the districts
6 belong to the people of Florida, not to
7 incumbents and not to challengers. Senators
8 don't get districts. Voters and citizens own
9 districts. And I believe, Mr. President, that
10 the pending amendment would provide that voters
11 in half the districts in the state would
12 undergo three elections in eight years, half of
13 the voters in the state would undergo two
14 elections in eight years for the Senate, and,
15 therefore, I believe that while the Senator
16 from the Tenth is extraordinarily
17 well-intentioned and I have high regard for
18 her, I believe that her -- that her intent is
19 not fulfilled by the amendment. I would agree
20 that the amendment does not follow the
21 Constitution, it does not follow the opinion of
22 the Supreme Court, it would favor and disfavor
23 in various places in the state. I would urge a
24 no vote.

25 PRESIDENT HARIDOPOLOS: Senator Storms,

1 you are recognized to close.

2 SENATOR STORMS: Thank you, Mr. President,
3 and I -- and I know that as sometimes happens
4 when I speak, my husband does the same thing to
5 me, people who are listening sometime wander
6 off in their mind. Even though they are
7 looking at me, they are perhaps not actually
8 listening. I have been married for over 25
9 years, so I recognize a husband's intent look
10 while not simultaneously listening. So
11 perhaps -- so perhaps the Senator from the
12 Fourth District did not hear me when I said
13 that I was not saying that Senator Gaetz gets
14 District 4, that Senator Evers gets District 2.
15 What I said was that to prevent me from
16 actually reading the legal description of each
17 of the districts, I had to assign a name, and
18 that is clearly in the record. I was not
19 treating it as a property right, I was just
20 doing it, not for my sake, because as you know,
21 I could talk very long and it pains me in no
22 way at all to talk longer and to describe
23 actually the actual districts, so I would have
24 been happy to do that, but for your benefit, I
25 chose not do it and chose to take the more

1 expedited way. So -- thank you for that
2 applause. And so I did not mean to refer to
3 these districts as our personal property, but
4 just for the sake of discussion today.

5 Members, I am laboring under no illusion
6 as to the success of this amendment, but I do
7 think that it is the right thing to do. I do
8 think that what the Supreme Court does in their
9 balancing test is put a greater priority on
10 the -- on Article IV of the -- Article VI of
11 the Constitution, Section 4B, and it says that
12 "No person may appear on the ballot for
13 reelection" -- I am reading from page 138 of
14 the opinion -- "to the Florida -- to the office
15 of Florida Senator if by the end of the current
16 term of office the person will have served, or
17 but for resignation would have served in that
18 office for eight consecutive years."

19 The Supreme Court clearly states that it
20 is not a prohibition that we -- that we serve
21 more than eight years, and I am not suggesting
22 that the Supreme Court does say that. What I
23 am saying is that the Supreme Court and the
24 reason why I disagree with the Senator from the
25 25th District is that I know that the Supreme

1 Court clearly spoke about Amendments 5 and 6, I
2 understand that, but in my opinion, the Court
3 used Amendments 5 and 6 to talk about the issue
4 found in Article VI, Section 4B, of the Florida
5 Constitution. In order to address that issue,
6 those two in the mind of the Court are
7 inextricably intertwined, and so the Court
8 unbraided those two things so that we could --
9 so that we could deal with the issue of the
10 numbering.

11 Furthermore, on page 137 of the Supreme
12 Court, the Court goes on to say that "The
13 Legislature is prohibited from numbering the
14 districts with the intent to favor or disfavor
15 an incumbent. Elected officials have no
16 property rights to the office to which they
17 were elected. To the contrary, it is the
18 voters who have the rights in process by which
19 the representatives are elected. The Senate
20 plan clearly favors certain incumbents by
21 renumbering districts to allow them to serve
22 longer than they would otherwise be eligible to
23 serve."

24 So according to the United -- to the
25 Florida Supreme Court, they found that our plan

1 favored the incumbents, and we are not entitled
2 to do that.

3 It is true that you could argue that a
4 person could argue that by using my method we
5 disfavor incumbents, but my answer to that is
6 that in that balancing test, the Court would
7 say that Article V, 4B, of the Constitution has
8 the greater weight there, and so we should err
9 in the side of -- in favor of Article IV --
10 Article VI, Section 4B, and so that certain
11 incumbent Senators would not be advantaged
12 according to what the Supreme Court said to get
13 around term limits. That is ultimately what
14 the Supreme Court is concerned about. I think
15 that is what the voters were concerned about
16 when they adopted -- when they adopted their --
17 the eight is enough amendment to the
18 Constitution, and I would urge your support.
19 And, Mr. President, I would note I am finishing
20 three minutes early.

21 PRESIDENT HARIDOPOLOS: Very well, thank
22 you.

23 All right. All those in favor of the
24 amendment, say aye.

25 (Chorus of ayes.)

1 PRESIDENT HARIDOPOLOS: All those opposed,
2 say nay.

3 (Chorus of nays.)

4 PRESIDENT HARIDOPOLOS: It is not adopted.

5 All right. We are going to go into
6 recess, and when we return, we have the
7 Senator -- two Senator Smith amendments we will
8 be taking up first thing, and so the Senate is
9 in recess until 1:30 p.m.

10 (Whereupon, the Senate was in recess.)

11 THE CLERK: All unauthorized persons will
12 please leave the chamber. All Senators please
13 indicate your presence. A quorum is present,
14 Mr. President.

15 PRESIDENT HARIDOPOLOS: All right. As we
16 continue to work on SJR-2, we have next bar
17 code 824890 by Senator Smith. Please read the
18 amendment.

19 THE CLERK: Bar code 824890 by Senator
20 Smith, delete lines 13 through 5918, insert
21 amendment.

22 PRESIDENT HARIDOPOLOS: Senator 29,
23 Senator Smith, you are recognized on your
24 amendment.

25 SENATOR SMITH: Thank you. Thank you,

1 Mr. President.

2 This morning during the conversation, I
3 think I misquoted Senator Gaetz when I thought
4 that he said that Daytona Beach wasn't broken
5 up. I actually misquoted him. He stated that
6 the only two cities after making the -- after
7 making changes in this joint resolution is that
8 the only two cities that are broken up are the
9 two major cities, Jacksonville and Daytona
10 Beach.

11 This amendment looks to alleviate some of
12 that. This amendment seeks to do what the
13 voters asked us to do. This amendment seeks to
14 do what the Volusia County Commission asked us
15 to do. This amendment seeks to make Volusia
16 County as whole as possible. By doing this
17 amendment, what it does is it takes Volusia
18 County -- takes a portion of Volusia County and
19 puts it into District 8 -- I am having a little
20 trouble with the new numbers. It takes it and
21 puts it in District 8, while replacing those
22 100,000 people in District 6 from Clay County.
23 Historically, the District 6 people have
24 included the Clay County portion of the
25 district, and Clay County has historically been

1 well-represented being in that district. So to
2 replace those 100,000 people from Volusia
3 County, we replace them with the Clay County
4 people, and that affected District -- that
5 affected the adjoining district, 400,000
6 people, and we took those people from -- taking
7 the district down to Ocala.

8 So, in essence, we affected only three
9 Senate districts, three Senate districts. We
10 did a circular swap of about 100,000 people
11 into each district, and by doing this, we did a
12 couple of things. We kept Volusia County as
13 whole as possible, because the maps that's
14 before us now cuts a unique community in half.
15 The map, without this amendment, we cut the
16 Bethune-Cookman community in half, an
17 historically African-American community that
18 has tremendous significance to this state. The
19 way the maps are drawn now, it goes right in
20 between Bethune-Cookman College and a strong
21 African-American community right below
22 Bethune-Cookman College that supports that
23 college, and the map without this amendment
24 will cut that community in half and
25 disenfranchise those African-American voters

1 into two different Senate districts, one going
2 all the way up to the Duval County line.

3 So to remedy that, we are putting Volusia
4 County together -- putting as much of Volusia
5 County together as the voters told us when we
6 went there and listened to them, as the county
7 commission told us through resolutions. We are
8 shifting over to Clay County to make up for
9 those people, and for the adjoining district,
10 we are moving the Alachua County seat down to
11 Ocala and connecting two communities that are
12 -- historically have been close to each other,
13 the Ocala community and the Alachua County
14 community, affecting only three seats, but
15 achieving so much more in making this a fair
16 map by not cutting up Volusia County and
17 cutting right in between a strong, historically
18 African-American community like the
19 Bethune-Cookman College community. And that,
20 in essence, is the amendment.

21 PRESIDENT HARIDOPoulos: Are there
22 questions? Leader Gardiner, you are recognized
23 for a question.

24 SENATOR GARDINER: Thank you,
25 Mr. President.

1 Senator Smith, I appreciate your concerns
2 about Volusia County, but I am curious, how
3 many times do you split Marion County?

4 PRESIDENT HARIDOPOLOS: Senator Smith, you
5 are recognized to respond.

6 SENATOR SMITH: I am bringing the map
7 over. My amendment -- give me one second. I
8 think in Marion County -- the amendment. My
9 amendment map or whatever, the one that says
10 "Smith" on top, the first one.

11 Marion County, I think, is split, under
12 this, four ways, and the reason, Marion County
13 was already split under the original map,
14 Marion County was already split into different
15 districts, so we didn't do anything unique to
16 Marion County that wasn't already done to that
17 county.

18 PRESIDENT HARIDOPOLOS: Further questions?
19 Senator Gardiner for a question.

20 SENATOR GARDINER: Thank you,
21 Mr. President, and on Clay County, I believe
22 the Senator Gaetz amendment keeps Clay County
23 whole?

24 SENATOR SMITH: Yes.

25 SENATOR GARDINER: And so you do another

1 split in Clay County?

2 SENATOR SMITH: Yes, I do a split in Clay
3 County. Those portions of Clay County that are
4 put into District 6 have historically been in
5 that area and have historically been tied to
6 those residents in that area, so it is not --
7 it is not a huge encumbrance to have those
8 communities with that District 6.

9 PRESIDENT HARIDOPOLOS: Senator Thrasher
10 for a question.

11 SENATOR THRASHER: Senator Smith, I am
12 moved to say that I want to support your
13 amendment, but I am also going to look at what
14 the Constitution says. Have you done a
15 functional analysis of this, and can you give
16 me the -- with say the new District 6, what the
17 Republican registration would be, what the
18 Republican performance in that particular
19 district would be?

20 PRESIDENT HARIDOPOLOS: Senator Smith.

21 SENATOR SMITH: Well, it is mighty funny
22 that you ask for that. Listening to Senator
23 Gaetz this morning when discussing Districts 2
24 and 1, and he was asked about functional
25 analysis and he stated that because it is not a

1 minority access seat, that functional analysis
2 is not really necessary. But to definitely
3 answer your question, I will go ahead and do
4 that for you, Senator Thrasher. Under the
5 functional analysis, you asked for the
6 percentage of Republicans in this seat.
7 Governor Scott and the -- I take it you are
8 asking for seat six, one, the district,
9 64 percent.

10 PRESIDENT HARIDOPOLOS: Senator Thrasher
11 for a follow-up.

12 SENATOR THRASHER: Well, do you have the
13 breakdown, though, of Republican/Democrat in
14 that particular area?

15 SENATOR SMITH: Registered voters who are
16 Republican is 47 percent. Registered voters
17 who are Democrat are 31 percent.

18 SENATOR THRASHER: What concerns me,
19 Mr. President and Senator Smith, in one area of
20 the opinion of the Court, as -- and they were
21 obviously talking, and I want to make sure you
22 understand, talking about Senate Districts 29
23 and 34, they -- one of the groups that argued
24 before the Supreme Court, the coalition,
25 basically argued about packing, and I just

1 wonder if this is -- and, of course, in this
2 context, it was packing of Democratic seats in
3 a particular district to perhaps protect
4 Republican seats, as they argued anyway. Could
5 that same argument be made in the reverse? Are
6 we packing Republicans into a particular seat
7 in order to achieve a more Democratic majority
8 in a couple of other seats?

9 PRESIDENT HARIDOPOLOS: Senator Smith.

10 SENATOR SMITH: No, sir, because the two
11 other seats that are affected do not have a
12 large Democratic majority. As a matter of
13 fact, the other two seats that were created,
14 the breakdown in the last Governor's race was
15 in District 7, forty-seven -- 49.7 percent for
16 one candidate, 50.3 percent for the other. In
17 District 8, 51 percent against 48.9 percent.
18 So a few more Republicans may be added to one
19 district, but I think it achieves what the
20 Supreme Court and I think the Florida voters
21 would like. It achieves two districts, two
22 districts, that is just like the state of
23 Florida, right down the middle. So we may have
24 added a few, but we achieved two districts,
25 ladies and gentlemen, two districts, two

1 districts that the breakup of that district is
2 like the makeup of the state of Florida, and I
3 think that is a very good thing.

4 PRESIDENT HARIDOPOLOS: Further questions?
5 Senator Dean for a question.

6 SENATOR DEAN: Thank you, Mr. President.

7 Senator Smith, I want to disagree with you
8 about the fact that you are going back to
9 Marion County and the part of Marion County
10 that has always been that way. Those good
11 folks -- when I came to the Senate in the old
12 seat I am currently holding now, one of four
13 Senators, and one of the issues that we had
14 over the last year since I have been here is
15 the fact that the people in Marion County feel
16 as a whole that they deserve to be treated a
17 little bit better and a little bit different
18 than what we have done in the past.

19 By maneuvering these populations around
20 that you are recommending in this maneuver, it
21 is a lot more than just a community or just a
22 little piece of a city. You are talking about
23 the north half of Marion County. And in the
24 approved -- the committee version of our map so
25 far shows that we then made them whole again by

1 only having two Senators in that area, and
2 which many counties do, they have two Senators,
3 but that is a long -- that is an appropriate
4 way down, as far as I am concerned, from four.
5 And the district then would give Marion County
6 as a whole a bigger piece of the pie in terms
7 of them getting the vote to be represented.

8 Without knowing all the functional
9 analysis of the issue, I would dare say if we
10 look at that -- the map that we are currently
11 proposing as the Committee does, is a lot more
12 fairer and a representation to the minority
13 vote in that part of the county, and I would
14 support the one that we have, which would
15 increase that minority vote rather -- and the
16 significance rather than this proposal.

17 PRESIDENT HARIDOPOLOS: Senator Smith in
18 response.

19 SENATOR SMITH: In response, maybe I can
20 have Mr. Guthrie help. It looks like Marion
21 County will only have three Senators. Right
22 now under the plan that passed out of
23 committee, it has two Senators. So, yes, it
24 will increase to three Senators.

25 In contrast, Volusia County, which has

1 three Senators, will go down to two. So there
2 is a slight difference. Marion gets one other
3 Senator district, and Volusia gets one less.
4 And when we did the meetings around the state,
5 and there is a lot on the record and even the
6 Volusia County Commission sent a resolution
7 asking for Volusia to try and be part of one
8 district, and this is an attempt to try to
9 listen to the will of the people.

10 PRESIDENT HARIDOPoulos: Senator Lynn for a
11 question.

12 SENATOR LYNN: This whole area is near and
13 dear to my heart, and I have lived there in
14 Volusia County for a long time, and I have
15 almost lived in Marion County near -- almost
16 all the time, if I am not in Volusia.

17 Number one, you said we are splitting
18 Bethune-Cookman College. Now, you may be
19 saying we are splitting bodies, but there is a
20 difference between that and splitting
21 Bethune-Cookman College. Bethune-Cookman
22 College is to the north of 92. It has two
23 buildings to the south of 92. If you are
24 talking about actual numbers of people who give
25 money and who actually go teach there and

1 support there, I would venture to say you are
2 not accurate, because you've got huge groups up
3 in Ormond Beach. You haven't talked about them
4 at all, you are only talking about Daytona
5 Beach. You have that number that you say is
6 south that includes a lot that not necessarily
7 connected in any way to Bethune-Cookman
8 College. And as a huge, huge supporter of
9 Bethune-Cookman College for all of the 18 years
10 I have been here, and even before that, I will
11 tell you that this is not a plan that is going
12 to be for Bethune-Cookman College, not at all.

13 Number two -- and I don't understand how
14 you can even say that, because I can tell you,
15 you do not have a list of the people who give
16 money to the college, nor do you have a list of
17 the people who work there and find out where
18 they live, so if you don't have that, then that
19 is -- I don't know how -- I would like you to
20 defend that statement. But in addition to
21 that, Volusia has long waited to have fewer
22 Senators. That is exactly what they have, so I
23 don't -- you know, not that you are changing
24 that part of it, but Volusia and going into
25 Marion has been a dream. It has been a dream

1 for Volusia and the connections it's made. In
2 fact, it is a Volusia County person who is now
3 doing the development in Ocala downtown. So I
4 don't know why, you would have to answer me
5 that, why you are not saying Marion would
6 benefit from this, but in addition, Marion and
7 Volusia benefit from one another, because some
8 of the culture, some of the arts and many other
9 things. So why do you not see a connection
10 between Volusia and Marion, and why would you
11 change this -- what I think has been a
12 tremendous -- in fact, with this current map, I
13 was so excited and so pleased, because finally
14 you are taking care of the people. You are not
15 taking care of incumbents and you are not
16 taking care of a party, you are taking care of
17 the people, and that is what we are supposed to
18 be doing here, taking care of the people. Does
19 it matter that you've got a few more
20 African-Americans to the north or to the south?
21 You haven't included those in Ormond Beach.
22 You haven't included those on the west side,
23 and that is a whole, a whole large community of
24 African-Americans.

25 So could you please explain to me how you

1 can defend, other than to say, oh, I got to
2 keep Daytona Beach whole. That just doesn't
3 make sense. Actually, everything should be
4 whole, everything should be whole, but when
5 you've only got two Senators -- and I guess I
6 like what Senator Hays used to say, "Well,
7 maybe if they have more Senators, maybe one of
8 them will have more power and maybe get me more
9 stuff for my county," but we know that people
10 prefer to have fewer. So how on all of those
11 counts can you defend this?

12 PRESIDENT HARIDOPOLOS: Senator Smith, you
13 are recognized.

14 SENATOR SMITH: Easily, Senator. You are
15 my inspiration. You stated so eloquently that
16 you care so much about Bethune-Cookman College,
17 that you have represented Bethune-Cookman
18 College well for many years, and you have stood
19 up and fought for Bethune-Cookman College. You
20 are in Volusia County. You have a
21 Volusia-based seat. You live near
22 Bethune-Cookman College. You care about
23 Bethune-Cookman College. What is done in the
24 map that is before us, the other map puts
25 Bethune-Cookman College in a different

1 district, in a district that goes all the way
2 up to Duval County. Because you, a Volusia
3 County resident and a Volusia County lover,
4 have cared so much about Bethune-Cookman, I
5 want to keep Bethune-Cookman with a Volusia
6 County person.

7 And now when you talk about splitting the
8 school, let me tell you, I may not know as much
9 about Bethune-Cookman as you do, but I know a
10 little something about black colleges, being a
11 graduate of one. When there is a college,
12 surrounding the college is a community that
13 supports that school. When there is a black
14 college, a lot of times the adjacent
15 communities, if you go around Florida A&M
16 University, those neighborhoods may not be on
17 FAMU's campus, but you know what, the recent
18 graduates, the graduates, live in those
19 adjoining neighborhoods, the workers live in
20 those adjoining neighborhoods. Those
21 neighborhoods support the college in that way.
22 I may not find them on a financial disclosure,
23 but I can find them -- if you walk those
24 neighborhoods, you will see, and I have walked
25 those neighborhoods with Joyce Cusack in her

1 last election, you will see those graduates and
2 those people that support the school in other
3 ways live in those adjoining communities. And
4 what this map -- what the committee map does,
5 it goes right below Bethune-Cookman, like you
6 said, and it cuts out the neighborhood to the
7 south that is a part of the Bethune-Cookman
8 family. You cut that family in half.

9 So to answer your question, you have done
10 such a phenomenal job supporting
11 Bethune-Cookman, being a Volusia-based Senator,
12 I want the next Volusia-based Senator to do as
13 half as good as you, you have been the
14 inspiration for this amendment.

15 PRESIDENT HARIDOPOLOS: Senator Lynn, you
16 are recognized for a question.

17 SENATOR LYNN: Are you insinuating that
18 anyone who gets that seat would not be
19 continuing on the protection of a historically
20 black college?

21 PRESIDENT HARIDOPOLOS: Senator Smith.

22 SENATOR SMITH: Not -- not in the least
23 bit. I think everyone in this chamber has
24 supported historically black colleges and
25 universities. Our President, who does not

1 represent a historically black college or
2 university, has fought for years to make sure
3 that we keep them in the budget and keep those
4 support. And I think the Senator from Senate
5 District 6, if the incumbent was to somehow
6 manage to win a reelection, I think the
7 incumbent from there has shown a tremendous
8 affinity to higher education and has done a
9 tremendous job for Florida State University and
10 others, and so I would think that that Senator
11 would still continue to support
12 Bethune-Cookman, but when Bethune-Cookman wants
13 to talk to their Senator, when they want to
14 reach out and grab and hold their Senator, it
15 is a little easier if they are still in Daytona
16 and Volusia County and not driving up to St.
17 Johns or Putnam or the other counties so far
18 north.

19 PRESIDENT HARIDOPOLOS: Senator Lynn for a
20 question.

21 SENATOR LYNN: Would you believe that I am
22 going to be the one that they come and hug?
23 And would you believe that I am going to be the
24 one who comes and kicks somebody in you know
25 what if they don't take care of Bethune-Cookman

1 College, no matter who it ends up being?

2 PRESIDENT HARIDOPoulos: Senator Smith.

3 SENATOR SMITH: Based on your past
4 experience, I know you will be, Senator.

5 PRESIDENT HARIDOPoulos: Further questions?
6 Further questions?

7 Okay, we are in debate. Is there debate?
8 Senator Braynon in debate.

9 SENATOR BRAYNON: Thank you,
10 Mr. President.

11 I was just looking at the -- at the
12 District Explorer that is so wonderfully done
13 on our website that you and Senator Gaetz has
14 set up, and I look at this community that we
15 are talking about and I set the values to
16 the -- it is a value ramp piece, and you set it
17 and it shows you where the African-Americans
18 and where the Hispanics live. And if you look
19 at the southernmost line of this -- of the --
20 where these -- the districts split in our map,
21 you will see an African-American community by
22 itself and a line going right down the middle
23 of it. And I am pretty sure that, according to
24 redistricting principles, we're not supposed to
25 be doing anything like that. So I believe that

1 is something just simply unintended, and I
2 think what Senator Smith is doing here is
3 trying to remedy what looks like us cutting a
4 very solidly African-American community in half
5 and splitting them up into two majority
6 districts.

7 So I would support this just on the mere
8 fact that I am pretty sure that we are not
9 supposed to be doing this after debating and
10 reading all these things for these past few
11 years. So I am going to support Senator
12 Smith's good amendment, and I think that it
13 works on sound redistricting principles and I
14 think it will make this a much better map.
15 Thank you.

16 PRESIDENT HARIDOPOLOS: Further in debate?
17 Senator Gibson in debate.

18 SENATOR GIBSON: Thank you, Mr. President,
19 and, I, too, stand to support Senator Smith's
20 amendment. As the current Senator for
21 Bethune-Cookman University, and certainly
22 having very recently walked precincts in the
23 area and developed a relationship with the
24 community, I know full well that they would
25 certainly appreciate this Legislature making

1 sure that they are a whole community, and it
2 does comport with the redistricting standards,
3 and I think with the Court's opinion.

4 And even looking at Senator Smith's map,
5 it doesn't exclude Ormond Beach from being
6 included in the new District 8. It includes
7 Ormond Beach, and then would put Daytona Beach,
8 including Bethune-Cookman University, all
9 within the same district. And considering that
10 the people who are currently in the Daytona
11 Beach area have been suddenly snatched from
12 their old precinct where they did have a
13 collective voice in a largely minority district
14 and a largely Democratic district also, now
15 they are going to have to wean themselves into
16 an entire new configuration. And so to, I
17 think, limit impact on that community and
18 certainly on the university, this is the right
19 thing to do.

20 When you think about a new President that
21 is going to be eventually coming to BCU,
22 Senator Lynn, and having to deal with two
23 Senators instead of one, and communicating with
24 that Senator, who will be new representing that
25 particular area and that particular university,

1 it bodes well to make sure that they have
2 immediate contact with just the one, and that
3 their needs are met and can be easily relayed
4 to just one Senator and one Senator's staff, as
5 opposed to two Senators. And so I certainly
6 encourage you all as the current Senator for
7 that area to support Senator Smith's good
8 amendment. Thank you.

9 PRESIDENT HARIDOPOLOS: Further in debate?
10 Further in debate? Senator Gaetz before we go
11 to Senator Smith. Senator Gaetz, you are
12 recognized in debate.

13 SENATOR GAETZ: Thank you very much. One
14 moment, Mr. President, please.

15 The amendment that is before us I think
16 has been well argued by Senator Lynn and others
17 as to what it does to communities and what it
18 does to Bethune-Cookman and the areas around
19 Bethune-Cookman. Let me just point out why I
20 believe a no vote is the appropriate vote.

21 The amendment shifts a county split from
22 Volusia County to Marion County. In addition,
23 the amendment splits Clay County, which is kept
24 whole in the substitute which is before you.

25 But probably more importantly, as was indicated

1 by Speaker Thrasher's question to the sponsor,
2 the amendment splits Marion County into four
3 Senate districts instead of two. Ten years ago
4 in Florida Senate v. Forman, the Legislature
5 was sued because the Senate plan divided Marion
6 County into four districts.

7 So I am sure the intent of the amendment
8 is exactly as the sponsors have indicated, but
9 the effect of the amendment would be
10 extraordinary and I think would place us in a
11 position of violating what the Supreme Court
12 has told us throughout its opinion, and that is
13 that we need to be as respectful as we can of
14 county lines, political and geographic
15 boundaries. So I would urge a no vote on the
16 amendment.

17 PRESIDENT HARIDOPOLOS: Senator Smith, you
18 are recognized to close on your amendment.

19 SENATOR SMITH: Well, I am a little
20 confused. It looks like under the plan that
21 passed the Senate, and maybe I can get staff's
22 help, it looks like Marion County was already
23 split into three seats, and not two as
24 purported by the sponsor of the original
25 amendment. Is that correct? Can I get staff

1 to speak to that?

2 PRESIDENT HARIDOPOLOS: Senator Gaetz.

3 SENATOR GAETZ: Thank you, Mr. President.

4 Senator Smith, Leader Smith, you were
5 correct, I misspoke. I was looking off a
6 different note. You split Marion County four
7 ways, and in the proposed committee substitute,
8 Marion County has three Senators. You are
9 exactly right, sir.

10 PRESIDENT HARIDOPOLOS: Senator Smith, you
11 are recognized.

12 SENATOR SMITH: Thank you, and I will take
13 that as an endorsement of my amendment.

14 Mr. President, there's a couple of things
15 we can achieve here. As pointed out by Senator
16 Braynon, the current map splits an
17 African-American community into two different
18 Senate districts. It dilutes their vote. It
19 takes half of a strong community, put it in one
20 Senate district that goes all the way up to
21 Duval County and keeps another half down in a
22 Volusia seat. By doing this change, you keep
23 that community -- you keep that group together
24 so that they can vote together as a community
25 instead of splitting -- I mean, it is just when

1 you look at the map, you see it splits so
2 evenly.

3 What it also does, it does what we talked
4 about a lot and what we heard a lot, it puts
5 Volusia County -- instead of having three, you
6 know, Senators, it takes it down to two. Now,
7 of course, in Clay County -- and that is -- and
8 that is big, ladies and gentlemen, that Clay
9 County is now split. But then in doing that,
10 when looking at where should we do splits, I
11 tried to look historically. I tried to look
12 historically, you know, what has been done and
13 how historically the community in Volusia
14 County that we split had always been together.
15 Historically, Clay County had been split. I
16 remember the days, and I am sure Leader
17 Gardiner will remember those days on the House
18 floor listening to Speaker Thrasher just wax so
19 eloquently about Clay County and about his love
20 and devotion for Clay County. And in looking
21 at and remembering those quite eloquent words
22 about his love for Clay County, in looking at
23 these districts, I remember how Clay County was
24 with that part of the district. So when we had
25 to remedy one and we looked for a way to remedy

1 it, we went historically. And I thought about
2 those great days of listening in the House.

3 And what this lastly does, some -- and it
4 is the same way with a lot of -- as we have
5 mentioned, some communities now get another
6 Senator, some communities get less, but when
7 you add them all together, it all equals out,
8 it all equals out, and this is what
9 redistricting is about. It is not about going
10 in and changing everything. It is about
11 looking at a problem.

12 And I want to thank staff. As we sat
13 down, John Guthrie and I sat down and we looked
14 for a remedy. We didn't look to -- we didn't
15 look at performance or anything, we looked at
16 what is natural. I said, "I want to put
17 Volusia County together, I want to listen to
18 the folks of Volusia County, I want to listen
19 to the elected officials of Volusia County,
20 let's put them together." So he did on the
21 computer and we put Volusia together, and then
22 it was, okay, we are down 100,000 people.
23 Well, where can we grab 100,000 people? Well,
24 Clay County has historically been a part of
25 that, so let's move into Clay County, keep

1 cities together, keep natural boundaries, and
2 put them there. And that left District 7
3 without 100,000 people, and we said, you know
4 what, let's go down so that we affect only
5 three districts and go down -- Ocala and
6 Gainesville have been sister cities throughout
7 history, Ocala and Gainesville. You cannot get
8 to Gainesville without going through Ocala.
9 They have always -- they are communities that
10 make sense to be together. So to get to those
11 -- from the south. So to get the extra 100,000
12 people we came down and put Ocala with its
13 beloved sister, Gainesville, and that makes
14 this an easy fix. It achieves so many goals,
15 and I think makes this map more constitutional.

16 So if we want to keep this map and make it
17 more constitutional, I suggest -- and I am sure
18 others can't articulate it verbally, but in
19 their heart they know it's the right thing to
20 do. I hope you follow their heart and vote yes
21 on this map. Thank you.

22 PRESIDENT HARIDOPoulos: All those in favor
23 of the amendment, say yea.

24 (Chorus of yeas.)

25 PRESIDENT HARIDOPoulos: All those opposed,

1 say nay.

2 (Chorus of nays.)

3 PRESIDENT HARIDOPOLOS: Not adopted.

4 Let's move to the next amendment also by
5 Senator Smith. It is 627250. Read the
6 amendment.

7 THE CLERK: Bar code 627250 by Senator
8 Smith, delete lines 13 through 5918 into an
9 amendment.

10 PRESIDENT HARIDOPOLOS: Senator Smith, you
11 are recognized on your amendment.

12 SENATOR SMITH: Thank you, Mr. President.

13 Here is a chance of also helping out this
14 district is making it population consistency in
15 Palm Beach County. Two of the three districts
16 in Palm Beach County are changed to result in
17 smaller population deviations and more
18 equitable. What this will do is take a natural
19 boundary -- when you look at the map, when you
20 just give it the look test, you see that there
21 is a little curve in it. There is not a
22 natural boundary to finish off -- to finish off
23 the district. What this will do is run the --
24 run the border up 441, which runs the length of
25 our state, and make a natural border to this

1 map, and thus making this map more
2 constitutional.

3 PRESIDENT HARIDOPoulos: Questions on the
4 amendment? Questions on the amendment?

5 All right. Seeing no questions, we are in
6 debate. In debate. Senator Gaetz in debate,
7 you are recognized.

8 SENATOR GAETZ: Thank you very much,
9 Mr. President.

10 With great regret, I have to encourage a
11 no vote on this amendment. The amendment
12 splits the Cities of Lake Park, Riviera Beach
13 and Ocean Ridge in Palm Beach County. The
14 committee substitute before you does not split
15 any of these areas. The functional analysis
16 for this amendment shows that it reduces black
17 voting age population, it reduces the
18 percentage of registered voters in the area who
19 are Democrats, which I can't understand why
20 Leader Smith would do, given what his
21 arguments. It reduces the percentage of
22 registered Democrats who are black. It reduces
23 the percentage of 2010 registered voters who
24 were Democrats. It reduces the percentage of
25 Democratic 2010 primary voters who were black.

1 And in committee, some members questioned
2 whether this coalition district would, in fact,
3 even have the ability to elect a minority
4 candidate of choice. The amendment would all
5 but ensure that it would not elect a minority
6 candidate of choice.

7 I think -- the amendment I am sure is
8 well-intentioned, but the amendment does
9 violence to city splits, and as well does
10 violence, in my view, unintentionally, to Tier
11 1 considerations, so I urge a no vote.

12 PRESIDENT HARIDOPOLOS: Senator Smith, you
13 are recognized to close on your amendment.

14 SENATOR SMITH: Before I close, I would
15 ask -- I mean, because we just heard some
16 powerful argument come from the Chair of the
17 Committee. I would ask that we re-look at his
18 argument. Is he talking about -- my amendment
19 deals with Senate District 32, not Senate
20 District 29. The arguments that were made
21 about the ability to elect a candidate of their
22 choice was made about District 29, not District
23 32. My amendment only affects District 32.

24 And as to the portions of lowering
25 Democrats and so, you know, as a Democrat, I

1 didn't look -- I didn't look at that. I didn't
2 look at party registration. As mentioned
3 before, as mentioned by our Committee Chair,
4 that in non-minority access seats, you don't
5 look at that. So I did not look at the
6 functional analysis when doing this, because
7 this is a non-minority access -- this is not a
8 minority access seat. So to use functional
9 analysis in this seat when a couple of hours
10 ago we heard in seats one and two, we don't do
11 functional analysis because it is not a
12 minority access seat, that is a concern that we
13 would now use that argument for this seat,
14 which was not a minority access seat.

15 But I am glad that that functional
16 analysis was done, and I am glad that members
17 on this floor see that as the incoming
18 Democratic Leader, to do the right thing, to do
19 the correct thing, to do the constitutional
20 thing, I am willing to give up Democrats in a
21 district because I believe in the Constitution.
22 When I stood there in front of the Supreme
23 Court Justice, I put my hand on the Bible and
24 swore to uphold the Constitution, not to uphold
25 the Democratic Party, and this amendment does

1 that, as pointed out by our Committee Chair. I
2 sacrificed members of my own party and maybe
3 political aspirations to stand up for the
4 Constitution and do the right thing, and I ask
5 members to stand up for the Constitution and
6 vote this good amendment. Thank you.

7 PRESIDENT HARIDOPOLOS: President Madison
8 having closed, with that, all those in favor of
9 the amendment, say yea.

10 (Chorus of yeas.)

11 PRESIDENT HARIDOPOLOS: All those opposed,
12 say nay.

13 (Chorus of nays.)

14 PRESIDENT HARIDOPOLOS: Not adopted.

15 Okay. Let's go to the next amendment. It
16 is timely filed, 920326, by Senator Diaz de la
17 Portilla. Read the amendment.

18 THE CLERK: Bar code 920326 by Senator
19 Diaz de la Portilla, delete lines 13 through
20 5918 into an amendment.

21 PRESIDENT HARIDOPOLOS: Senator from the
22 36th, you are recognized.

23 SENATOR DIAZ DE LA PORTILLA: Thank you,
24 Mr. President, and thank you, members.

25 What you have before you is an amendment

1 that seeks to take advantage of a demographic
2 reality, and of an important -- an important,
3 historic opportunity to enfranchise people in
4 south Florida.

5 You may have heard the numbers three, two,
6 one. It is not a countdown and it is not a
7 commercial for some fast food item, but three,
8 two, one is the makeup, if you will, of the
9 south Florida Senate districts. You have three
10 so-called Hispanic seats, you have two
11 African-American seats, black seats, and you
12 have one so-called Anglo seat, or white seat.

13 The demographic reality of south Florida
14 and because south Florida has changed makes it
15 very, very, very clear that there is an
16 apparent need for a fourth Hispanic seat. What
17 this plan that is before you seeks to
18 accomplish is create that opportunity for
19 Hispanics in south Florida to be able to elect
20 a candidate of their choice.

21 I want to bring to your attention that
22 what we have before us in the Senate Joint
23 Resolution 2-B are three seats, three so-called
24 Hispanic seats, that have, on average, about
25 85 percent Hispanic voting age population.

1 They are quite packed.

2 The plan that is before you as an
3 amendment creates the fourth Hispanic seat, and
4 does so with the following Hispanic voting age
5 populations: In District 35, you have a
6 Hispanic voting age population of 56.5 percent;
7 in District 37, under the amendment, you have a
8 Hispanic voting age population of 77 percent;
9 in District 38, a Hispanic voting age
10 population of 81.6 percent; and in District 40,
11 under the amendment that I am proposing, you
12 have a Hispanic voting age population of 82.4,
13 quite easily demonstrating that you can achieve
14 that fourth Hispanic seat and still have
15 anywhere from 56 to 82 percent Hispanic voting
16 age population. It shows the demographic
17 reality of our community in south Florida.

18 And so to that end, the Spanish-American
19 League Against Discrimination has sent you all
20 a letter. I have a copy of it, I am going to
21 read in pertinent part why they strongly
22 support the plan that I am proposing today, why
23 they strongly support the creation of this
24 fourth Hispanic seat, which does nothing more
25 than recognize the demographic reality. And

1 sometimes, you know, the reality may not be
2 what some may want, but as Senator Gaetz loves
3 to say, facts are stubborn things. And so
4 these stubborn facts argue, and they argue
5 quite strongly for that fourth seat. And
6 SALAD, which is the acronym, it is not a food
7 item, the Spanish-American League Against
8 Discrimination said as follows in their letter
9 to us dated March the 20th, 2012: "The
10 Spanish-American League against Discrimination
11 has a long history of fighting in Florida for
12 rights of Hispanic Americans, and we strongly
13 support the creation of an additional Hispanic
14 majority Senate district in south Florida.
15 Adding an additional Hispanic State Senate
16 district to the existing three districts would
17 conform to the demographic makeup of Miami-Dade
18 County, as well as maximize the opportunity for
19 Hispanic-Americans to elect officials of their
20 choice, not only a Tier 1 requirement under
21 Florida's Constitution, but also an argument
22 and an advancement of the idea, the letter and
23 the spirit of the Voting Rights Act as found in
24 federal law."

25 The Spanish-American League against

1 Discrimination goes on to say, "While many are
2 solely concerned with the political aspect of
3 reapportionment, our chief concern remains at
4 its core to ensure Hispanic-Americans are
5 fairly and adequately represented in the
6 Florida Senate. It is unimaginable that
7 members of this distinguished body would
8 prioritize political considerations over
9 guaranteeing that all Floridians, including
10 those of Hispanic descent, are given an
11 opportunity to voice -- to have a voice in our
12 democratic form of government. If the Florida
13 Senate is committed to diversity and fair
14 representation under your reapportionment
15 process, then SALAD respectfully asks that its
16 members approve an additional fourth Hispanic
17 majority State Senate district in Miami-Dade
18 County."

19 I have heard the voice of the people in
20 south Florida. The people in Miami-Dade County
21 say we need additional representation, we need
22 to have the opportunity to elect a candidate of
23 our choice in the Florida Senate and have our
24 voices heard and not feel like we are
25 underrepresented. This map that I am

1 presenting to you, this amendment, would
2 accomplish -- would accomplish that.

3 I want to briefly talk about some of the
4 objective measures in the Tier 2 category that
5 we have to look at in doing our analysis,
6 particularly the one criterion in the Tier 2
7 analysis that isn't qualified, because as you
8 all know, as we have heard many, many times
9 from Senator Gaetz and others, in the Tier 2
10 analysis -- and we are talking now about equal
11 population, compactness and following
12 geographic and political boundaries. When you
13 do a Tier 2 analysis under Florida's
14 Constitution, you want to achieve, or you are
15 instructed to achieve by the Constitution as
16 equal as pos- -- equal population as is
17 practicable. That is qualified by "as is
18 practicable." You want to follow geographic
19 and political boundaries, if feasible,
20 qualified by, "if feasible," but it says
21 districts shall be compact. And so what we've
22 achieved here and the measurables in terms of
23 convex hull, Reock and Polsby-Popper scales,
24 which are the objective metrics that are used
25 to determine and prove compactness, also show

1 that the districts that are being depicted and
2 presented in the amendment that I am proposing
3 are compact districts with high measurables in
4 terms of compactness. And I could go into the
5 details of that, but I won't at this juncture
6 unless it comes up as we move forward.

7 Having done this and having looked at
8 this, I have also taken the opportunity to talk
9 to members of the Florida House of
10 Representatives and others who were interested
11 in this process, and, quite frankly, in going
12 over this exercise of drawing the four seats,
13 the four Hispanic seats that are shown in the
14 amendment that I brought forward, we found that
15 there were at least three or four ways that you
16 could achieve that fourth seat, proving yet
17 again how the numbers and the demographics
18 don't lie and how facts are stubborn things, as
19 Senator Gaetz says. And so there are at least
20 two or three other maps that if time permitted
21 and if the will were here to consider fully and
22 completely, we could probably even bring
23 forward to demonstrate the reality that there
24 is a need and that we can create that fourth
25 Hispanic seat.

1 I have been around this process for only
2 two years now. I am a freshman Senator. I
3 have been in the Reapportionment Committee and
4 I have tried to present a similar map. It had
5 some flaws and we had to tweak it with the
6 staff, and we did, and this plan that you have
7 before you does not touch any area outside of
8 the Miami-Dade County seats. And so some of
9 the issues that came up during Committee have
10 been addressed here, but having participated in
11 the process, having been in the Committee,
12 understanding where the will of the majority of
13 the Senate is, I am not going to move forward
14 with this map at this time. I am going to
15 withdraw this amendment. I wanted to be able
16 to just say for the record that I believe that
17 the numbers are there, that facts are stubborn
18 things and that eventually we may have to
19 deal -- we may have to deal with this reality,
20 perhaps not in this forum, but in another
21 forum, perhaps not under a Florida
22 constitutional analysis, but perhaps in a
23 federal court under an analysis based on
24 federal law and the Voting Rights Act.

25 And so because I believe that this is just

1 the first chapter in what will be and promises
2 to be an ongoing reapportionment saga, I will
3 withdraw the amendment at this time and would
4 just tell you all and ask you all to please
5 keep your eyes on Miami-Dade County, because
6 there will be soon that fourth Hispanic seat
7 that the community is clamoring for and
8 demanding.

9 And with that, Mr. President, I thank you
10 for the opportunity of indulging me and making
11 this presentation before all of you and my
12 colleagues. Thank you.

13 SENATOR BENNETT: Show the amendment
14 withdrawn. Take up and read the next
15 amendment.

16 THE CLERK: Bar code 655266 for Senator
17 Latvala, delete lines 13 through 5918, insert
18 amendment.

19 SENATOR BENNETT: Senator Latvala, you are
20 recognized.

21 SENATOR LATVALA: Thank you very much,
22 Mr. President.

23 First of all, I want to apologize that we
24 did not have this amendment ready in Committee.
25 As you know, with the Chairman's amendment

1 coming out over the weekend and a lot of folks
2 not really focusing on it until Monday, it was
3 about the middle of the day Monday before I
4 started getting calls on this issue, and so we
5 have put this amendment together. I tried to
6 give notice in the Committee the other day that
7 I would have this amendment on the floor.

8 Basically this amendment is restricted and
9 only deals with Senate Districts 15, 21, 24 and
10 26. That is the area of eastern Hillsborough
11 County, down to Manatee County, over into the
12 interior of the state and up in Polk County.

13 Contrary to newspaper reports today, this
14 does not do anything, does not change one line
15 or involve one population shift, one person, in
16 the Orlando area, in Orange County. One of
17 these districts goes into Orange County, but
18 the share of the population and the area
19 covered is the same in that county as in the
20 Chairman's amendment.

21 Basically the bottom line with this
22 amendment is it was brought to my attention by
23 the City of Plant City when the Chairman's
24 amendment came out that the city limits of
25 Plant City were encompassed in a -- I won't say

1 appendage, better not use the word I used
2 yesterday in Committee, let's just say a hump
3 or a bump on the side of Polk County into
4 Hillsborough County up in the -- up in the neck
5 of the woods of Plant City. It includes, you
6 know, about 42,000 people, and those of you
7 that have a map in front of you will see up in
8 the northeast part of the county that little
9 weird-looking shape there. Well, that is where
10 42,000 people in Plant City live, and those
11 people are very proud residents of Hillsborough
12 County, very involved in their county and very
13 interested in being represented from within
14 their county.

15 And I got this letter on Monday,
16 Mr. President, as I think did the Chairman and
17 you are also copied on this. I want to just
18 read just a couple of paragraphs. It says, "As
19 the only incorporated area in eastern
20 Hillsborough County, most of the surrounding
21 unincorporated area residents both closely
22 identify with the city and also have
23 corresponding Plant City mailing addresses. In
24 fact, the majority of the agricultural
25 businesses we serve, and specifically the

1 strawberry farmlands which have earned Plant
2 City the reputation as the winter strawberry
3 capital of the world, are actually located in
4 the surrounding unincorporated area. For these
5 reasons, I feel that both eastern Hillsborough
6 County and the City of Plant City would be best
7 served by continuing to be included within the
8 same Florida Senate district." And that is
9 signed by the Mayor of Plant City, Daniel D.
10 Raulerson.

11 Also heard from a number of other folks in
12 Plant City who basically asked me to do an
13 amendment that would -- would try to alleviate
14 this problem and put these good folks from
15 Plant City back in eastern Hillsborough County
16 Senate district.

17 So that is the effect of this amendment.
18 We take these 42,000 people who are currently
19 in -- in Senator Gaetz' amendment would be in
20 the new Senate District 26 -- I'm sorry, 24,
21 and we push them into Polk County, and then
22 there is, of course, a clockwise effect, so the
23 district -- the new District 15 grows by that
24 amount of people and then has to push some
25 people off of the bottom of that district down

1 into District 21, and then we come back around
2 to the bottom of Hillsborough County to an
3 unincorporated area that is exactly adjacent to
4 Manatee County and covers the entire length of
5 the Manatee County border that is shared with
6 Hillsborough County in a rectangle, and kind of
7 match it all up.

8 Those folks down there are a combination
9 of two things: The southern area of Sun City
10 is in that district, which are retirees closely
11 resembling the folks that live in Manatee
12 County, the retiree -- the retired population
13 of Manatee County on the coast, and there is a
14 lot of to tomato farms down there, too, that
15 just kind of are adjacent, you don't really
16 know where Hillsborough County stops and
17 Manatee County starts out in the middle of
18 those fields. So it is very, very homogenous
19 in terms of the community.

20 The scores -- we were able in doing this
21 to -- very proud to say that we got really good
22 metrics, Senator Thrasher. In three of the
23 four districts after our surgery on them, we
24 improved the Reock scores. In two of the four
25 districts, we reduced the perimeters, and in

1 one district, we were able to keep it the same.
2 And likewise, with the convex hull ratios, we
3 were able to reduce in two of the districts. I
4 think what we have done here is we have created
5 a map that is actually a little bit
6 better-looking.

7 The criticism of the map will be that we
8 did split the City of Winter Haven. And there
9 is really a very specific reason for that in
10 that Winter Haven is one of those cities -- and
11 I have in my district the City of Largo which
12 is the same way -- which has a lot of tentacles
13 that go out from the city which have basically
14 been annexed, an incorporated area, and so you
15 have to -- if you don't want a map that has all
16 kinds of tentacles on it, you -- you know, and
17 you want to stay compact, which the Court has
18 told us to do, then you try to round those
19 areas off. The vast majority of the City of
20 Winter Haven is included with the other
21 population center of Polk County into Senate
22 District 15.

23 So the other effect is that Highlands
24 County has been shaped up. Highlands County, I
25 might add, is the smallest county in the state

1 of Florida to be split by our map-making
2 process. Most of the counties that were split
3 around the state were split because they were
4 large counties; in many cases, because they
5 were over the amount for one Senate district
6 and then you had some excess. In Highlands
7 County's case, it was just in the wrong place
8 in the center of the state and ended up getting
9 split down the middle vertically, and we
10 thought as we added some population back to
11 that county, we split it horizontally and kind
12 of smoothed out the maps, and that is one the
13 ways we achieved the better compactness scores.

14 So I think this is a good amendment.
15 We -- I think the people in Plant City and -- I
16 think they will be happy. I think the people
17 in Highlands County will be happy. Polk County
18 still represents 35 percent of the southern
19 district there, the interior district, by far
20 more than twice as much population from Polk
21 County than any of the other counties in that
22 interior district. We are keeping the interior
23 agricultural areas together, not having them
24 represented by a coastal retirement county, and
25 I think, all in all, we've done a good job with

1 that.

2 PRESIDENT HARIDOPoulos: Questions?

3 Senator Negron for a question.

4 SENATOR NEGRON: Thank you very much,
5 Mr. President.

6 Senator Latvala, the Florida Supreme Court
7 asked us to address eight specific districts
8 where they found something that was
9 constitutionally infirm, and that was 1, 3, 6,
10 9, 10, 29, 30 and 34 that Senator Gaetz went
11 over with us this morning. Would you
12 acknowledge that the amendment that you have
13 filed and are presenting today goes outside of
14 resolving any of those issues and addresses a
15 part of the state that the Florida Supreme
16 Court had not found any problems, is that
17 correct?

18 PRESIDENT HARIDOPoulos: Senator Latvala,
19 you are recognized to respond.

20 SENATOR LATVALA: I don't think that is
21 correct at all. The changes that were made to
22 these districts here were made specifically as
23 part of -- the Court didn't tell us that
24 Lakeland was invalid, but as our Chairman has
25 said, they basically gave us a strong

1 suggestion we'd better fix Lakeland. And if
2 you will remember, the map originally had this
3 column that came up from Manatee County over
4 the eastern side of Hillsborough and the
5 western side of Polk, kind of like a wide
6 column that came up to Lakeland and split
7 Lakeland. Well, when we were fixing that
8 problem as a result of the Court telling us
9 in -- or suggesting strongly that we needed to
10 fix it, this little accident with Plant City
11 happened. So I think that it is well within
12 the purview of us in trying to address the
13 concerns of the Supreme Court. The Chairman
14 fixed it, I think perhaps overlooked the -- you
15 know, the kinship between Plant City and the
16 rest of Hillsborough County, and we are just
17 trying to fix that little glitch.

18 PRESIDENT HARIDOPOLOS: Senator Negron for
19 a question.

20 SENATOR NEGRON: Thank you. I wasn't
21 involved in this, but my understanding was that
22 Senator Dockery, who represents Polk County,
23 was involved over the weekend in,
24 quote/unquote, a fix for Polk County and
25 Lakeland that the Supreme Court had suggested

1 while we were at fixing these eight districts,
2 we may want to look at Lakeland, that with her
3 input and input of staff and others, that the
4 Chairman's amendment that we are on today
5 resolved those problems. Could you identify
6 what were the inadequacies in the changes that
7 Senator Dockery initiated that needed to be
8 resolved by the amendment you are offering
9 today, and how does your amendment correct
10 those deficiencies?

11 PRESIDENT HARIDOPOLOS: Senator Latvala,
12 your are recognized.

13 SENATOR LATVALA: I can't -- I can't read
14 Senator Dockery's mind as to what her -- the
15 perceived deficiencies were in the plan, and I
16 am sure we will hear about them.

17 I will say that what I recognize from
18 reading the Supreme Court decision was the
19 major deficiency was that the City of Lakeland
20 was split. It is not split in this map. I
21 think what we did is we -- you know, what -- in
22 the process of keeping Lakeland whole, we split
23 off an important section of Hillsborough County
24 from the rest of the county, and these people
25 don't want to be represented by Lakeland. So

1 it is kind of, you know, which community sings
2 the loudest on these kind of situations, and
3 this week, it is Plant City singing, but we
4 haven't done anything whatsoever to hurt
5 Lakeland.

6 PRESIDENT HARIDOPOLOS: Senator Negrón for
7 a question.

8 SENATOR NEGRÓN: Thank you, just one final
9 question. Thank you, Mr. President.

10 It is my understanding that in the map
11 that is being put forward today by Chairman
12 Gaetz, this CS for SJR-2B, that there are two
13 announced candidates in the area that would
14 both be competing in one seat. And my question
15 to you is, in your amendment that you are
16 offering today, is the result of that amendment
17 that those two candidates will be in different
18 districts?

19 SENATOR LATVALA: I am not real --

20 PRESIDENT HARIDOPOLOS: Senator Latvala,
21 you are recognized.

22 SENATOR LATVALA: I'm sorry.

23 I am not real familiar with where anybody
24 lives. I don't know where those candidates
25 live. Unlike the amendment that we just had,

1 which would have moved an incumbent into a
2 district, it is also my understanding that the
3 Constitution refers to incumbents and political
4 parties, and a candidate is not an incumbent or
5 a political party.

6 It is also my understanding that out in
7 those particular districts, there are no
8 Democratic candidates, there are just
9 Republican candidates. So I can't imagine -- I
10 don't know the particulars of where people
11 live, but I can't imagine that since there is
12 only candidates within one party, we are
13 advantaging one party over another, and we
14 certainly -- unless somebody lives out there
15 that I don't know about, we don't have an
16 incumbent that lives out there.

17 PRESIDENT HARIDOPoulos: Senator Alexander
18 for a question or debate?

19 SENATOR ALEXANDER: I will wait.

20 PRESIDENT HARIDOPoulos: Okay. Senator
21 Dockery, did you want to comment on the
22 Lakeland issue in debate? Okay.

23 Let's go to debate. Senator Alexander, we
24 will begin with you, if that is all right, and
25 then we will proceed from there.

1 SENATOR ALEXANDER: Thank you,
2 Mr. President.

3 I am going to support the amendment. I
4 mean, it works okay either way, but
5 representing much of this area that is
6 affected, I do see the merit of having Plant
7 City represented with Hillsborough County. I
8 think it has more affinity to that area than
9 does -- does, say -- and I think Winter Haven
10 has a lot more affinity to the 15th seat than
11 Plant City has. So, to me, that is generally a
12 good trade, if you want to call that that. It
13 allows the part in Polk County to -- that is
14 not Lakeland to have a more equal voice in the
15 selection of a candidate, it is not weighted
16 one way or the other, but it allows a bit more
17 equal voice in terms of whether or not a
18 candidate is from Lakeland proper or from the
19 other cities that make up Polk County. All in,
20 there's 600,000 people in Polk County, so I
21 think that it is important to -- although
22 Lakeland went out and filed a lawsuit, the
23 other cities who had a better way to come
24 together to be represented were actually
25 somewhat disenfranchised by giving Lakeland a

1 stronger voice within that district. So
2 putting the majority of Winter Haven into it
3 that has more affinity to Haines City and to
4 Auburndale and to the other cities in that
5 region, I think makes some good sense.

6 And then down in Highlands County, you
7 know, I thought it was not a terrible idea, but
8 I hate to see most of Highlands County put into
9 a coastal district where Highlands, Hardee and
10 DeSoto and Glades will make up 30 percent of a
11 seat that is really dominated over on the
12 coast.

13 So it isn't perfect in any way, shape or
14 form. I don't believe you can make perfect
15 maps that completely outline it, but I think to
16 allow the major population center in Highlands
17 County to stay within that area of Polk,
18 Osceola, Okeechobee, that it has traditionally
19 been associated with makes some sense. Back
20 over a decade ago in reapportionment, 20 years
21 ago, Hardee and DeSoto were associated with
22 Manatee.

23 So there is no perfect world. I wish
24 that, you know, it was a bit different, but I
25 do think that the changes proposed in this

1 amendment will allow for a better alignment of
2 the communities within this region to have
3 their voices heard in each of these three
4 districts.

5 I also used to represent south
6 Hillsborough County when I first came to the
7 Legislature in 1998, and I represented Ruskin
8 and Sun City Center, and I can tell you as a
9 fact that folks -- folks in Ruskin and up to
10 the edge of Apollo Beach probably have as much
11 in common with Manatee County as they do the
12 silk stocking folks in downtown Tampa. I mean,
13 there's an awful lot of cross-trade that goes
14 across between Manatee County and the Ruskin
15 area. It is unfortunate that Sun City is split
16 again, but if you go back 20 years, that is the
17 way it was at that point. Sun City is a strong
18 voice, I think they will be heard in both
19 districts very well.

20 So, you know, all in all, I would see this
21 amendment as an overall improvement of the
22 regional alignment of these communities to --
23 in a way that is more consistent with the kind
24 of on-the-ground alignment of these individual
25 communities. So I would urge the support of

1 the amendment.

2 PRESIDENT HARIDOPoulos: Senator Norman in
3 debate.

4 SENATOR NORMAN: Thank you, Mr. President.

5 I want to concur a couple of things.
6 First of all, I also received a passionate call
7 from the Mayor of Plant City urging this
8 Legislature to please consider bringing Plant
9 City back into Hillsborough County. I mean,
10 the analysis he used for me was can you imagine
11 if we ran an arm over and took Lake City and
12 pulled it into Hillsborough County. There
13 would be an outcry like you can't believe,
14 because they would be out of their element.

15 What is happening here is you've got that
16 little leg that just jumps out and takes Plant
17 City over into Polk County. It is the same
18 fairness issue for a small city that has been a
19 part of Hillsborough, their tax base is there,
20 you know, Hillsborough County is something that
21 they have been associated with. Actually, I
22 had an opportunity of representing them for a
23 number of years. I just think it is an overall
24 better balance of the region, especially with
25 the association of Plant City and how they are

1 represented by their county in Hillsborough.

2 So I would urge support of the amendment, thank
3 you.

4 PRESIDENT HARIDOPOLOS: Senator Thrasher.

5 SENATOR THRASHER: Thank you,
6 Mr. President.

7 And I just want to start out by saying I
8 respect -- I have been to Plant City, I love
9 Plant City, it is a great place to go, and I
10 understand the constituents there, how they --
11 or at least the Mayor anyway, how he feels. I
12 understood the concerns that Senator Smith
13 raised about Volusia County, kind of the same
14 thing. But I want to remind the members -- and
15 I do this with great respect for what Senator
16 Latvala is trying to do and I understand all
17 the good arguments that Senator Alexander made,
18 the emotional types of arguments, but as I said
19 when I asked Senator Gaetz a question earlier,
20 what are we here for today, what are we here
21 for today? We are here to do, in my opinion,
22 based upon my reading of the Supreme Court
23 case, we are here to address eight districts
24 that the Supreme Court found invalid, the
25 Lakeland area and the numbering area. This was

1 not part of any of the concerns raised by the
2 Supreme Court. And now to make these fairly
3 dramatic shifts in this particular plan, or
4 amendment to the overall plan, I believe puts
5 the entire plan at jeopardy in front of the
6 Supreme Court, because we did not -- they did
7 not ask us to address it, and they simply said
8 it looked okay to them apparently or they would
9 have, I believe.

10 So we've got eight districts that they
11 said to address that were invalid, we've got
12 the numbering system and we've got the Lakeland
13 area, and to do more than that today, we --
14 every other amendment has not been accepted by
15 this body, I think for the same reasons and the
16 concerns that we have -- we are addressing
17 specificity and what the Court asked us to do,
18 and now we are going beyond that. And while I
19 agree with a lot of the emotional arguments
20 that have been made by the folks from those
21 areas, you could almost make that in any area
22 of the state that has been divided or has had
23 their district changed, but I just think it is
24 great risk for us at this point to adopt this
25 particular amendment. Although I have great

1 respect for the sponsor and what his intentions
2 are, I think it puts its entire plan at
3 jeopardy, and, therefore, I would urge you not
4 to vote on it favorably.

5 PRESIDENT HARIDOPOLOS: Okay. We have
6 Senator Dockery, followed by Senator Storms,
7 followed by Senator Bogdanoff.

8 Senator Dockery, you are recognized in
9 debate.

10 SENATOR DOCKERY: Thank you,
11 Mr. President, and members, I just want to make
12 a couple of comments about this.

13 When this plan first came up on the floor
14 during regular session, I made a lot of --
15 asked a lot of questions of Senator Gaetz about
16 how Lakeland was split in half, and his
17 response to me was that I should have gotten
18 with staff and worked things out.

19 So over the course of this second chance
20 at the redistricting map, I did get with staff,
21 spent an hour and a half on Friday morning
22 while most of you had gone home, and staff came
23 up with the Plant City portion of the district.
24 But I am very grateful to staff, I am very
25 grateful to Senator Gaetz for putting Lakeland

1 together and solving the issue that Lakeland
2 addressed to the Courts and where the Courts
3 asked us while we are taking a second look, to
4 try and fix that boundary.

5 When I looked at the map as staff helped
6 to form, what I did like about it is that it
7 didn't split any other cities in Polk County in
8 its effort to fix the Lakeland problem, and had
9 Winter Haven together in one district.

10 I do have a letter I would like to read
11 for the record from the City of Lakeland, and
12 it is addressed to Senator Gaetz: "Dear
13 Honorable Senator Gaetz, please consider this
14 correspondence as an indication of the City of
15 Lakeland's support for Senate Joint Resolution
16 2-B in its current form. The Lakeland City
17 Commission has been acutely aware of the
18 reapportionment process and how it impacts the
19 Lakeland community. They have repeatedly
20 acknowledged your committee's complicated task
21 in balancing all the variables that the recent
22 order of the Supreme Court requires. Lakeland
23 made its concerns known, and your committee
24 listened. Senate Joint Resolution 2-B
25 represents a fair and equitable result for

1 Lakeland citizens. The city commission asked
2 me to convey their appreciation for the
3 thoughtful and contemplative approach that the
4 revised map represents, and commends your
5 committee on its conscientious adherence to the
6 direction from the Court. We are all public
7 servants, and like you, the Lakeland City
8 Commission works constantly to represent the
9 interests of its constituents. Your committee
10 has responded fairly and responsibly to its
11 concerns. Your efforts are greatly
12 appreciated."

13 So the City of Lakeland's issue had been
14 taken care of. And I agree with Senator Negrón
15 that this current amendment before us, while it
16 does not re-split Lakeland, so it doesn't
17 create a new problem, is not addressing
18 anything that the Court had sent back to us to
19 address.

20 While I represent the City of Lakeland, I
21 also represent Polk County, and Polk County
22 asked in resolution form for us to -- us who
23 represent Polk County to have two resident Polk
24 County Senate seats like we do today. This
25 amendment by Senator Latvala takes away the

1 second seat, which had 58 percent, I believe,
2 in Polk County, to 35 percent. And while I am
3 a term-limited Senator, I have nothing
4 personally to gain or lose from how these two
5 Polk County districts are drawn, but the fact
6 that this amendment only affects four
7 districts, and two of them are in Polk County,
8 Senator Latvala mentioned that he can't read
9 Senator Dockery's mind. Well, he sits two
10 seats down, he doesn't have to read my mind, he
11 could have asked me, and he did not. Now,
12 while I am happy that Lakeland, even under his
13 amendment, is still whole and the Lakeland
14 problem is fixed in Senator Gaetz' plan and in
15 this one, I think you are introducing some new
16 problems and new issues.

17 To the question about whether or not this
18 helps some other candidates not be in the same
19 district, I think we all know that that is the
20 case. And I understand that people in here
21 want to help their friends, some of the House
22 members, to come over here, but that should not
23 be done on the backs of citizens of Polk County
24 when we had a map that went through many, many
25 hours of deliberation over the past two days in

1 Committee that we all had plenty of opportunity
2 to see and vet for a plan that is coming up
3 today. So I would ask you on behalf of Polk
4 County to please vote no on this amendment.

5 PRESIDENT HARIDOPOLOS: Senator Storms.

6 SENATOR STORMS: Thank you, Mr. President.

7 For the benefit of my constituents that I
8 represent in Lakeland, for the benefit of my
9 constituents that I represent in Plant City and
10 for the benefit of my constituents that I
11 represent in Sun City Center, I think that it
12 would be wholly inappropriate and self-serving
13 for me to opine one way or the other. My --
14 this -- we are not supposed to say "my
15 district," but this poor district, District 10,
16 which is now District 21, has been pushed
17 sideways, shoved to the north, shoved to the
18 south, pinched and pulled in every which way,
19 and at every turn some people are out, then new
20 people are in, some people are this way, by
21 every single one of the plans. And so I have
22 tried to steadfastly say I am not trying to
23 benefit one group or the other, not trying to
24 harm one group or the other, and I don't intend
25 to do it on this amendment, but I know that

1 people would like me to say one way or the
2 other which I would prefer as the Senator who
3 represents this area, but I am not going to do
4 it to the detriment of some I know, and to the
5 benefit of others. But for me to participate,
6 it feels to me like -- and I am not generally
7 speaking to members here, I am speaking to my
8 constituents -- it feels like it is
9 self-serving, and so I don't want to do that,
10 but I did want to say that on the record for
11 those people who are paying attention and
12 saying, you know, why aren't you advocating one
13 way or the other for people that I have
14 represented for 15 years. I just feel like it
15 would be inappropriate and completely
16 self-serving on my part, so I am not going to
17 do it for that reason.

18 PRESIDENT HARIDOPoulos: Senator Bogdanoff,
19 you are recognized in debate.

20 SENATOR BOGDANOFF: Thank you,
21 Mr. President, and I guess as Senator Thrasher
22 said, I want to kind of bring it back to why we
23 are here, and we are here to discuss, I guess,
24 the specific districts or the issues that were
25 opined by the Supreme Court with whether or not

1 they meet the constitutional mandates. And I
2 am not going to get into, you know, the
3 communities of interest and whether or not the
4 line has moved, because the arguments that I
5 heard in moving the lines were basically
6 because certain communities wanted to be where
7 they wanted to be and splitting cities and
8 what-not, and I don't know that area well
9 enough to do that, but what I do want to talk
10 about is to address some of the comments that
11 were made on the floor to Senator Negrón. We
12 are not -- I mean, whether or not there are two
13 potential candidates that are running, by the
14 end of the day, there will probably be ten,
15 because we know that that is probably going to
16 happen. And the Constitution does talk, in
17 fact, as Senator Latvala said, about
18 incumbents, and it talks about political party
19 in terms of favoritism or dis-favoritism. So
20 when you look at it, all of that area, which
21 most of us know happens to be a Republican
22 area, whether Democrats run, that's -- so you
23 are not really hurting anybody by moving any
24 lines. And incumbents -- non-incumbents are
25 not a part of what we should be discussing here

1 today in any of the -- regardless of who
2 thinks -- who wants to help who, that should
3 not be a part of the discussions that we have
4 on the Senate floor.

5 I guess, you know, with respect to why
6 maybe perhaps maybe this amendment is
7 acceptable is when we asked questions of
8 Senator Smith with respect to the changes that
9 he was trying to make, there were some specific
10 items that Senator Gaetz went over that
11 specifically said why it actually would bring
12 us closer to not meeting the opinion of the
13 Supreme Court, and that it could -- it could
14 actually hurt. I have not heard any arguments
15 here today or any statistics that would change
16 the fact that Senator Latvala sees the
17 community of interest a different way than the
18 original map drawer when they fixed the
19 Lakeland area. So this is not a new area.

20 And I would just make one other comment,
21 and I think that we all are kind of missing
22 this one particular point. The Supreme Court
23 has an obligation under the Constitution to
24 review the map in its entirety. It only seemed
25 to address those districts that were challenged

1 by some of the people who filed suit. That
2 doesn't mean that the Supreme Court doesn't
3 have the right to go back and look at the map
4 as a whole, whether it be Miami-Dade County for
5 Hispanic districts, whether it be a line that
6 was moved because we fixed Lakeland, or what
7 happened in south Florida, which encompassed my
8 old district, District 25. So I think that we
9 all need to be cognizant to the fact that let's
10 stick to the opinion of the Court, let's make
11 sure that we look at the criteria that they
12 created, and if Senator Latvala's amendment
13 just simply moves a line and doesn't violate
14 any of what they gave us an opinion on, then I
15 think we should support it. Now, whether or
16 not you agree with his line in terms of
17 community of interest, that is a personal
18 decision based on what you know of the area.
19 Whether -- he's got folks that are calling him
20 saying move the line, and perhaps Senator
21 Dockery has people calling her saying don't
22 move the line. I think that is the opinion
23 that we all should have. But from what I can
24 tell and the arguments that I have heard, it
25 has nothing to do -- this -- if we accept this

1 amendment, it will not harm our ability to
2 defend it in court.

3 PRESIDENT HARIDOPOLOS: Senator Gaetz in
4 debate.

5 SENATOR GAETZ: Thank you very much,
6 Mr. President.

7 And I want to thank Senator Latvala for
8 working with the professional staff and with me
9 in crafting his amendment. The amendment could
10 have gone different ways that it didn't go, but
11 it went the way that it did, and I want to
12 thank him for his cooperation and his
13 willingness to work with us.

14 Senator Thrasher is right that we should
15 not do harm to areas or parts of the state
16 where harm was not indicated by the Court's
17 opinion, but I am the reason why we are dealing
18 with Plant City. I am Chairman of the
19 Committee, I will take the responsibility. It
20 was the Committee and the Committee's bill,
21 which is before you, which got into the
22 business of fixing, to use that term, the
23 Lakeland problem, and then we began to try to
24 calculate how we could achieve all of the other
25 constitutional and demographic standards and

1 maintain good redistricting principles, and
2 that is why Lake City and Plant City --
3 Lakeland and Plant City wound up in the same
4 district. So it was as a consequence of the
5 work of the Committee that that occurred. It
6 was not -- Senator Latvala's amendment is not
7 cut out of whole cloth, it is not bringing up a
8 new issue. It is addressing an issue which was
9 addressed because of the committee bill.

10 Now, Senator Latvala and I have discussed
11 this at great length, and as I said, there are
12 many ways that he could have approached his
13 amendment where I would have taken a different
14 view, but today I urge you to support the
15 Latvala amendment, and here is why: We have to
16 go back, as I said at the beginning and as
17 others have echoed throughout the day, to the
18 reason we are here. We are here to make sure
19 we respond to the Supreme Court's specific
20 requirements, and one of their requirements
21 was, whatever you do, first of all maintain all
22 the Tier 1 requirements, be compliant with all
23 the Tier 1 requirements, but secondly, try as
24 you do that and in every other way to be as
25 compact as you possibly can. Senator Latvala's

1 amendment makes this part of the state and the
2 affected counties more compact. If it didn't,
3 I would oppose the amendment regardless of what
4 the Mayor of Plant City might have said.

5 However, there's also something else that
6 came up. Senator Storms made a good point
7 several days ago when she said are we still
8 going to be listening to the public, or have we
9 gone into a hermetically sealed chamber, my
10 words, not hers, but her meaning. And our
11 answer was we still want to hear from the
12 public. So since this is not a divinely
13 inspired plan, but it is a constitutionally
14 valid plan, I think it is important that if a
15 part of the state which was affected by the
16 work of the Committee can be made better by an
17 amendment, an amendment that was inspired by
18 people who contacted a Senator and said, "Look,
19 we view ourselves as being more inclined to be
20 part of Hillsborough County than being viewed
21 as part and parcel of a Senate district that
22 includes Lakeland," if we can accommodate those
23 local interests and keep listening to people
24 right down to the moment of the final vote, and
25 if we can create more compact districts and if

1 we can maintain the other constitutional
2 principles in a cooperative way, then it seems
3 to me that we ought to do so. So I would
4 encourage a yes vote on the Latvala amendment.

5 PRESIDENT HARIDOPOLOS: Senator Latvala to
6 close.

7 SENATOR LATVALA: Thank you,
8 Mr. President.

9 I really can't say it much better than
10 Senator Gaetz just said it, you know. I would
11 like to reiterate, because I am very surprised
12 at the comments that this is somehow a new
13 issue. We know it is not a new issue. I mean,
14 you know, we know that this particular
15 amendment is stimulated by the work of the
16 Committee, by the Chairman's amendment. This
17 situation didn't exist in the old map, the map
18 we passed off the Senate floor a month and a
19 half ago. You know, the Lakeland situation was
20 pointed out to us by the Supreme Court. From
21 the day we got that order a week ago last
22 Friday until this past Saturday, eight days,
23 Senator Dockery worked hard to represent her
24 people in the City of Lakeland and get it
25 written, get the plan done to satisfy the City

1 of Lakeland, which is exactly what she should
2 have done.

3 Now, the problem is, when that plan came
4 out over the weekend, we created another small
5 problem, and I think it is a pretty small
6 problem, it is 42,000 people. I think in a
7 state where we got 40 districts of 470,000
8 people in each district, 42,000 people is a
9 pretty small problem. But that problem was
10 created over the weekend, and we went to work
11 on it. Now, you know, I'm sorry because of --
12 I didn't set the schedule for this week, the
13 Constitution set the schedule, how quickly we
14 have to turn this around. We have been busting
15 our butts, Senator Gaetz particularly, and the
16 staff, to get this done in the time frame that
17 we have. So I'm sorry we didn't have two or
18 three weeks to vet this out with the folks in
19 Lakeland and everywhere else. We had to move,
20 and that is what we are supposed to do on
21 behalf of our constituents. I represent
22 Hillsborough County. Senator Norman represents
23 Hillsborough County. We care about
24 Hillsborough County and what those people want,
25 and that is what we are trying to respond to.

1 Now, I want to say one more thing, and
2 this is a benefit of institutional knowledge.
3 And, Senator Dockery, this is particularly said
4 it for you. The notion that Polk County should
5 have two Senate seats that are majority seats
6 in Polk County stemmed out of something that
7 happened ten years ago. You know, Polk County
8 only has 600,000 in population; to be exact,
9 602,095. We all know that a Senate district is
10 470,000 people. So Polk County really has
11 enough people for one Senate district and about
12 a fourth, between 25 and 30 percent, of another
13 district. But ten years ago, the guy on this
14 chamber that sat in Senator Alexander's seat
15 was a Senator by the name of Laurent. He was
16 the Chairman of the Senate Reapportionment
17 Committee for the Senate districts. He was
18 from Polk County. His objective was -- despite
19 the fact that Polk County didn't have enough
20 for two full Senate seats, his objective was to
21 split Polk County so it could dominate two
22 Senate seats. You know, too bad that there
23 hadn't been somebody here from Marion County,
24 because Marion County has 329,000 people, and
25 they don't have a Senate seat. Pasco County

1 has 464,000 people, and they are going to be
2 split in this map. So, I mean, I really don't
3 think it is a material point how -- what
4 percentage of Polk County is in a new district.

5 And by the way, Senator Dockery, the
6 correct number in Senator Gaetz' plan, 41.95
7 percent of Senate District 21 was from Polk
8 County, and in this plan, 35.3 percent. So we
9 are six percentage points less from Polk County
10 in this district with this small, miniscule
11 42,000-people change in it.

12 And who is to say that the people in
13 Highlands County or Osceola County or
14 Okeechobee County don't have the right to elect
15 one of their own and don't have the right not
16 to be split just like Polk County doesn't want
17 to be split? I mean, I just think we need to
18 look at this. I think we are making a mountain
19 out of a mole hill, and maybe the mole hill is
20 a good way to describe that little -- that
21 little extra thing that is on the side of Polk
22 County on the Hillsborough County map. And
23 that is all we are trying to do is make that
24 little mole hill go away, and I hope that you
25 will support us in that effort. Thank you very

1 much.

2 PRESIDENT HARIDOPOLOS: Okay. Having
3 closed, all those in favor of the amendment,
4 say yea.

5 (Chorus of yeas.)

6 PRESIDENT HARIDOPOLOS: All those opposed,
7 say nay.

8 (Chorus of nays.)

9 PRESIDENT HARIDOPOLOS: Show the amendment
10 adopted.

11 Seeing five hands, the Secretary will lock
12 the board and Senators prepare to vote.

13 All Senators voted? Have all Senators
14 voted? Secretary, lock the board and announce
15 the vote.

16 THE CLERK: Twenty yeas, 15 nays,
17 Mr. President.

18 PRESIDENT HARIDOPOLOS: And by your vote,
19 the bill passes, the amendment passes.

20 We are now on the bill as amended. All
21 right. The adoption of the Latvala substitute
22 amendment 655266 replaces the adopted Gaetz
23 amendment of 472686.

24 We are on the second reading. Are there
25 further questions on the bill as amended before

1 we go to debate on rolling a third reading?

2 Okay. Seeing no further questions,
3 without objection, show the bill rolled to
4 third reading. We are now in third reading in
5 debate. For those who like to be heard in
6 debate -- I'm sorry, Senator Gibson, did you
7 have a question? I'm sorry, Senator Joyner, do
8 you have a question? For a question or in
9 debate, Senator Gibson -- I mean Senator
10 Joyner? I now am oh for two. Senator Joyner,
11 would you like a question or in debate? What
12 is your pleasure?

13 SENATOR JOYNER: No, I had my hand raised
14 for a question.

15 PRESIDENT HARIDOPOLOS: Okay. Let's have
16 a question of Senator Gaetz. Senator Joyner,
17 your are recognized for a question.

18 SENATOR JOYNER: If I can remember.
19 Senator Gaetz, we talked about functional
20 analysis. Just for the record, would you go
21 through what you did in performing the
22 functional analysis on one of those districts
23 related to minorities?

24 PRESIDENT HARIDOPOLOS: Senator Gaetz, you
25 are recognized to respond.

1 SENATOR GAETZ: Yes, thank you,
2 Mr. President.

3 A functional analysis starts with the
4 voting age population, and then breaks that
5 voting age population down into minority groups
6 where applicable, but then we go a level deeper
7 and you look at how primary elections turned
8 out; in other words, were Democrats or
9 Republicans -- in Democratic or Republican
10 primaries, how did minority groups participate?
11 Did they participate in a meaningful way in
12 terms of voting percentage? Were they able to
13 elect candidates of their choice in the
14 primary, and then was the primary winner able
15 to be competitive in the general election?
16 That is how the functional analysis is done in
17 terms of a political analysis. Obviously,
18 ma'am, we also did a geometric analysis, but I
19 believe that you were asking about the
20 functional analysis.

21 PRESIDENT HARIDOPOLOS: Senator Joyner for
22 a follow-up? Okay. Further questions before
23 we roll to third reading?

24 All right. Seeing no further questions,
25 without objection, read the bill for the third

1 time.

2 THE CLERK: Committee substitute for Joint
3 Resolution 2-B, a joint resolution of
4 reapportionment.

5 PRESIDENT HARIDOPoulos: All right. In
6 debate, who would like to be heard in debate?
7 Senator Joyner. Others in debate? Senator
8 Gardiner. Others in debate? Okay. Let's go
9 with Senator Joyner first. Senator Rich, okay.

10 SENATOR JOYNER: Thank you, Mr. President.

11 First, as an officer of the Court, I feel
12 that it is incumbent upon me to take a moment
13 to make a statement in response to a comment
14 made about the Supreme Court before I speak to
15 the map.

16 In our government, we have three branches,
17 as has been stated by the Senator from the
18 14th; however, being separate, coequal branches
19 of government, each having been given defined
20 roles under the Constitution. The executive
21 branch enforces, the legislative makes the
22 laws, and the judicial branch interprets the
23 laws, and the Supreme Court in its role as a
24 separate co- -- branch -- coequal, independent
25 branch interpreted the law that we passed in

1 the form of the apportionment that we did that
2 they ruled upon which necessitated our being
3 here today to make changes in accordance with
4 the opinion that they entered, and that is
5 their defined role and responsibility, and that
6 is why we have a system of checks and balances,
7 so that we, as the legislative branch, are held
8 accountable. And so the Court in doing its job
9 made a ruling which some of us don't
10 necessarily agree with. However, we are here
11 to deal with it, and that is why the language
12 that is in it that some are opposed to is
13 there, because they were doing what the
14 Constitution allows them to do, and I just
15 thought that maybe that refresher was
16 necessary.

17 Now, as to the map, I rise in opposition.
18 I would begin with the undisputable notion that
19 Floridians asked us by a 63 percent majority to
20 quit treating their franchise as if it were our
21 own, to quit manipulating electoral boundaries
22 to benefit ourselves, to quit acting like their
23 districts as if by some divine entitlement were
24 our districts; in short, to be statesmen and
25 stateswomen and not politicians. The Supreme

1 Court brought the point home in their opinion
2 invalidating the map we produced. While some
3 have tried to spin the opinion in the best
4 possible light, it is sheer folly to do so.
5 The highest court in Florida said that our map
6 was rife with objective indicators of improper
7 intent, rife with objective indicators of
8 improper intent. Unfortunately, it appears
9 that we didn't get the message, because the new
10 map has some of the same shortcomings, just a
11 few.

12 First, the new plan inexplicably bisects
13 and thus disenfranchises the City of Daytona
14 Beach by regarding its -- disregarding its
15 municipal boundaries without justification. It
16 appears that this was a naked partisan
17 gerrymandering. It is intended to ensure that
18 the Daytona Beach Democratic majority would be
19 split into two separate districts, 8 and 13 on
20 map 26, 20, 26, to reduce Democratic voting
21 strength and guarantee that both of those
22 districts will reliably perform for the
23 Republican party, for Republican incumbents and
24 Republican candidates.

25 The new District 13 is no better. It

1 remains as facially non-compact as it was
2 before, and it lacks any constitutional
3 justification for its lack of compactness.
4 Like its unconstitutional predecessor, District
5 13 in the new proposed Senate plan includes the
6 same appendage that our Court held
7 unconstitutional that reaches down among the
8 eastern edge of Orlando, grabs an incumbent's
9 residence for no apparent reason other than to
10 draw that incumbent into a safe Republican
11 seat.

12 District 22 in the proposed map
13 egregiously violates political and geographic
14 boundaries simultaneously. It unnecessarily
15 crosses Tampa Bay and violates the
16 Pinellas/Hillsborough County boundary. The
17 League of Women Voters' alternate plan
18 demonstrates that it was possible to draw
19 constitutionally compliant districts in the
20 Tampa Bay area that respect both the bay and
21 the county boundaries. By contrast, the
22 gerrymandered District 22 appears to have been
23 drawn with the impermissible intent of
24 dismembering an otherwise naturally-occurring
25 Democratic-leaning district in the Tampa Bay

1 region. And that, to me, is some of the
2 obvious excesses.

3 The Fair District criteria are not
4 complex. They tell us to draw compact
5 districts that respect political and geographic
6 boundaries. The Court told us that when we
7 fail to adhere to the requirement, it serves as
8 an objective indicator of an impermissible
9 legislative purpose. In this case, that
10 impermissible purpose is to draw a map that
11 advances the dominance of the majority party or
12 advance the personal ambition of an incumbent.
13 Enough is enough. This was our second and last
14 bite at the apple. I hope the Court declares
15 this map infirm, and does what we apparently
16 were unable to do, to follow the rule of law
17 and do the right thing.

18 PRESIDENT HARIDOPoulos: Thank you, Senator
19 Joyner.

20 Senator Altman in debate.

21 SENATOR ALTMAN: Thank you, Mr. President.

22 I, first of all, would like to commend our
23 Chairman, Senator Gaetz, as well as the
24 Redistricting Committee, as well as this body,
25 which I think did a wonderful job in preparing

1 district boundaries at the first bite of the
2 apple my good friend, Senator Joyner, had
3 mentioned.

4 I believe we had a good plan, a plan that
5 was passed with more public input in the
6 history of this state, perhaps in the history
7 of any state in the Union, and I believe those
8 district boundaries were proper.

9 Based on a minority opinion, which I
10 respect, our Supreme Court, which I do respect,
11 made up of nine members, has a minority
12 opinion -- and this was a split decision, by
13 the way. Minority opinion said that the
14 decision to rule these boundaries
15 unconstitutional is based on nothing more than
16 suspicion and surmise. The majority concluded
17 that certain district lines were drawn with
18 improper intent, and when there is an evident,
19 rational, permissible basis for the drawing of
20 those lines, the majority fails to recognize
21 the structural limitations of our review
22 process, which precludes the adjudication of
23 false -- which precludes the adjudication of
24 fact-intensive claims. I agree with that
25 minority. But I also, again, want to commend

1 our Chairman and our Committee that realize our
2 duty, even though we may have disagreed with
3 that opinion, to do everything we could
4 possibly do to meet the directives of the
5 Court, and I think we have done that.

6 Secondly, we spent a lot of time talking
7 about district numbers, and I pointed out and I
8 believe that the Court had no jurisdiction of
9 addressing numbers. I will quote the minority
10 opinion, Chief Justice Canady, again that said
11 I will -- "I would reject the challenge to the
12 numbering of districts in the Senate plan.
13 Section 21 is a limitation on the power of the
14 Legislature only with respect to establishing
15 legislative district boundaries." That is in
16 Article III, Section 21, of the Florida
17 Constitution. The prohibition on action to
18 favor or disfavor an incumbent applies only in
19 the manner in which lines are drawn, but yet we
20 found a way in the most fair and impartial way
21 possible to number those districts in a way to
22 meet the Court directives.

23 I wanted to mention the minority opinion
24 because in the open public -- public forum, I
25 think the people of Florida need to know that

1 we are here to meet the demands of the Supreme
2 Court, even though there was a split decision,
3 even though there are justices that believe
4 what we did was proper, fair and
5 constitutional. I felt this plan was
6 constitutional from the beginning, I believe it
7 is constitutional now, and I hope that our
8 Court listens to the people of Florida, its
9 duly representatives who were given the
10 constitutional duty to draw these plans to the
11 best way possible and they affirm our decision
12 here and accept our plan.

13 I would encourage you to vote for this
14 plan. I think it is a good plan. I really
15 appreciate what our staff has done, an amazing,
16 amazing amount of work and effort, and all
17 those thousands of public -- thousands of
18 Floridians who chose to be a part of this
19 process through speaking before our Committee,
20 through drawing plans. I think this is a
21 constitutional plan. This is a plan that meets
22 the Constitution as approved and supported by
23 the people of Florida, and this is a plan that
24 was drawn in response to Floridians' input.

25 PRESIDENT HARIDOPOLOS: Senator Gardiner

1 in debate.

2 SENATOR GARDINER: Members, I will be very
3 brief. I know that the hour is late.

4 There are just a couple things that --
5 really just to reiterate what Senator Altman
6 has so eloquently put, but the Court was very
7 clear that there were eight areas, eight
8 districts that they felt needed to be
9 addressed, and they talked about a functional
10 analysis to make sure that we were following
11 the criteria. Senator Gaetz has set forth that
12 criteria, and I think we have done a very, very
13 good job of addressing the issues that the
14 Court has put back in our hands. I think
15 whether you are a Republican or a Democrat, you
16 would agree that the lines should be drawn
17 here, and we have worked very, very hard to
18 come up with something that I believe we can be
19 very proud of.

20 I also wanted to just briefly say -- and I
21 don't want to take any of Senator Gaetz'
22 thunder, but I wanted to publicly acknowledge
23 and thank John Guthrie and his team for all of
24 their hard work. There were several of us --
25 if you see John fall asleep while he is leaning

1 up against the area there, he has been up all
2 night, and every time we have come to them with
3 questions and ideas, they have sat down with us
4 and pulled out the maps or turned on the
5 computer and have been very accessible. So,
6 John, I want to personally thank you, because
7 it has been -- it is one thing to talk about,
8 well, let's do this or let's do that. It is
9 another thing to turn on the computer and
10 actually start moving the line, because it has
11 an impact on the entire map. So, members, I
12 think this is a product we can be proud of, and
13 I look forward to hearing the comments and we
14 look forward to the House taking it up next
15 week and being done with it and us moving on.
16 So thank you all and I hope you will support
17 this good map.

18 PRESIDENT HARIDOPOLOS: Senator Rich,
19 followed by Senator Gaetz.

20 SENATOR RICH: Thank you, Mr. President,
21 and I do want to remind everybody -- I am not
22 going to go into reading a long portion of the
23 opinion of the Supreme Court, but I do want to
24 mention that the Court makes note of the fact
25 that the review this time is different -- was

1 different for them, and continues to be because
2 of the fact that the voters passed Amendments 5
3 and 6. And now, according to their opinion,
4 they state, "At the same time, we acknowledge
5 and accept our paramount responsibility in
6 apportionment and as set forth by the Florida
7 Constitution to ensure that the adopted plans
8 comply with the constitutionality required
9 mandates. Where the Legislature -- legislative
10 decision runs afoul of constitutional mandates,
11 this Court has a constitutional obligation to
12 invalidate the apportionment plan." And that,
13 my colleagues, is what they did.

14 So just two weeks ago, the Florida Supreme
15 Court issued the first major interpretation of
16 the Fair Districts amendments. Their
17 thoughtful and scholarly opinion noted that the
18 Legislature didn't have the benefit of any
19 prior opinions that might have provided
20 guidelines under which we could operate. In a
21 sense, the Court was, I think, quite generously
22 giving us an excuse for drawing a Senate map
23 that, in their words, I quote, "was rife with
24 objective indicators of improper intent."

25 We may have had an excuse the first time,

1 but for this go-around, there simply is none.
2 The plans we are voting on, I believe, seem to
3 ignore much of what the Court opinion told us.

4 First, incumbent protection is written all
5 over the map. As was mentioned by my
6 colleague, Senator Joyner, District 13 still
7 has issues with regard to an appendage whose
8 only purpose can be to favor an incumbent and
9 maintain a safe Republican seat. Districts 8
10 and 10 were drawn to give an incumbent House
11 member an easier road to election. And as was
12 mentioned, there is a sense that in other cases
13 there are some House incumbent members who are
14 favored in these maps. Proposed District 32 in
15 the new Senate plan also crosses a county line
16 for no apparent reason other than to pull
17 Republican voters into a Republican incumbent's
18 district. Although this district could have
19 included more territory from Martin and St.
20 Lucie Counties as the League of Women Voters'
21 alternate district did, the Legislature instead
22 chose to break a county line.

23 We defeated amendments today, the body
24 did, by Senator Smith, which actually would
25 have kept an African-American community whole,

1 but, again, that was rejected.

2 The Supreme Court didn't just tell us the
3 principles we must abide by in many of these
4 regions and districts, they gave us the road
5 map to get there. But I believe in this plan
6 we have ignored their clear direction.

7 I am going to be voting against this map
8 really basically -- I didn't think that was
9 necessary -- for the simple reason that this
10 map still has the effect of protecting
11 incumbents. I did not want and I don't want
12 the Supreme Court to finish the job that we
13 were supposed to complete, and I don't think
14 that they want to either. But the sad truth is
15 when millions of Floridians resoundingly said
16 that they want districts fairly drawn, they
17 meant it, and that is why this plan does not
18 meet their needs. I want Floridians to know
19 that I am disappointed that we have been
20 willing to place self-interest and partisanship
21 gain over the intent of the voters of the state
22 of Florida. Thank you.

23 PRESIDENT HARIDOPOLOS: Senator Siplin,
24 followed by Senator Gaetz.

25 SENATOR SIPLIN: Thank you, Mr. President,

1 and members, when this process first started, I
2 was Chair of the Black Caucus here in
3 Tallahassee, I believe, for almost three years
4 ago, and my major concern at that time was to
5 make sure that the people that I represented,
6 Hispanics and African-Americans, did not lose
7 their representation here in Tallahassee in
8 both the Florida House and the Florida Senate.
9 And as I have been a part of this process as it
10 has matriculated through to this very point, I
11 have been very proud to see that the
12 African-American seats have been sustained, as
13 well as advancing a new seat for a community
14 that I have represented over the last 12 years,
15 Hispanics.

16 So I wanted to commend both you,
17 Mr. President, as well as Senator Gaetz for
18 making sure that you all complied with the
19 federal law, as well as the Fair Districts
20 amendment and making sure that people who look
21 like me, sound like me, who have the same
22 concerns as myself, will continue to be
23 represented in the state of Florida over the
24 next ten years.

25 PRESIDENT HARIDOPOLOS: Senator Gaetz to

1 close.

2 SENATOR GAETZ: Thank you very much,
3 Mr. President.

4 I don't believe that it is necessary to go
5 into a point-by-point refutation of comments
6 that have been made, except I do think there
7 are a couple of facts that need to be
8 corrected, because sometimes if words are said
9 on the floor and they are not corrected, they
10 take on the appearance of an unrefuted fact
11 when that may not be the case.

12 Senator Joyner, my good friend, the
13 Senator from the 18th, has made some statements
14 today which I think we need to understand in
15 context. In her eloquent statement opposing
16 the committee substitute, she has said that an
17 appendage still exists in central Florida that
18 benefits an incumbent. There are two factual
19 misstatements in her allegation.

20 First, at some point, my friends, we need
21 to remember that the term "appendage" can be a
22 pejorative term. The fact is these are human
23 beings, one hundred sixty plus thousand people
24 who live in Edgewood, Belle Isle, Conway,
25 Winter Park and Maitland, they live in a

1 collection of communities that are legitimate,
2 that aren't the function or the invention of
3 map-makers, they are there. They live there.
4 That is their home. Those are their towns.

5 It is not true that the district benefits
6 an incumbent. The fact is that the district
7 has been radically changed. If you look --
8 assuming that the incumbent is reelected, he
9 will have to face a district where only
10 12 percent of the voting age population of that
11 district has ever seen him on the ballot
12 before. He has to take on a district -- if the
13 incumbent chooses to run again and is
14 reelected, that incumbent has to take on a
15 district that is 88 percent different. As far
16 as I can tell, only one other member of this
17 body, and that is Senator Benacquisto, has a
18 greater challenge in introducing himself or
19 herself to new constituents. So this district
20 was not designed for an incumbent. If
21 anything, this incumbent could probably make
22 the argument if he wanted to that he takes on a
23 hardship based on the design of the district.

24 Secondly, it is not true that that
25 district has but -- has one incumbent. The

1 fact is that there are two incumbent members of
2 the Senate who are in that district. And so
3 that district design pits two Republican
4 incumbent Senators against each other.

5 So it is factually not true that the
6 district has not been reconfigured, and it is
7 not true that it benefits one incumbent, and
8 let's remember that this area is made up of
9 people who live there, and the reconfiguration
10 of the district does not leave us with the
11 same -- if you will pardon the expression that
12 I hope I will never use again -- appendage.

13 Now, the only way that we could have had a
14 different geometry, the only way we could not
15 have had some imperfections in the geometry of
16 central Florida would have been to dilute the
17 minority members, the minority percentages, the
18 minority voters in the Hispanic and
19 African-American districts that bookend this
20 part of the district that Senator Joyner
21 described. But there has been no proposal from
22 any member of the Senate to dilute either the
23 Hispanic or the African-American district,
24 which would have been the only way to achieve
25 the geometric perfection that my good friend,

1 Senator Joyner, has accused us of not
2 achieving. So the fact is that we placed Tier
3 1 standards -- and that is protecting minority
4 voting rights at the top -- and then we made
5 substantial improvements in compactness. You
6 heard the geometric scores read into the
7 record. This district is now substantially,
8 not a little bit, not sort of, but
9 substantially more compact and more -- has more
10 geometric integrity than before. I believe
11 that we have been faithful to the
12 constitutional responsibilities we have for
13 reconfiguring central Florida as the Supreme
14 Court has asked.

15 The Court asked us to take on ten
16 challenges, as Speaker Thrasher noted in his
17 comments earlier today. There were ten
18 invalidities, eight districts that were
19 declared invalid, and then the Lakeland matter,
20 which we have discussed at some length, and
21 then a numbering system which the Court said
22 favored incumbents because the result, in their
23 view, suggested intent. Those are the problems
24 that we took on.

25 Now, in taking on those problems, we

1 affected 24 districts, 24 out of 40 Senate
2 districts. Most Senate districts had some
3 modification in this committee substitute
4 compared to the plan that was submitted
5 previously off this floor to the Supreme Court.
6 So it is not factually true to say that we have
7 simply treated the Supreme Court's opinion that
8 we ought to look at problems as they
9 systemically exist without seriousness. The
10 fact is we have looked at those problems
11 seriously and we have addressed them, and it's
12 been -- and the addressing of those problems
13 has affected 24 districts, and affected them
14 positively, and we believe that we have
15 demonstrated that by the use of functional
16 analysis where appropriate and geometric
17 analysis in every case.

18 Our districts are more compact than they
19 were before, and they are more compact than the
20 coalition districts, the League of Women Voter
21 districts, that were held up as examples of
22 what we ought to aspire to. Our districts are
23 more compact than the League of Women Voters'
24 districts, and compactness was held up by the
25 Court, properly so, as a value to which we

1 ought to aspire.

2 By applying the functional analysis
3 recognized by the Court, the Senate map
4 preserves, protects and expands minority voting
5 rights in an incumbent-neutral fashion. There
6 are Republicans pitted against Republicans,
7 there are Republicans pitted against Democrats,
8 and when this Senate convenes again, there will
9 be more minorities on this floor than ever
10 before in Florida history. Imagine that. And
11 there will be more Democrats, notwithstanding
12 the efforts that some of us might make. If you
13 look simply at the math, it is likely that
14 there might be more Democrats than there are
15 now. The media says that the Republican
16 majority will be reduced by at least three, and
17 if it is in the newspaper, it must be true,
18 although there is the variable of candidates
19 and message.

20 By using the most random and most
21 mathematically random method of assignment
22 possible, the committee substitute before you
23 provides that district numbers are assigned in
24 an entirely fair and incumbent-neutral manner,
25 and notwithstanding the fact that the

1 distinguished Minority Leader has announced,
2 unfortunately, that she is going to vote
3 against the overall bill, the fact is that she
4 was a full partner, cooperated in a completely
5 faithful way in making sure that the
6 incumbent-neutral random selection process by
7 which districts were assigned, she oversaw it,
8 she and the Majority Leader jointly made the
9 motion that defined it.

10 So I believe, in summary, members of the
11 Senate, that we have done our job, we have
12 followed the Constitution, and as the Minority
13 Leader so properly said, the Court acknowledged
14 that this was the first time that we have had
15 to look at all of these standards and apply
16 them. And, frankly, it is the first time that
17 any legislative body in America has had to
18 apply all of these standards in this fashion
19 all at once in a redistricting process. The
20 fact that we got most of it right the first
21 time isn't enough. The fact is we need to get
22 all of it right the second time.

23 So, Mr. President, I thank the Committee.
24 The members of this Committee have traveled
25 across the state of Florida, they have put in

1 hundreds of hours. The members of this
2 Committee, Republicans and Democrats alike,
3 have studied the testimony, the pages of
4 testimony by the thousands, have listened to
5 people by the hundreds, have taken meetings by
6 the scores so that we could understand how we
7 could do our job better. And every member of
8 our Committee, Democrat and Republican, has
9 contributed to this plan. No matter how they
10 vote, their DNA is in the improvements in this
11 plan. I thank particularly President Margolis,
12 who sat right next to me to try to keep me
13 under control during this whole process, and
14 who many, many times would lean over to me and
15 explain to me what was going to happen next,
16 because of her deep understanding of the
17 Legislature and of the political process. And,
18 Mr. President, I particularly thank you for
19 appointing President Margolis to serve as
20 Vice-Chair of our Committee, because she
21 brought great credibility and gravitas to our
22 deliberations.

23 Our Leader has already thanked -- Leader
24 Gardiner has already thanked John Guthrie and
25 the professional staff who have worked, not

1 only heroically, but they have worked
2 effectively to provide members of this Senate
3 the information that you need in order to make
4 the vote that you are about to make. And I
5 would thank every Senator. And I would again
6 state for the record, whether a Democrat or
7 Republican, every single Senator who has
8 participated in this process has done so
9 without asking for favoritism and without fear.
10 They have simply provided their best analysis
11 and offered criticism where appropriate, have
12 offered suggestions when they thought the
13 suggestions would improve the plan.

14 And finally, Mr. President, I thank you
15 for putting enough trust in the members of our
16 Committee and President Margolis and me that
17 you would give us this assignment, this
18 once-in-a-decade assignment. It is very likely
19 that none of us will be here the next time this
20 assignment is handed out, and for that, sir, I
21 must say I am relieved, but I appreciate the
22 confidence that you have shown in us.

23 So let us send our work now to our
24 partners in the House of Representatives, a
25 plan sensible to our constituents,

1 understandable to all the members of the Senate
2 and faithful to the Constitution.

3 PRESIDENT HARIDOPOLOS: All right.
4 Senator from the Fourth, Senator Gaetz having
5 closed, the Secretary will unlock the machine
6 and Senators will prepare to vote.

7 Have all Senators voted? Have all
8 Senators voted? The Secretary will lock the
9 board and announce the vote.

10 THE CLERK: Thirty-one yeas, six nays,
11 Mr. President.

12 PRESIDENT HARIDOPOLOS: And by your vote,
13 CS for SJR-2B passes by the required vote.
14 Congratulations, Senator Gaetz, well done.

15 Senator from the Eighth, Senator Thrasher,
16 for what purpose do you rise?

17 SENATOR THRASHER: Mr. President, we are
18 ready to take it in, right? Unless there are
19 any -- did you ask for any announcements,
20 Mr. President? I assume there are none.

21 Mr. President, I move that the Senate
22 stand in recess upon the call of the President
23 for the purpose of conducting other Senate
24 business.

25 PRESIDENT HARIDOPOLOS: Without objection,

1 the Senate is now in recess.

2 (Whereupon, the proceedings were

3 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 210 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 March, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014