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CONCURRENT MEETING OF THE SENATE REAPPORTIONMENT
COMMITTEE AND THE HOUSE OF REPRESENTATIVES SELECT
COMMITTEE ON REDISTRICTING

AUGUST 11, 2015

VOLUME I

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Reported by:
CLARA C. ROTRUCK
Court Reporter

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

2 SENATOR GALVANO: Good morning, everyone,
3 if you will take your seats so that we can get
4 started. Okay, I will call to order at this
5 time the Senate Committee on Reapportionment,
6 and ask our Administrative Assistant to please
7 call the Senate roll.

8 ADMINISTRATIVE ASSISTANT: Senator
9 Galvano.

10 SENATOR GALVANO: Here.

11 ADMINISTRATIVE ASSISTANT: Senator
12 Braynon?

13 SENATOR BRAYNON: Here.

14 ADMINISTRATIVE ASSISTANT: Senator
15 Bradley?

16 SENATOR BRADLEY: Here.

17 ADMINISTRATIVE ASSISTANT: Senator Gibson?

18 SENATOR GIBSON: Here.

19 ADMINISTRATIVE ASSISTANT: Senator Lee?
20 Senator Montford?

21 SENATOR MONTFORD: Here.

22 ADMINISTRATIVE ASSISTANT: Senator
23 Simmons?

24 SENATOR SIMMONS: Here.

25 ADMINISTRATIVE ASSISTANT: A quorum is

1 present.

2 REPRESENTATIVE OLIVA: Thank you,
3 Chairman. I would like to call to order the
4 House Select Committee on Redistricting.
5 Missy, if you would please call the roll.

6 ADMINISTRATIVE ASSISTANT: Chair Oliva?

7 REPRESENTATIVE OLIVA: Here.

8 ADMINISTRATIVE ASSISTANT: Vice Chairman
9 McBurney?

10 REPRESENTATIVE MCBURNEY: Here.

11 ADMINISTRATIVE ASSISTANT: Representative
12 Cummings?

13 REPRESENTATIVE CUMMINGS: Here.

14 ADMINISTRATIVE ASSISTANT: Representative
15 Fullwood?

16 REPRESENTATIVE FULLWOOD: Here.

17 ADMINISTRATIVE ASSISTANT: Representative
18 Metz?

19 REPRESENTATIVE METZ: Here.

20 ADMINISTRATIVE ASSISTANT: Representative
21 Moskowitz?

22 REPRESENTATIVE MOSKOWITZ: Here.

23 ADMINISTRATIVE ASSISTANT: Representative
24 O'Toole?

25 REPRESENTATIVE O'TOOLE: Here.

1 ADMINISTRATIVE ASSISTANT: Representative
2 Santiago?

3 REPRESENTATIVE SANTIAGO: Here.

4 ADMINISTRATIVE ASSISTANT: Representative
5 Slosberg?

6 REPRESENTATIVE SLOSBERG: Here.

7 ADMINISTRATIVE ASSISTANT: Representative
8 Sullivan is excused. Representative Trujillo.

9 REPRESENTATIVE TRUJILLO: Here.

10 ADMINISTRATIVE ASSISTANT: Representative
11 Watson? Representative Young?

12 REPRESENTATIVE YOUNG: Here.

13 ADMINISTRATIVE ASSISTANT: You have a
14 quorum.

15 REPRESENTATIVE OLIVA: Chairman, a quorum
16 is present.

17 SENATOR GALVANO: Thank you, and again,
18 good morning, everyone. We have a busy
19 schedule ahead of us today with presentations
20 both on the legal opinion as well as the
21 discussion map as we talked about in both
22 chambers yesterday.

23 Chairman Oliva, let me tell you it is a
24 pleasure to be working with you on this
25 endeavor and we appreciate this joint meeting

1 and hopefully we will have the opportunity
2 today to really vet through where we are and so
3 that we can go forward with our respective
4 committees and do the work ahead of us. Again,
5 it is a pleasure to work with you, sir.

6 REPRESENTATIVE OLIVA: Thank you, Chair
7 Galvano. I assure you the pleasure is
8 certainly mine. This is important work that we
9 are here to do and I want to just take a moment
10 to commend the staff. It was no small feat
11 that you had to undertake in a short period of
12 time, and we look very much forward to the
13 presentation of your work today and to moving
14 swiftly through this process. So thank you.

15 With that I turn it back over to you.

16 SENATOR GALVANO: Thank you, Chairman. We
17 are going to start this morning with a briefing
18 from legal counsel. We have attorney George
19 Meros and attorney Justice Raoul Cantero, and
20 if you all would, I think Raoul, you are going
21 to start this morning. And members your
22 pleasure as well, I think it would run more
23 smoothly if we heard the presentations and then
24 had questions after the initial presentations
25 so that we can get through the materials and

1 then the members perhaps some of the questions
2 they might have asked during the course of it
3 might get answered during the presentation.

4 Okay, you are recognized.

5 JUSTICE CANTERO: Thank you, Chair Galvano
6 and members of the committee from the Senate
7 and House, it is my honor to represent the
8 Florida Senate in these matters and to present
9 before this Joint Committee meeting today.

10 I don't want to presume that everyone on
11 the committee knows everything about
12 redistricting or necessarily was on this
13 committee before. I am just going to go very
14 briefly over some of the parameters and the
15 legal requirements you need to consider in your
16 decision-making process. And I will be very
17 brief and then Mr. Meros will have some brief
18 comments as well and then I am going to turn it
19 over to the real stars of the show who are the
20 map drawers who are will present what they did
21 and the base map to you for consideration. But
22 I want to give you some brief background so you
23 understand the context in which we are here
24 today.

25 The first slide you see up there is the

1 2002 congressional map. We have Florida
2 enjoyed 25 congressional districts in 2002. As
3 a result of the 2010 decennial census Florida
4 gained two congressional districts. So it went
5 from 25 districts to 27 districts, and as part
6 of our constitutional duties we had to
7 reconfigure the map in order to have 27
8 districts of equal population. Under the
9 Florida -- under the Federal Constitution,
10 populations have to be almost precisely equal.
11 So under the map you will see there was only a
12 deviation of one person, if at all in the
13 district.

14 In the interim in November of 2010, the
15 voters posed amendments to the Florida
16 Constitution which imposed requirements and
17 parameters for drawing congressional and state
18 legislative districts.

19 The first provision in Article 3, Section
20 20(a) which we now call the Tier 1 factors
21 because they govern over any other factors, is
22 that no apportionment plan or individual
23 district shall be drawn with the intent to
24 favor or disfavor a political party or an
25 incumbent, and districts shall not be drawn

1 with the intent or result of denying or
2 abridging the equal opportunity of racial or
3 language minorities to participate in the
4 political process or to diminish their ability
5 to elect representatives of their choice, and
6 districts shall consist of contiguous
7 territory.

8 Now, that second clause regarding racial
9 or language minorities mimics the Voting Rights
10 Act of Federal law, Sections II and Section V
11 of the Voting Rights Act. So it is intended to
12 apply the Voting Rights Act throughout the
13 State of Florida. And so you will -- you may
14 be hearing a lot of talk about Section II or
15 Section V.

16 The next provision which we now refer to
17 as the Tier 2 factors because they are
18 subordinate to the Tier 1 factors is that
19 unless compliance with the standards in this
20 subsection conflicts with the standards in
21 subsection (1)(a) or with the Federal law,
22 districts shall be as nearly equal in
23 population as is practicable. Districts shall
24 be compact and districts shall, where feasible,
25 utilize existing political and geographic

1 boundaries.

2 So when we talk about equal in population
3 as possible, in drawing congressional districts
4 it simply means equal in population. There is
5 United States Supreme Court precedent that it
6 needs to be equal in population.

7 And then where feasible utilize existing
8 political and geographic boundaries, the
9 political boundaries we are talking about,
10 counties and city boundaries, and as the case
11 law has developed, courts, the Florida Supreme
12 Court has talked about keeping counties and
13 cities whole wherever possible. That doesn't
14 exactly match up with the language, but it is
15 an interpretation of that language.

16 So in evaluating compactness, the Court
17 has adopted essentially two methods of
18 measuring compactness that you will be hearing
19 about today. The first is called a Reock score
20 and you determine the Reock score by dividing
21 the area of the district, and that is the green
22 area on the left side of that slide, and
23 dividing it by the area of the closest circle
24 that can be drawn around a district, the
25 smallest circle. So it will always be a number

1 less than one because it will always be less
2 than the complete circle, and usually a Reock
3 score will be less than the Convex Hull score
4 which is on the right.

5 The Convex Hull score is dividing the area
6 of the district by the area of the smallest
7 surrounding polygon that can be drawn around
8 the district, and the easiest way to picture
9 that is if you put a rubber band around the
10 district, that is the denominator, and then the
11 numerator is the area of the district. So that
12 is usually a higher number.

13 So when you hear the map drawers this
14 morning talk about the Reock score or the
15 Convex Hull score, that is what they are
16 talking about and that is what map drawers look
17 at and that is what the courts have looked at
18 as well in determining compactness. And you
19 will see compactness is an important Tier 2
20 measurement.

21 In 2012, the House and the Senate each
22 independently developed the map for
23 congressional districts. On the far right is
24 the Senate's final version. In the middle is
25 the House's final version and I know for three,

1 and then at the end, 9047 was the map that the
2 Legislature passed in 2012. February of 2012,
3 to be exact. And you will see for future
4 reference the purple District 5 we will talk
5 about later. That goes from Jacksonville down
6 to Seminole County and near Orlando, and we
7 will be talking about that later in particular.

8 So shortly after, in fact, immediately
9 after the districts were drawn, Plaintiffs
10 filed a lawsuit claiming that 10 out of the 27
11 districts violated Article 3, Section 20 of the
12 Florida Constitution.

13 The Court, after discovery, held a trial
14 from May 19 to June 4th, of last year and they
15 focused on the development of the House and the
16 Senate plan and the reconciliation process that
17 led to the enacted plan. And in July of 2014,
18 the Circuit Court found that two districts,
19 District 5, which I spoke about just now, and
20 then District 10 which is west and east of the
21 southern edge of District 5, it includes
22 Orlando, it is hard to see on this map because
23 it is also kind of purplish and pinkish in
24 color.

25 The Court held that Districts 5 and 10

1 were unconstitutional and significantly held
2 that the other eight districts that were
3 challenged were not unconstitutional. And so
4 the Court, the Circuit Court held that the
5 Legislature needed to redraw Districts 5 and
6 10, and if you are recall, those of you who
7 were on the committee last year, and I was up
8 here last year, we focused solely on District 5
9 and District 10, because those were the only
10 districts that the Circuit Court told us we
11 needed to redraw.

12 So we did that in conformity with the
13 Circuit Court's Order, we went back to the
14 Circuit Court in August of 2014, and we -- and
15 the Court approved this map here, 9057, and you
16 will see District 5 is changed somewhat.

17 You will see that it looks a little fatter
18 than it did before in the previous slide, and
19 what you may not be able to see is that it does
20 not go into Seminole County. There was a
21 finger in District 5 that went into Seminole
22 County that you don't see it anymore because
23 that -- that was what the Circuit Court found
24 that was unconstitutional. And then there is
25 also an appendage that went from District 10

1 around District 5 in the previous map that we
2 removed as well, and the Circuit Court approved
3 what we did and said that we had conformed to
4 the Circuit Court's opinion and its concerns
5 about the map.

6 Then it was the Plaintiffs who appeals the
7 judgment to the First District Court of Appeal.
8 The First District Court of Appeal certified
9 the case as requiring immediate resolution by
10 the Florida Supreme Court.

11 The Florida Supreme Court took
12 jurisdiction and ordered briefing on an
13 expedited basis. We had oral argument this
14 past March, and on July 9 the Florida Supreme
15 Court reversed certain of the Trial Court's
16 decisions.

17 The Court found that not only District 5,
18 but District 13, 14, those are in the Tampa
19 Bay, Hillsborough County, Pinellas area,
20 Districts 21 and 22, which you will see on the
21 map are Palm Beach, the Palm Beach area.
22 District 25, which is in Hendry County, that
23 very light purple in South Florida, and
24 Districts 26 and 27 in Miami-Dade County and
25 Monroe, all of those were problematic and

1 needed to be redrawn.

2 The Court then relinquished jurisdiction
3 for a period of 100 days so that the
4 Legislature could redrawn the districts and any
5 other districts that were affected by redrawing
6 these eight districts.

7 Then after the map is redrawn the Court
8 will hold a hearing, the Circuit Court will
9 hold a hearing if necessary. If there is any
10 dispute about this new map, the Plaintiffs will
11 be allowed to present argument in alternative
12 maps and then the Circuit Court will determine
13 whether to approve or disapprove the map.

14 At the same time that we submit these
15 documents and the map to the Circuit Court we
16 also need to submit it to the Supreme Court and
17 then the Trial Court will recommend to the
18 Supreme Court whether to adopt the new map or
19 to approve the new map or not.

20 In its opinion the Supreme Court provided
21 four general recommendations as to how the
22 process should go.

23 It did not say that these were
24 requirements, but encouragements essentially.
25 It said it encouraged the Legislature to

1 conduct all meetings in which it makes
2 decisions on the new map in public and to
3 record any non-public meetings for
4 preservation.

5 It encouraged the Legislature to provide a
6 mechanism for the challengers and others to
7 submit alternative maps and any testimony
8 regarding those maps for consideration and
9 allow debate on the maps. It encouraged the
10 Legislature to preserve all e-mails and
11 documents related to the redrawing of the maps,
12 and I believe you have seen memos requesting
13 you to preserve e-mails, and it encouraged the
14 Legislature to publicly document the
15 justifications for its chosen configurations.

16 Now, as to the specific criticism and
17 specific direction as opposed to the
18 recommendations on the map, the Court found
19 that District 5 needed to be redrawn in an
20 east/west manner and specifically alluded to
21 the Plaintiffs' alternative map that it had
22 submitted at the trial. And if you look at
23 District 5 on the map on north Florida, rather
24 than in that north/south configuration that you
25 saw previously, the Court held that this

1 district had to go from east to west, and
2 specifically noted that this configuration that
3 the plaintiffs proposed would be
4 constitutional. And so you will see later on
5 in the presentations of the map drawers that as
6 to this district we simply inserted the
7 district that the Court specifically said would
8 be approved. And this is the previous
9 iteration of District 5.

10 Then as to Tampa, Tampa Bay, the Court
11 held that the Constitution did not justify a
12 configuration of Districts 13 and 14, and that
13 is the blue and yellow, and specifically where
14 District 14 crosses Tampa Bay into Pinellas
15 County, and it held that that District 14 had
16 to be drawn in Tampa Bay.

17 Next the Court found that the Legislature
18 failed to justify its decision to draw
19 Districts 21 and 22 longitudinally side by side
20 as you see here in the map. Specifically as to
21 this configuration the Court did not require
22 that these districts be drawn one on top of the
23 other.

24 It did refer to certain testimony at trial
25 and a particular iteration of these districts

1 that was one on top of the other, but it also
2 noted that at trial the Plaintiffs' own
3 alternative had these districts side by side.
4 So it kind of expressed a preference for a top
5 and bottom configuration of the two maps, but
6 it did not specifically require them to be
7 drawn one on top of the other. It did say that
8 we failed to justify why these were side by
9 side.

10 As to District 25, the Court found that
11 the Legislature failed to justify why it split
12 Hendry County, that it did not need to split
13 Hendry County to protect minority rights. And
14 so it ordered that the district be drawn to
15 have Hendry County whole.

16 And then finally, in Miami-Dade County the
17 Court held that the Legislature had not
18 justified a drawing District 26 and 27 to split
19 Homestead. You will see on this slide here
20 that the boundary of District 26 and 27 splits
21 the city of Homestead and the Court held that
22 these must be drawn to avoid splitting
23 Homestead.

24 After this opinion the Court directed
25 staff to begin their work in redrawing

1 congressional districts. And again it is 5, 13
2 and 14, 21 and 22, 25, 26 and 27, and then
3 whatever districts are going to be affected by
4 redrawing those and specifically in north
5 Florida you will see once you redraw District 5
6 from going north/south to going east/west there
7 is a lot of other districts that are going to
8 be affected. So staff was directed to do that.

9 Then we present to you, we are going to
10 present to you today a base map for discussion
11 purposes so that you as the committee can
12 determine, have something to look at and
13 something to go from in making your decisions.

14 After you make your decision and the
15 Legislature adopts a new map, then this will go
16 back to the Circuit Court and there is a
17 hearing tentatively scheduled if it needs to
18 occur for September 24, 25 and Monday,
19 September 28th, if necessary, to adjudicate any
20 disputes that may arise of the drawing of the
21 new map.

22 And now my colleague in the house, George
23 Meros, will have a few words of his own and
24 then we had get to the real players.

25 SENATOR GALVANO: Good morning, Mr. Meros,

1 you are recognized.

2 MR. MEROS: Good morning. Chairs,
3 Senators, Representatives, it is my honor and
4 with me is Andy Bardos from Gray Robinson to
5 represent the House of Representatives today.

6 I just have three quick points that I
7 wanted to raise with the committees for your
8 consideration. First of all, the question of
9 why a base map in the first instance. There
10 have been appropriate questions asked as to why
11 that would be done.

12 The first thing to understand is the
13 Supreme Court imposed a very tight time frame
14 on the Legislature to make these changes to the
15 map. The notion and the thought was that in
16 order to meet that deadline it was best to try
17 to come up with a map that the map drawers felt
18 to be as compliant as possible to start the
19 conversation, to serve as a foundation, to make
20 your questions, your amendments more concrete.
21 And also it is one notable issue, the League of
22 Women Voters in common cause criticized the
23 Legislature in the beginning of the public
24 submission process that there was not a map for
25 the public to critique in the beginning. So

1 because of the time frame, because of the
2 earlier concerns about why not something to
3 critique, and further, because these map
4 drawers throughout this process have been found
5 to be slightly credible without any political
6 mal-intent, doing what they were supposed to
7 do. So to put them in what we call a sterile
8 environment, to start the process I think the
9 Presiding Officers thought that to be a wise
10 thing to do.

11 There were also appropriate questions
12 about how did the map drawers get to where they
13 are in this map. And I know, Senator Montford,
14 that was one question that you had, and I can
15 tell you what you will see from the map
16 drawer's presentation is that every iteration,
17 every possible decision going left or right or
18 north and south is in the record.

19 There are draft maps. There are draft
20 districts that were decided not to go that way.
21 And so you will be able to see and assess every
22 decision point that these folks made, and I
23 think you will soon understand the depth of
24 their analysis and also the strength of their
25 reasoning in what they did.

1 The second question, and Justice Cantero
2 raised it to some extent, is why Congressional
3 District 5 going east/west and why do we or
4 does the base map just put in the alternative
5 noted by the Supreme Court.

6 Well, first and foremost, that was a legal
7 decision. I think the legal teams decided that
8 was the wisest thing to do. The reality is
9 that the Florida Supreme Court on pages 29 and
10 30 of the West Law edition of the opinion, went
11 into great detail saying that this alternative,
12 what we call Romo A was essentially the
13 exemplar as how the Legislature should do it.
14 We believe the most prudent thing to do is to
15 have that as a safe harbor and to put that
16 east/west configuration in there.

17 That said, let it not be misunderstood
18 that anyone from the House and Senate in this
19 process from the beginning believed or believes
20 that an east/west configuration of CD 5 is
21 required or consistent with the amendments. We
22 do not believe that. Notwithstanding that, the
23 Supreme Court has told us to do so. So that is
24 the position we are in with regard to CD 5.

25 The last thing that I would note is the

1 issue of how can members propose amendments and
2 how can they do that within the time allotted.
3 Again, to be clear, the time frames are not
4 ones that we like, but we are -- but we have to
5 comply with them. There are a limited number
6 of districts that are at issue, and the map
7 drawers have already come up with any number of
8 different alternatives and these folks are --
9 are so good at what they do that I am confident
10 that if members of the public, if members of
11 the Legislature wants help from these staff, it
12 will likely be relating to certain areas of
13 certain districts and not a complete redraw of
14 all eight districts. And they can turn that
15 around and provide help and provide options to
16 all of you in very short order.

17 They are remarkable. And so I encourage
18 everyone to meet with the staff and to let them
19 show you just how they can provide you options
20 and help you with amendments if you choose to
21 file any.

22 That is all I have, thanks.

23 SENATOR GALVANO: Thank you, Mr. Meros.

24 At this time we will take some questions on the
25 legal procedural history as well as the

1 specifics of the July 9th opinion, and I know
2 Chairman Bradley, you had a question, followed
3 by Vice Chair Braynon.

4 SENATOR BRADLEY: Thank you, Mr. Chairman.
5 Justice Cantero, thanks for your wise counsel
6 as you lead us through this process.

7 I have some questions about the
8 alternative map, Romo A, the Plaintiffs'
9 alternative map, Romo A, which has been
10 explained was literally embedded into the
11 decision by the Florida Supreme Court. So in
12 effect have said, they in effect have drawn a
13 map and given it to us and said, follow this.

14 Through any discovery that was done or
15 what is the background of Plaintiffs'
16 alternative map? Who drew it?

17 SENATOR GALVANO: You are recognized.

18 JUSTICE CANTERO: Thank you, Mr. Chair.
19 Well, first, let me say that the Court did not
20 necessarily require that we insert Romo A's
21 District 5, but it did approve Romo A in
22 District 5 and since we were concerned from the
23 beginning and we argued to the Court and we
24 argued in the Circuit Court that an east/west
25 district was not feasible in order to protect

1 minority rights, that is why we kept a
2 north/south configuration. But since the
3 Florida Supreme Court held that an east/west,
4 what the holding was is that an east/west
5 configuration is required.

6 And so since that was the holding, we
7 determined that the -- to maximize the chances
8 that the Court will approve it, we just
9 inserted Romo A.

10 Now, to answer your question, there was
11 evidence presented during the case that that
12 district was drawn by NCEC which is an
13 organization that draws maps for the Democratic
14 Party.

15 SENATOR BRADLEY: Okay, and so was the
16 record that the Florida Supreme Court
17 presented, did that record include, are they
18 aware of that evidence? Are they aware that
19 the map that they embedded into their opinion
20 and told us to follow was prepared by
21 Democrats?

22 JUSTICE CANTERO: I believe they are aware
23 of it. We certainly noted it in our -- our
24 brief. It was a thorough, nearly 100-page
25 brief or 150-page brief. So we noted it and I

1 believe Justice Canady in his dissent noted it
2 as well. So they were aware of it.

3 SENATOR BRADLEY: So, if I may, Mr.
4 Chairman.

5 SENATOR GALVANO: Yes.

6 SENATOR BRADLEY: So just help me
7 understand. If the Florida Supreme Court is
8 basically drawing a map and they know that the
9 map is drawn by partisan Democrat operatives
10 and they are telling us to follow that, how
11 does that comply -- how were the Justices who
12 told us to do that complying with the
13 Constitution which requires people who draw
14 maps to not be led by partisan motivation?

15 SENATOR GALVANO: You are recognized.

16 JUSTICE CANTERO: Thank you, Mr. Chair. I
17 think the answer to that question is above my
18 pay grade. I think you would have to ask them
19 what their motivations were and I don't want to
20 insinuate any motives. You have to recall,
21 Senator Bradley, that I am going to have to
22 defend these districts in the Florida Supreme
23 Court, too. So I don't want them to be mad at
24 me before I even enter that courtroom.

25 SENATOR BRADLEY: Well, we all have

1 different rules in play.

2 JUSTICE CANTERO: That is right.

3 SENATOR BRADLEY: I appreciate it. I
4 don't have any further questions.

5 SENATOR GALVANO: All right, Chairman
6 Braynon, you are recognized.

7 SENATOR BRAYNON: Thank you, Mr. Chair.
8 Can you tell me a little bit about what the
9 Court said about the intent of the drawing of
10 the eight districts? I know we talked about
11 why they were, you know, what was wrong with
12 them, right? But specifically it says it shall
13 be drawn -- it shall not be drawn with the
14 intent to favor or disfavor a political party.

15 How did they come to the -- to the -- to
16 the conclusion that these specific things were
17 drawn with an intent to favor?

18 JUSTICE CANTERO: The Court used
19 circumstantial evidence which was the
20 submission of maps by the public that where the
21 evidence showed drawn by political consultants
22 and submitted in the public process through
23 other names. There was not any direct evidence
24 introduced that anybody in the Legislature,
25 Senate or House knew that these were actually

1 drawn by political consultants, but what the
2 Court determined that there were some of the
3 districts that got into the map, the ultimate
4 map that were similar to those maps, or that
5 during the reconciliation process some
6 decisions were made that were outside a public
7 hearing, and therefore, the Court insinuated
8 that there must have been some intent, although
9 there was no direct evidence of intent.

10 SENATOR GALVANO: Further questions?

11 SENATOR BRADLEY: Was there -- were there
12 any seats drawn I guess in the previous map
13 that they said there was an intent, but it
14 didn't favor a political party? Like maybe
15 there was -- there could have been proof that
16 there was an intent. Like you just said that
17 someone from outside submitted a map, right?

18 JUSTICE CANTERO: Yes.

19 SENATOR BRADLEY: You could submit a map
20 and it not actually favor or disfavor someone,
21 but your intent, you submitted it under a false
22 name or whatever. Was this anything that
23 happened like that?

24 JUSTICE CANTERO: Well, that is exactly
25 what happened, that they were submitted under

1 -- I mean, that is what the Circuit Court
2 found, but what they didn't find was that any
3 Senator or House member knew about that.

4 SENATOR GALVANO: Senator Montford, you
5 are recognized for a question.

6 SENATOR MONTFORD: Thank you, Mr. Chair.
7 Justice Cantero, thank you for your
8 presentation, both presentations.

9 Help me follow up on a couple of questions
10 that have already been asked. I am trying to
11 understand the relationship between the Supreme
12 Court and the Legislature here. I am not, I am
13 not a lawyer, but if in fact the Supreme Court
14 has said, we will draw this line, these
15 districts of east and west, and which they have
16 said, and I also heard you say, I think, and
17 correct me if I am wrong, that you and staff
18 don't necessarily agree with that, but because
19 of the position you are in you are going to be
20 standing in front of the Supreme Court, you
21 felt like it is in the best interest of this
22 body to get this done is to go east and west.

23 With that being said, in your opinion and
24 I am sure you have worked with the staff, could
25 we draw a map that does not go east and west?

1 In fact, does not split three of the counties
2 that are now whole, and meet the requirements
3 of the Supreme Court?

4 SENATOR GALVANO: You are recognized.

5 JUSTICE CANTERO: Thank you, Mr. Chair.

6 As I read the Supreme Court opinion, the answer
7 is no.

8 SENATOR MONTFORD: A follow up, Mr. Chair?

9 SENATOR GALVANO: Yes, sir.

10 SENATOR MONTFORD: Not -- not being
11 facetious here, but does east/west mean
12 east/west, or could it be northeast/southwest?

13 SENATOR GALVANO: You are recognized.

14 JUSTICE CANTERO: We have a general --
15 thank you, Mr. Chair. No, I understand your
16 question. I believe that there was maybe
17 evidence of one map that had been submitted
18 that did have a northeast to southwest
19 configuration as I recall the evidence, but
20 this was a year ago. But again, as I recall
21 the testimony that configuration did not -- at
22 least staff decided it did not perform for
23 minorities, and so that kind of configuration
24 would not work.

25 SENATOR MONTFORD: Follow up, Mr. Chair.

1 JUSTICE CANTERO: But to continue
2 answering your question, we did not discuss
3 that with the staff after July 9th, of this
4 year.

5 SENATOR GALVANO: You are recognized for a
6 follow up.

7 SENATOR MONTFORD: Thank you, Mr. Chair.
8 In the Tier 2 we have reasonably compact.
9 Could you make a case that being reasonably
10 compact would also or could also include an
11 area such as Leon County that tends to be the
12 hub, if you will, of educational interest,
13 medical services, employment opportunities and
14 so on?

15 Would that not -- could you not make a
16 good case that that -- that reasonably compact
17 would include those characteristics as well?

18 JUSTICE CANTERO: You know --

19 SENATOR GALVANO: You are recognized to
20 answer that, and I think some of those
21 questions would probably be best reasked once
22 we look at the map as a whole, but please go
23 ahead.

24 JUSTICE CANTERO: Well, I think the answer
25 is more precisely that in order to comply with

1 political boundaries and in order to keep
2 cities and counties whole, sometimes districts
3 are less compact than they otherwise would be,
4 and because that is also a Tier 2 factor,
5 political and geographic boundaries, that it is
6 not necessarily unconstitutional to make more
7 cities and counties whole even if the map is
8 less compact because you are doing it less
9 compact at the expense, but the benefit that
10 you get is they have more cities and counties
11 whole.

12 SENATOR MONTFORD: Follow up question.

13 SENATOR GALVANO: You are recognized.

14 SENATOR MONTFORD: Thank you. Justice
15 Cantero, you mentioned, referred to our
16 constitutional duty to draw maps.

17 JUSTICE CANTERO: Yes.

18 SENATOR MONTFORD: If this body were to
19 believe in our wisdom that an east/west
20 configuration may not be the best, if we did
21 not recommend something different, would we --
22 would we not be not following our
23 constitutional duties?

24 SENATOR GALVANO: You are recognized.

25 JUSTICE CANTERO: Thank you, Mr. Chair.

1 As -- as the counsel for the Senate, my answer
2 would be that you believe you are following
3 your constitutional duty because you believe
4 that complies. However, it would not comply
5 with the Florida Supreme Court's directive to
6 draw it in an east/west configuration, and
7 therefore, it would be in danger of not being
8 approved.

9 SENATOR MONTFORD: One final, final.

10 JUSTICE CANTERO: Absolutely.

11 SENATOR MONTFORD: Is it our
12 constitutional duty to follow the Supreme
13 Court's recommendation?

14 SENATOR GALVANO: You are recognized.

15 JUSTICE CANTERO: Thank you, Mr. Chair.
16 My advice would be yes.

17 SENATOR MONTFORD: Thank you, Mr. Chair.

18 SENATOR GALVANO: Representative Santiago,
19 you are recognized.

20 REPRESENTATIVE SANTIAGO: Thank you, Mr.
21 Chairman.

22 SENATOR GALVANO: Should I get Mr. Meros
23 up here to answer your question?

24 REPRESENTATIVE SANTIAGO: The question is
25 for you actually.

1 SENATOR GALVANO: Okay.

2 A VOICE: And you are welcome to defer to
3 Mr. Meros.

4 REPRESENTATIVE SANTIAGO: Thank you, Mr.
5 Chairman. I just wanted to get some
6 clarification, you mentioned in the beginning
7 of your comments about Sections 2 and 5 of the
8 Voting Rights Act, and how it pertains to the
9 Florida Constitution. Can you elaborate for me
10 if they comply with each other?

11 Are they conflicting or are they exact?
12 Can you elaborate on that, and also when you do
13 that can you define for me the section where it
14 talks about to participate in the political
15 process, what exactly does that mean?

16 SENATOR GALVANO: You are recognized.

17 JUSTICE CANTERO: Thank you, Mr. Chair.
18 It applies to very disparate kinds of
19 situations, but specifically regarding
20 redistricting it applies in the following way.

21 Section 2 of the Voting Rights Act
22 requires that legislatures draw a district to
23 be a majority/minority district if in fact one
24 could be drawn, and prohibits legislatures from
25 putting African-Americans in two different

1 districts in order to prevent them from having
2 a majority in either district, or putting too
3 many in one district when you could put a
4 majority in two districts or three districts.
5 So it protects minorities from getting a
6 minority district when necessary, that is
7 Section 2.

8 Section 5 prohibits any diminishment in
9 the rights of minorities to vote, and what that
10 means is that for example, Section 5, I mean
11 District 5, District 5 has been a performing
12 minority district for many years. And so the
13 Legislature cannot do anything that would
14 diminish minorities' ability to elect a
15 candidate of their choice, and that is going to
16 be very relevant to issues regarding District
17 5, because there may be configurations that you
18 discuss including keeping Tallahassee whole
19 that will further diminish or further reduce
20 the black voting age population in District 5.

21 In 9047 which was the originally adopted
22 district that went to trial, it was a 50.1
23 percent black majority district and we
24 specifically made it a 50.1, slightly over
25 50 percent because we believed that Section 2

1 of the Voting Rights Act as incorporated into
2 the Florida Constitution required us if we were
3 able to draw a majority/minority district, to
4 in fact draw a majority/minority district and
5 the NAACP in fact supported our efforts and
6 actually sat at the table with us at trial
7 regarding District 5 to try and protect that
8 district.

9 That was 9047. When we redrew the map
10 last year we reduced the black voting age
11 population to 48.1 percent, and the Circuit
12 Court determined and we made a functional
13 analysis to assure ourselves that blacks would
14 still be able to elect a candidate of their
15 choice.

16 Now under the District 5 that the Florida
17 Supreme Court approved, the black voting age
18 population is further reduced to 45 percent,
19 which we argued to the Court would not be a
20 performing district, but the Court rejected our
21 argument and decided that, yes, that 45 percent
22 is sufficient. And in fact, there has been a
23 lawsuit filed already to challenge that
24 determination.

25 We are concerned that certainly if

1 45 percent is too low, anything below that, any
2 configuration of District 5 that would go below
3 45 percent creates a further danger that blacks
4 would not be able to elect a candidate of their
5 choice. So that is a long answer to your
6 question.

7 The other thing that Section 5 of the
8 Voting Rights Act does is there for certain
9 what they call covered counties, in the Federal
10 realm what I just described about diminishment
11 only applies to covered counties, meaning
12 counties that the Department of Justice had
13 determined that in the past had discriminated
14 against minorities, and therefore, needs to
15 approve districts for those counties to confirm
16 that what they were doing did not diminish
17 minorities' ability to elect.

18 In Florida there are five such covered
19 counties, but what the Florida Constitution now
20 does and what the amendments did is to apply
21 Section 5 throughout the State of Florida. So
22 you can't diminish the ability to elect in any
23 county or district in Florida.

24 SENATOR GALVANO: Follow up.

25 REPRESENTATIVE SANTIAGO: One brief follow

1 up, Mr. Chairman. The words that I struggle
2 with and I just want your opinion if you are
3 willing to elaborate on it, is when we say, a
4 candidate of their choice, aren't we making
5 assumptions when we talk in that way, that we
6 assume who people are going to vote for when we
7 box them into these areas?

8 SENATOR GALVANO: You are recognized.

9 JUSTICE CANTERO: Thank you, Mr. Chair.

10 Yes and no. What the function, you do a
11 functional analysis to determine who has the
12 majority, whether it is Democrat or Republican,
13 whether a particular minority group. Sometimes
14 you will see in south Florida it is a
15 Republican, it a Hispanic or group has a
16 Republican majority, you look, whether that
17 majority in a primary election, who it would
18 elect in that election and then make sure that
19 whoever they would elect in that primary would
20 then be electable in the general election, and
21 you look at past voting patterns to determine
22 that.

23 Now, what it is designed to protect
24 against is that the, for example, the black
25 minority would want a black candidate in a

1 primary but that candidate loses in the primary
2 and then the black minority votes for the
3 Democratic candidate in the general or white
4 Democratic candidate, but that wasn't really
5 the candidate of their choice. The candidate
6 lost in the primary. So that is what it is
7 designed to protect against.

8 SENATOR GALVANO: Representative Trujillo.

9 REPRESENTATIVE TRUJILLO: Thank you, Mr.
10 Chair, and Justice, thank you for your very
11 thoughtful presentation.

12 I guess piggy backing on some of
13 Representative Santiago's questions, I think it
14 has been well established that District 5 was
15 probably one of the major areas of concern for
16 the Supreme Court and in the ruling on the
17 east/west configuration, my understanding is
18 that nothing in Article I, nothing in the Tier
19 1 review would require this, nothing in the
20 Florida Constitution would require this, there
21 is nothing in the Tier 2 that would require
22 specifically an east/west configuration.

23 I guess establishing that along with as
24 you know, the Federal challenge that has been
25 filed by the current Congresswoman in that

1 district, I know it is in its infancy, but if
2 you could comment on I guess what is currently
3 happening, the basis for the challenge and I
4 think it is probably in the retrogression from
5 50 to 45, I haven't read the suit, and you are
6 not a psychic, but there is speculation as to
7 the possible success or failure of that
8 challenge.

9 JUSTICE CANTERO: Yes, thank you, Mr.
10 Chair. First let me kind of elaborate on why
11 the Court decided that an east/west
12 configuration was necessary.

13 What the Court held was that the
14 north/south configuration was developed in an
15 era in which gerrymandering was legal and
16 appropriate, and the Court determined that
17 keeping that was essentially the vestige of a
18 gerrymandering era, and it felt that an
19 east/west configuration would make surrounding
20 districts more compact and it would split fewer
21 cities and counties.

22 The problem with the north/south
23 configuration, even though we thought it was
24 necessary, it does create a lot of city and
25 county splits because you are cutting through a

1 lot of cities and counties on the way down.

2 You have to join populations in
3 Jacksonville with populations in central
4 Florida. That is why it snakes like that. But
5 the problem is you create more city and county
6 splits. So the Court said, well, we don't --
7 we can draw a district that is nominally more
8 compact, at least under some measurements, and
9 it creates fewer city and county splits, so the
10 Legislature hasn't justified given the history
11 of District 5 why it needed that north/south
12 configuration. Therefore we adopt an east/west
13 configuration.

14 Now, what the -- what the prospects are
15 for the Federal suit, I think are very hard to
16 predict. I wouldn't predict it. I just -- I
17 think it shows why we had originally decided on
18 a north/south configuration because we thought
19 there may be some problems.

20 I think Congresswoman Brown's concerns are
21 not just about compactness, but also about
22 disenfranchising black voters in that -- in
23 that area of District 5 that had voted for a
24 black Congresswoman or Congressman for the last
25 10 or more, 12 years. And so she is also

1 coming from that point of view that by changing
2 the configuration of the district you are
3 disenfranchising black voters.

4 SENATOR GALVANO: Follow up.

5 REPRESENTATIVE TRUJILLO: Thank you, Mr.
6 Chair. Just a brief follow up. I guess,
7 Justice, procedurally I am sure this lawsuit is
8 probably in Federal District Court. What
9 are -- what do you believe the timelines will
10 be for her lawsuit and whether if they move for
11 some extraordinary remedy as far as an
12 injunction, and if that is granted, what will
13 that do to this entire special session and
14 moving forward with the timelines that were
15 artificially imposed on us?

16 SENATOR GALVANO: You are recognized.

17 JUSTICE CANTERO: Thank you. Well, it is
18 either going to very quickly or very slowly.
19 There has been no motion filed for temporary
20 injunction which I assume would have to have
21 been filed by now if they wanted it to go very
22 quickly.

23 The lawsuit is actually a motion to
24 intervene in a currently pending lawsuit that
25 had been filed in Federal court during the

1 pendency of this lawsuit back in 2013, that
2 only addressed District 5, and that lawsuit had
3 been stayed pending this litigation.

4 Congresswoman Brown's lawsuit -- motion to
5 intervene wasn't filed until I think last week,
6 and then this week or, yes, I think yesterday
7 maybe, the Plaintiffs in that suit voluntarily
8 dismissed their lawsuit. So whether that
9 lawsuit even remains pending is an open
10 question. If it is now not pending I think
11 they can file another lawsuit, but I certainly
12 think that this committee and the Legislature
13 needs to do its work really without, without
14 following what is going to happen in that
15 lawsuit because we have no control over that.

16 I just wanted to add that Mr. Meros has
17 some additional answers to the question if he
18 can speak on that.

19 SENATOR GALVANO: Certainly.

20 MR. MEROS: Thank you, Mr. Chair, and what
21 I want to do is address both Representatives
22 Santiago and Trujillo's comments and also the
23 notion that the Florida Supreme Court held that
24 CD 5 was a vestige of gerrymandering.

25 The fact is CD 5 was drawn in 1992, by a

1 Federal District Court in order to remedy gross
2 discrimination against African-Americans which
3 meant that there had not been a congressional,
4 a Congress person from Florida,
5 African-American Congress person since
6 reconstruction.

7 What happened before then is that instead
8 of combining communities of historical making,
9 along the railroads, along St. Johns River from
10 Jacksonville to Sanford down to Eatonville,
11 African-Americans were disbursed in populations
12 of 20, 25 percent of a district which would
13 elect a white Democrat.

14 That is why a Federal District Court said,
15 enough is enough, there is a section to the
16 Voting Rights Act. This district should be
17 redrawn. The way it was redrawn two years
18 later was challenged by a Federal Court saying
19 that because it was grossly non compact, and a
20 Federal, a three Judge panel redrew it to be
21 the configuration, in essence the configuration
22 of CD 5 as it is presently in north/south
23 configuration.

24 That is the real history of that district.
25 That is a history that was shown to continue to

1 exist in the trial and, Representative
2 Santiago, you talked about participate in the
3 political process.

4 The key there is if you have populations
5 where if you have areas of the state where
6 there is racially polarized vote, where blacks
7 tend to vote for black candidates if they -- if
8 they run, and where whites vote as a block to
9 defeat a black candidate, and other conditions
10 apply, then African-Americans do not
11 participate in the political process.

12 If their candidate to whom they want to
13 cast their vote cannot get any support from the
14 white population, and therefore, no matter how
15 much they vote as a block, they cannot elect
16 their candidate of choice. And that is
17 essentially the standard under Section 2, is
18 there racial block voting, is the white block
19 voting defeating the opportunity of an
20 African-American to have an African-American
21 candidate.

22 To this day the evidence was uncontested
23 in our trial, that in Marion County and this
24 will -- I will misstate this either with regard
25 to County Commissioner or City Commissioner,

1 but in Marion County and Alachua county, to
2 this day there have never been a City
3 Commissioner or County Commissioner, and I am
4 not sure which is which, elected at large in
5 those counties, to this day. Those populations
6 had been joined historically in CD 5.

7 Those populations are part of the railroad
8 community that was created by virtue of the
9 vestiges of discrimination going all the way
10 down to Eatonville, and the notion of that is
11 gerrymandering is I think fundamentally wrong
12 and totally misunderstands why it was created
13 in the first place and what it has done for
14 African-American opportunities. So I just
15 wanted to make sure you understood that.

16 SENATOR GALVANO: Thank you. Senator
17 Gibson, you are recognized.

18 SENATOR GIBSON: Thank you, Mr. Chair, and
19 first I want to appreciate the history lesson
20 by Attorney Meros, because I also wanted to
21 just comment that racial minorities,
22 particularly African-Americans to elect a
23 candidate of their choice are not boxed in.
24 They were boxed in when they were discriminated
25 against as to where at the could live, which is

1 what brings us to where we are today.

2 So my question then, my first question
3 goes to the fact that in the Court's opinion it
4 mentioned that the reality is that neither the
5 north/south nor east/west version of the
6 district is a model of compactness, and then it
7 talks about the Reock and the Convex Hull
8 measure.

9 So in terms of keeping communities whole
10 and not necessarily by boundaries or counties,
11 but communities of people with similar
12 characteristics, similar economic factors,
13 similar cultural factors, how is it then that
14 the court accepts or how is it that we as the
15 Legislature who are ultimately responsible for
16 producing the maps for the constituents that we
17 serve, how is it that we can -- we can see that
18 the Reock scores are similar for the east/west
19 or north/south configuration of CD 5, but
20 relegate that the difference in the Convex Hull
21 scores makes it reasonable for us to consider
22 east/west instead of north/south? That is my
23 question.

24 SENATOR GALVANO: You are recognized.

25 JUSTICE CANTERO: Thank you, Mr. Chair. I

1 think the Court, number one, it considered that
2 apart from compactness you have to consider
3 city and county splits and it determined that
4 an east/west configuration would split fewer
5 cities and counties than a north/south
6 configuration.

7 And as to communities of interest back in
8 2012, when the Court first decided these
9 apportionment cases, the Court noted that the
10 amendments to the Florida Constitution don't
11 talk about communities of interest, and in
12 fact, it rejected the Senate's configuration in
13 northwest Florida and the panhandle that tried
14 to keep communities of interest together, tried
15 to keep the coastal community together and the
16 rural interior community together, but it
17 resulted in non-compact districts. And the
18 Court said that under the amendments to the
19 Constitution desire to keep communities of
20 interest together cannot override the
21 requirement of compactness or keeping cities
22 and counties whole.

23 So while the Legislature may consider
24 communities of interest if by drawing a map to
25 take it into account it thereby creates a

1 non-compact district or creates a lot of city
2 and county splits, then you would not be able
3 to draw a district like that.

4 SENATOR GALVANO: Yes.

5 SENATOR GIBSON: Thank you, Mr. Chair.
6 Well, then I guess I am a little conflicted as
7 to Tier 1 and Tier 2 which I thought Tier 2 was
8 the compactness component and Tier 1 was to
9 keep ethnic minorities with the ability to
10 elect a candidate of their choice, regardless
11 of whether it is African-American, Hispanic,
12 whatever ethnic minority that may exist.

13 Basically what I think you are saying is
14 that what we are -- if we accept east/west
15 which is reduced now to 45 percent from
16 50 percent to 48 percent, then Tier 2 is not
17 subordinate to Tier 1.

18 SENATOR GALVANO: You are recognized.

19 JUSTICE CANTERO: Thank you, Mr. Chair. I
20 think what the Court said was that at
21 45 percent the Court determined, and I think
22 you can read the functional analysis it
23 undertook in its decision, the Court decided
24 that a 45 percent black VAP that it would
25 perform for minorities, and therefore, that

1 that would be a constitutional district.

2 SENATOR GIBSON: Thank you, Mr. Chair. So
3 but isn't 50 percent to 48 percent a reduction
4 and isn't 48 -- 45 percent from 48 percent a
5 reduction in ability?

6 SENATOR GALVANO: You are recognized.

7 JUSTICE CANTERO: Senator Gibson, to a
8 certain extent you are peaching to the
9 converted.

10 SENATOR GIBSON: I know, I just want an
11 answer. Is that a reflection or not?

12 JUSTICE CANTERO: What the Supreme Court
13 has interpreted that language to mean is that
14 if you reduce the voting age population of a
15 minority, but the minority is still able to
16 elect its candidate of choice, then there is no
17 diminishment in the ability to elect.

18 And so for example, at a 45 percent black
19 voting age population, and using the functional
20 analysis, I don't remember the exact numbers,
21 but the Court determined that they would
22 receive enough white voters voting for the
23 black candidate in the primary so that the
24 candidate of choice of black voters would make
25 it into the general election and then be able

1 to win that general election.

2 So it is not necessarily the case and it
3 has been shown before that you need 50 percent
4 of the minority voting age population in order
5 to win a district. You can do it with less
6 than 50 percent, how much less than 50 percent
7 is then the issue. We believed that we needed
8 48. The Court disagreed and said that you
9 could do it with 45.

10 SENATOR GIBSON: Follow up.

11 SENATOR GALVANO: Yes.

12 SENATOR GIBSON: So when the Court looks
13 at these percentages, 50.1 to 48, to 45, which
14 is a reduction, do they look at -- I notice the
15 black VAP overall, but then do they look at the
16 age range of what that percentage make up is?

17 For example, 18 to 25, or 25 to 40?
18 Because obviously there is better performance
19 in some age categories as well. So how does
20 the Court look at the 45.1 percent in those, in
21 that -- in those eyes, I guess.

22 SENATOR GALVANO: You are recognized.

23 JUSTICE CANTERO: Thank you, Mr. Chair.

24 They don't look specifically at the age
25 demographics of voters, but they do look at

1 voter turnout in the previous elections and
2 determine based on that turnout whether you can
3 elect a candidate of choice.

4 I don't recall specifically whether they
5 did it in this opinion, but a functional
6 analysis would include an analysis of voter
7 turnout.

8 SENATOR GALVANO: Further follow up?

9 SENATOR GIBSON: I have one last thing.

10 SENATOR GALVANO: Take your time. This is
11 why we are here.

12 SENATOR GIBSON: So I probably will have
13 many more questions later on, but as I am going
14 through my marked up opinion, the Court makes
15 reference several times in the opinion that the
16 Legislature cannot justify this configuration,
17 that is specific to CD 5, and it also talks
18 about the Legislature not being able to justify
19 reasons for the way they drew some of the other
20 ones that we have to look at.

21 So what justification were they looking
22 for, I guess? I don't -- I don't understand at
23 what point in the process the Legislature had
24 an opportunity to make the justification that
25 they speak of in this opinion, so when would

1 that have happened?

2 SENATOR GALVANO: You are recognized.

3 JUSTICE CANTERO: Thank you, Mr. Chair. I
4 assume they meant during trial, although there
5 was a lot of evidence presented at trial
6 regarding District 5. In fact, it dominated
7 the trial. Not only did we present evidence on
8 the part of staff members, on the part of the
9 Committee Chairs, we also presented, the NAACP
10 presented evidence of residents in the various
11 communities and the history of discrimination
12 in the various communities, and the necessity
13 for drawing a minority district in that area
14 and the results that the minority community has
15 obtained as a result of having a minority
16 representation in Congress. So I cannot tell
17 you again, you are preaching to the converted
18 as to what they said we had no justification.

19 We felt we had plenty of justification for
20 it. And by the way, Mr. Meros corrects me that
21 the Court looks at voter registration, not
22 voter turnout in the functional analysis.

23 SENATOR GALVANO: Senator Gibson.

24 SENATOR GIBSON: Thank you, Mr. Chair. It
25 seems to me that in the opinion that when the

1 Court calls CD 5 the lynchpin, that it is
2 because of CD 5 that we have to make many other
3 changes in the map. And so I don't quite
4 understand how one congressional district is I
5 guess blamed for the configuration of the rest
6 of the map. How can that be?

7 SENATOR GALVANO: You are recognized.

8 JUSTICE CANTERO: Thank you, Mr. Chair.

9 Well, specifically in north Florida by changing
10 the configuration of District 5 from a
11 north/south to east/west, then by virtue of
12 that you need to change a lot of other
13 districts. So that is what happens in north
14 Florida.

15 As to the other districts, I don't think
16 really the Court -- the Court's decision on CD
17 5 necessarily precipitated its decisions in the
18 other areas. It just looked at those, it saw
19 that the Plaintiffs had contested those
20 districts and it determined, and this is
21 important, and maybe I should have mentioned
22 this before.

23 The Court held for the first time that
24 once a court determines that there was an
25 improper intent in drawing a map, that the

1 standard of review, the deference that is given
2 to the Legislature in drawing other districts
3 disappears. And rather than remand it, remand
4 the case to the Circuit Court as usually
5 happens saying, now apply this new standard
6 because the Circuit Court didn't have that
7 standard when it decided the case in 2014,
8 rather than remand it to the Court to apply the
9 standard, the Court without really explanation
10 because I assume because they felt that time
11 was of the essence, applied the standard itself
12 and determined as to these districts that there
13 was not sufficient justification for doing what
14 we did, specifically for crossing into St.
15 Petersburg, crossing over Tampa Bay in District
16 14, for not keeping Hendry County whole and
17 everything else.

18 SENATOR GALVANO: Thank you. Rules Chair
19 Simmons, you are recognized for questions.

20 SENATOR SIMMONS: Thank you, Mr. Chair.
21 Drawing to I understand exactly what -- what
22 the parameters are for us, obviously what you
23 pointed out about this is a remedial process
24 today simply because of the finding of improper
25 intent, and I am looking at page 73 of the

1 Supreme Court's opinion where the last
2 paragraph it says, "The burden should have
3 shifted to the Legislature to testify its
4 decisions and no deference should they have
5 been afforded to the Legislature's decision
6 regarding the drawing of the districts."

7 So knowing that we are not in a situation
8 where if we were doing this on our own and
9 there had not been a finding of improper intent
10 we would be in a different set of
11 circumstances, as a matter of fact. Throughout
12 this opinion I see that the Florida Supreme
13 Court has spoken about the fact that they did
14 apportionment one and others like that, they
15 gave the difference to the Legislature, and now
16 that deference has been lost.

17 Knowing that what they have done is dealt
18 first with District 5, Congressional District
19 5, and I am looking at page 76 at the last
20 paragraph, it says, "We began with District 5
21 which has been a focal point of the challenge
22 to the Legislature's redistricting plan." So
23 that is consistent with what everything has
24 been said here.

25 Now, as I understand it, is the -- is the

1 proposed east/west configuration of
2 Congressional District 5 that staff has
3 prepared exactly the same as one of the
4 Plaintiffs' proposed east/west configuration?

5 SENATOR GALVANO: You are recognized.

6 JUSTICE CANTERO: Thank you, Mr. Chair.
7 Yes, Senator.

8 SENATOR SIMMONS: All right. With that in
9 mind and I certainly appreciate the
10 circumstances under which staff has operated.
11 Everyone is trying to understand exactly what
12 the parameters are of the Florida Supreme
13 Court's decision and you know as well as many,
14 I am a great advocate of the judicial process
15 and certainly the highest of respect for our
16 Supreme Court.

17 I am looking at page 75 in the footnote,
18 if you could pull that up, please, in which the
19 Court discusses the issue of the maps. And I
20 don't read their opinion as saying that they
21 approve of the Romo or the Plaintiffs' maps. I
22 read their opinion saying that we needed to
23 adopt an east/west configuration simply because
24 now that the burden had been placed upon the
25 Legislature, that the Legislature didn't carry

1 its burden to do a north/south configuration.
2 And to me I have great concerns about adopting
3 the Romo or Plaintiffs' map based upon what
4 they have said here, and it is in footnote
5 number 11, after the first sentence. It says,
6 "But alternative maps are not on trial,
7 themselves, as is the Legislature's map and
8 they can provide quote, relevant proof that the
9 Legislature's apportionment plans consist of
10 district configurations that are not explained
11 other than by the Legislature considering
12 impermissible factors, such as intentionally
13 favoring a political party or an incumbent as
14 the Trial Court found the Legislature to have
15 done in this case. Nevertheless, we have
16 reviewed only the alternative maps actually
17 introduced into evidence during the trial and
18 remedial proceedings, rather than any of the
19 summary judgment maps and relied on those maps
20 only inasmuch as they show alternate ways, not
21 necessarily the best or legally required way to
22 configure the districts."

23 And one of the things this they point out
24 in this first sentence of this footnote is the
25 assertion that a plan that has been drawn by

1 partisan operatives aligned here as they say
2 with the Democrat Party or of an unknown
3 origin, it was the assertion that they
4 shouldn't even be considered. The Court says
5 they are not going to go ahead and look at them
6 for any reason other than the fact that they
7 show alternatives exist, not approving them,
8 but in fact saying that these alternatives
9 exist and then they simply said that we had not
10 carried our burden, the Legislature had not
11 carried its burden. And so therefore they
12 ended up as I read it simply stating that what
13 they were going to do is tell us to go back to
14 the drawing board and do it in an east/west
15 configuration.

16 They state on page 87, the bottom line is
17 that none of the Legislature's justifications
18 for its gerrymandered version in District 5 and
19 none of its complaints about an alternative
20 east/west configuration can withstand legal
21 scrutiny, because the Trial Court aired to the
22 Legislature's enacted north/south configuration
23 and because the Legislature cannot justify this
24 configuration, District 5 must be redrawn in an
25 east/west orientation.

1 That is all I read, and if we are to go
2 ahead and adopt what the Plaintiffs have done,
3 I read that knowing that what they have done to
4 us imposing upon us that if we are obligated to
5 find out if this map was drawn by somebody
6 else, if it were in fact drawn with partisan
7 intent, we ourselves must ask that question and
8 I am concerned about us, and I know this, I
9 know this map is simply a beginning point. It
10 is a starting point. It is one that --

11 SENATOR GALVANO: Chairman, we are in
12 questions.

13 SENATOR SIMMONS: So my question to you
14 is, are we in fact being led down the primrose
15 the path to simply adopt the Plaintiffs' plan
16 for District 5?

17 SENATOR GALVANO: You are recognized.

18 JUSTICE CANTERO: Thank you, Mr. Chair.
19 Senator Simmons, the -- it is certainly true
20 that the Florida Supreme Court did not require
21 us to adopt the Plaintiffs' configuration of
22 District 5, and I think they specifically say
23 that. What they do require is an east/west
24 configuration.

25 However, they do mention the, what they

1 call the challengers' proposed configuration at
2 a couple of points in their decision. For
3 example, on page 82 they say, and I quote, "The
4 challengers' proposed east/west configuration
5 of the district has a BVAP of 45.12 percent,
6 higher than the BVAP in the initial draft
7 district drawn by Alex Kelly."

8 And then on page 87 they say, "The
9 challengers have demonstrated that the decrease
10 in the compactness in District 2, and that
11 means their District 2 is an outlier, in fact
12 as few as four and as many as seven other
13 districts can be drawn in a more compact manner
14 by drawing District 5 from east to west."

15 So I don't want to give the impression,
16 Senator Simmons, that the Court actually
17 required us to adopt the Plaintiffs'
18 configuration. However, my advice is that by
19 adopting the Plaintiffs' version that maximizes
20 the chances that the new map and at districts
21 will be approved and that the Court not simply
22 redraw that district on its own, and as the
23 attorney for the Senate, my -- I feel my job is
24 to give advice to maximize the chance that
25 these new districts will be approved, and that

1 is why our advice has been to draw it simply as
2 the Plaintiffs drew it.

3 The other challenge that we would have,
4 not that it is insurmountable, but it is a
5 challenge, is drawing an east/west
6 configuration that is not the Plaintiffs and
7 that doesn't further diminish the BVAP of that
8 district. We certainly do not want to go below
9 the BVAP in the Plaintiffs proposal, which is
10 45.12 percent.

11 SENATOR SIMMONS: Respond?

12 SENATOR GALVANO: Yes, sir.

13 SENATOR SIMMONS: I think those are
14 excellent points, Mr. Cantero, and the question
15 I have now is, if we are going to be between
16 what looks to me like a 48.11 and 45.12 percent
17 range here so that we can assure that we do not
18 diminish the ability of minorities to elect a
19 candidate of their choice as required by both
20 the Voting Rights Act and also our
21 Congressional Fair Districts provision, I am
22 concerned that getting past the BVAP in that
23 issue and non diminution, we have the issue of
24 are we now going to now be required to cross
25 examine this map, knowing that this map is the

1 Plaintiffs' map and are we going to now because
2 of the issue of intent be required to now ask
3 them, who paid for the map, who drew the map,
4 and what was the process in which the map was
5 drawn? Do you feel that is the obligation that
6 we have based upon their opinion that goes
7 through this search and inquiry as to improper
8 intent?

9 SENATOR GALVANO: You are recognized.

10 JUSTICE CANTERO: Thank you, Mr. Chair.

11 Well, as to the map we did examine and depose
12 and get evidence from the people that drew the
13 maps, and we did I believe show that it was
14 drawn at the behest of the Democratic Party or
15 people acting for the Democratic Party and in
16 fact, that is essentially what the footnote
17 says.

18 We may or may not be able to take further
19 evidence after this proceeding. We certainly
20 have the ability to take discovery. So to the
21 extent that this Court adopts the Plaintiffs'
22 configuration of District 5 we can certainly
23 ask for and may be granted discovery to
24 determine where they came from, but we are
25 pretty sure where they came from and we told

1 the Court in our brief where they came from,
2 and the Court didn't seem to care. And again,
3 let me reiterate, the Court did not require us
4 to adopt the Plaintiffs' configuration.

5 You are not required to do so. The only
6 thing you are required is an east/west
7 configuration. My only statement is that
8 adopting that maximizes the chance that the
9 Court will adopt or approve of that. And we
10 also need to be careful, it is a very tricky
11 situation, because you need to have enough BVAP
12 so that minorities can elect a candidate of
13 their choice, and that is what we believe that
14 we did in 9047, the map that went to trial.

15 It had a 50.06 percent BVAP, but then we
16 were accused of putting too many minorities
17 into that district. In other words, more than
18 was needed in order to elect a candidate of
19 choice and we were accused of having the
20 purpose of packing minorities into District 5
21 so that there would be fewer Democrats in
22 surrounding districts, and the Florida Supreme
23 Court agreed with that.

24 And so we need to be careful not just of
25 having a BVAP where the blacks can -- where

1 blacks can elect a candidate of their choice,
2 but also not putting too many in there so that
3 we are now accused of packing minorities into
4 the district. So it is a very tricky situation
5 and that is why I say the way to maximize the
6 chance that it will be approved is to simply
7 adopt the Plaintiffs' configuration.

8 We are not required to do so.

9 SENATOR SOBEL: Mr. Chair.

10 SENATOR GALVANO: Senator Sobel. You are
11 recognized.

12 SENATOR SOBEL: Thank you very much, Mr.
13 Chair, and I want to thank everybody who has
14 worked on this important project for the
15 changes and helping put the pieces of this
16 puzzle together, and hopefully we will complete
17 the puzzle, hopefully. So I want to shift to
18 south Florida.

19 My first question, I have two questions.
20 My first question is why did the maps when they
21 are drawn drawing begin at the northern end
22 instead of the southern end and might we get
23 different results if we began at the southern
24 end?

25 JUSTICE LANTERO: Are you speaking -- I am

1 sorry.

2 SENATOR GALVANO: You are recognized to
3 answer that and Senator Sobel, we will going to
4 get into the actual map drawing here very
5 shortly, but Justice Cantero, if you want to do
6 a legal spin on that you are welcome.

7 JUSTICE CANTERO: Senator Sobel, are you
8 asking about the map that has been proposed to
9 you, that will be proposed to you today?

10 SENATOR SOBEL: Yes. Has there been any
11 effort to start with the southern end of the
12 state and draw the maps and would they be
13 different if you begin with the, as we have
14 begun with the northern end?

15 SENATOR GALVANO: Senator Sobel, why don't
16 we hold that question until we have the map
17 drawers. We are still on the legal
18 presentation and the legal background. If you
19 have a question regarding the Court opinion or
20 the procedures and process from a legal
21 standpoint.

22 SENATOR SOBEL: That is a good idea, I
23 have another question.

24 SENATOR GALVANO: You are recognized.

25 SENATOR SOBEL: We talked about

1 compactness, Article 3, Section 20 of the
2 Florida Constitution about compactness.
3 Broward County now has five Congressional
4 Districts. Palm Beach has four congressional
5 districts.

6 How is that explained? How can you
7 explain that to us in terms of following the
8 Florida Constitution in compactness?

9 SENATOR GALVANO: You are recognized.

10 JUSTICE CANTERO: Thank you, Mr. Chair.
11 Again, Senator Sobel, are you speaking to the
12 proposal that is before you?

13 SENATOR SOBEL: Yes, the proposal we are
14 looking at.

15 JUSTICE CANTERO: I would defer to the map
16 drawers on that. They will explain why they
17 came up with that, but I will say just
18 generally that where there is a lot of
19 population areas and sometimes compactness is
20 at tension with keeping cities and counties
21 whole, because some cities and counties are not
22 themselves compact. And we are also dealing
23 with the challenge that every district has to
24 have the exact same population.

25 So between having, trying to keep cities

1 and counties whole, having districts as compact
2 as possible, keeping equal population, there is
3 a lot different things that tension. And so I
4 think the map drawers will be able to elaborate
5 on why they chose that specific configuration,
6 but the general principles are those.

7 SENATOR SOBEL: Thank you.

8 SENATOR GALVANO: Okay, Leader Young, you
9 are recognized for a question.

10 REPRESENTATIVE YOUNG: Thank you, Mr.
11 Chairman. Justice Cantero, going back to the
12 black voting age population percentages, is
13 there case law other than this case over here,
14 other than this case, and if so, what does the
15 case law tell us regarding the minimum
16 percentage of black voting age population that
17 would comply with the Voting Rights Act
18 requirement for non diminishment?

19 What is the minimum that has been approved
20 the other case law out there on this issue?

21 JUSTICE CANTERO: Well, the case law says
22 that there is no, quote, unquote, minimum per
23 se. It all depends on a case by case basis.
24 There are some areas where there is what they
25 call racially polarized voting.

1 REPRESENTATIVE YOUNG: Uh-huh.

2 JUSTICE CANTERO: Where the minimum will
3 be higher, and there is others where there is
4 other areas where there will be less racially
5 polarized voting, where is cross voting among
6 the races where, you know, what you need is
7 less, less of a percentage. So it really
8 depends on the situation and that is why we
9 develop a or conduct a functional analysis to
10 determine where -- where you are and it is not
11 an exact science, I need to say.

12 Even now, because even though people are
13 registered to vote, Republican, Democrat, that
14 doesn't mean that they necessarily do that in a
15 particular election. They can cross over
16 parties and we have Independents out there that
17 may determine the election. So it is an
18 inexact science.

19 So even in a particular situation such as
20 District 5 in this case, we can't give you a
21 precise number, and that is why you see 50.1,
22 you see 48.1, you see 45, because it is an
23 inexact science.

24 MR. MEROS: Leader.

25 JUSTICE CANTERO: And Mr. Meros would like

1 to further answer the question.

2 REPRESENTATIVE YOUNG: Okay.

3 SENATOR GALVANO: Mr. Meros, you are
4 recognized.

5 MR. MEROS: Leader, one addition to that.
6 One thing that is in apportionment one and
7 apportionment seven and it is a warning is the
8 minority population needs to be able to control
9 the primary. And so the extent that the
10 minority population is less than 50 percent in
11 a primary, that is very much of a warning sign
12 that they may not be able to elect a candidate
13 of choice because they will lose in the
14 primary.

15 So that is something that is not perfect
16 in every instance but it is certainly very much
17 an important factor.

18 REPRESENTATIVE YOUNG: Okay, and just a
19 very brief follow up, and Mr. Meros, you can
20 answer this. Has -- is there any case law on
21 the books today where a BVAP of 45.12 percent,
22 which I think that is the number in this case,
23 or a BVAP of 45.12 percent has been deemed
24 compliant with the non diminishment
25 requirement?

1 MR. MEROS: I don't know the answer to
2 that. If there has been a specific number,
3 Leader, I don't think there is one. I think
4 Mr. Cantero is correct in saying that you have
5 to look at the primary, you have to look at
6 turnout to determine who will control the
7 primary, and thereafter who can win and it
8 really depends on variables that depend upon
9 the specific area.

10 I can tell you the diminishment standard
11 is supposed to be that you look at the district
12 previous to the district that you have drawn
13 and you say to yourself is -- is the candidate,
14 the minority candidate less likely to win than
15 it was in the prior iteration, and that, that
16 should be and it was interpreted in
17 reapportionment one to mean that if there is,
18 if it is less likely that you elect a candidate
19 in this configuration, that is diminishment in
20 violation of Tier 1.

21 REPRESENTATIVE YOUNG: Leader, can I ask
22 one --

23 SENATOR GALVANO: Absolutely.

24 REPRESENTATIVE YOUNG: Just to bring this
25 full circle for my own information and those of

1 the committee. Prior to the redrawn map with a
2 BVAP of 50.1.

3 MR. MEROS: 01.

4 REPRESENTATIVE YOUNG: 01. What was the
5 BVAP in District 5 in the preceding period that
6 was approved before the last reapportionment?

7 MR. MEROS: I will not be perfect about
8 that, although the map drawers can provide
9 that, but it was around 40 --

10 A VOICE: Forty-nine.

11 MR. MEROS: Forty-nine --

12 A VOICE: 49.9.

13 MR. MEROS: Okay, 49.9, so it was --

14 REPRESENTATIVE YOUNG: 49.9.

15 MR. MEROS: Right. So it was very close,
16 and let me make sure the legislators understand
17 why it went to 50.01. And that was to avoid
18 the possibility of a section two lawsuit if we
19 did not have the population at 50.01, because a
20 section two lawsuit can only be brought if you
21 could draw a minority population of 50 percent
22 or more.

23 So we thought it prudent to add the
24 population in Seminole County which had been in
25 that district before to avoid the possibility

1 of the lawsuit, which by the way has now been
2 filed against the Legislature, and it was not
3 that that lawsuit would necessarily prevail,
4 but to try to get a map and avoid the
5 litigation which is why we did that.

6 SENATOR GALVANO: Yes, you are recognized.

7 REPRESENTATIVE YOUNG: Thank you, Mr.
8 Leader, Mr. Chairman. I promise that this will
9 be helpful.

10 SENATOR GALVANO: That is okay. We are
11 here to do this.

12 REPRESENTATIVE YOUNG: So, so to continue
13 what you just said, it appears that the Florida
14 Supreme Court by strongly encouraging us to
15 adopt a district with a BVAP of 45.1 could be
16 putting us in a very bad situation under
17 Federal law where we are in a lawsuit where we
18 would be found liable to some degree for a
19 violation, is that correct, by going below
20 50 percent?

21 MR. MEROS: It --

22 SENATOR GALVANO: You are recognized.

23 MR. MEROS: I am sorry, forgive me. In
24 their view and their analysis that district
25 does not diminish. The practical effect of an

1 east/west configuration is that you take prior
2 CD 5 and you blow it up, and from Alachua
3 County south you disburse out tens of thousands
4 of African-Americans in other districts that
5 will not elect an African-American.

6 Then you take it east/west. If there is a
7 problem with performance and that the Supreme
8 Court might be wrong or anyone might be wrong
9 about whether that district can elect an
10 African-American candidate, then you have the
11 very real possibility that in neither district
12 will there be an opportunity to elect and many,
13 many more thousands of African-Americans will
14 not have that opportunity.

15 SENATOR GALVANO: Representative McBurney.

16 REPRESENTATIVE MCBURNEY: Thank you, Mr.
17 Chairman, and I join my colleagues in thanking
18 you both for your good work and good
19 presentation. I actually have a couple of
20 questions.

21 The first one is a follow up on Senate
22 Simmons' line of questions. If we adopt the
23 map that was presented by the challengers and
24 it is determined during the course of this
25 process that the map was drawn with the

1 specific intent or with intent to favor or
2 disfavor a political party or incumbent and we
3 adopt that map as drawn, would we be in
4 violation of the Florida Constitution?

5 MR. MEROS: I would certainly think so.
6 My reading of the Supreme Court's decision
7 effectively is that they were not concerned
8 about the evidence that was in the record which
9 was very powerful evidence, and that they spent
10 two pages talking about this.

11 Justice Canady wrote a dissent
12 specifically mentioning that, and so I
13 certainly share those, those concerns, but the
14 Court did not appear to be concerned about the
15 evidence that we had.

16 REPRESENTATIVE MCBURNEY: Follow up?

17 SENATOR GALVANO: Yes.

18 REPRESENTATIVE MCBURNEY: So during the
19 course of this process, would it be your
20 recommendation that if we consider the
21 challengers' map as we are doing as part of the
22 base map that we investigate and/or inquire
23 whether or not there was intent to favor or
24 disfavor a political party or incumbent by the
25 challenger?

1 SENATOR GALVANO: You are recognized.

2 MR. MEROS: If you inquire about that?

3 REPRESENTATIVE MCBURNEY: Would you
4 recommend that we do so?

5 MR. MEROS: I certainly think that is an
6 appropriate line of inquiry. We have a lot of
7 the information and I am not sure it is subject
8 to much debate. That map was prepared by NCEC,
9 the Democratic Congressional Campaign Committee
10 met with the map drawers, went along with Nancy
11 Pelosi and Steve Israel with the Florida
12 Congressional delegation, absent the three
13 African-American Congress before that map was
14 produced.

15 That said, any east/west configuration is
16 suspect for the same reason, not that, you
17 know, if these folks drew an east/west
18 configuration they would be suspect for that,
19 but it has the same impact and that is blowing
20 up CD 5 and having much greater question
21 whether an African-American candidate can win
22 in the east/west configuration.

23 REPRESENTATIVE MCBURNEY: Okay, I have a
24 second question.

25 SENATOR GALVANO: Sure.

1 REPRESENTATIVE MCBURNEY: At -- this one
2 deals with subsection (b) of Article 3, Section
3 20, the relationship between compactness and
4 utilizing existing political and geographical
5 boundaries in that subsection (b).

6 So if a district say is approximately
7 30 percent arguably less compact, and I believe
8 in the dissent they pointed out that the Court
9 directed District 5 was 206 miles versus the
10 present length of 144 miles or about 62 miles
11 difference, but it utilizes more of a political
12 and geographic boundaries, would it still meet
13 the constitutional requirements, and if so,
14 why?

15 MR. MEROS: You are talking about the
16 east/west configuration, would that --

17 REPRESENTATIVE MCBURNEY: Yes, I am sorry,
18 District 5.

19 MR. MEROS: Well, the court in
20 apportionment one applauded the House in its --
21 in its use of city and county splits or
22 compactness as possible trade-offs. I do not
23 in the read in the opinion of the Court that
24 there was a clear determination as to why
25 east/west was better because they ultimately

1 say it is not pretty under any circumstances,
2 though it splits fewer cities and counties.

3 In my opinion, which the Court I think
4 rejected, you have to look at east/west CD 5
5 and north/south CD 5 with regard to Tier 1
6 potential requirements, and that those, and
7 also the diminishment issue and if there is a
8 possibility of diminishment or if there is a
9 possibility of the section two challenge,
10 compactness in city and county splits take a
11 back seat to that.

12 Tier 1 is Tier 1, and that controls if
13 there are concerns about diminishment or
14 section two. The Court did not find a concern
15 about diminishment contrary to our evaluation
16 with the east/west configuration. And so we
17 thought we were making a fair balance between
18 visual compactness, between numerical
19 compactness and between city and county splits.
20 The court disagreed with us.

21 REPRESENTATIVE MCBURNEY: Follow up. And
22 what I am really only talking about is Tier 2,
23 and the relationship between the factors within
24 Tier 2, which is something we would have to get
25 to as well. So I guess to get more to the

1 point, hypothetically would there ever be a
2 situation where the level of compactness was so
3 low it would be unconstitutional regardless of
4 utilizing existing political and geographical
5 boundaries?

6 MR. MEROS: I don't know that I can answer
7 that categorically. It is supposed to disperse
8 a visual evaluation and a, what seems like a
9 nice square, would seem to me to be visually
10 compact with some of the compactness scores. A
11 square or a rectangle doesn't score very well,
12 and so it depends on whether you use scores or
13 visual compactness or some combination.

14 Certainly compactness, the Court has said
15 compactness is, in Tier 2 it says districts
16 shall be compact and where feasible, follow
17 city and county lines, and so if visually and
18 numerically the compactness begins to suffer
19 substantially there is a greater likelihood of
20 invalidity.

21 SENATOR GALVANO: Representative
22 Moskowitz.

23 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.
24 Chairman. I am just slightly confused by some
25 of the things that I am hearing because it

1 seems to be suggested that we are being forced
2 to adopt the Plaintiffs' map. But the Court
3 did not mandate that we have to adopt the
4 Plaintiffs' map. The Court did not adopt
5 themselves the Plaintiffs' map. Is that
6 correct?

7 MR. MEROS: Absolutely, Mr. Cantero said
8 that. I say that. What I said before and I
9 continue to believe it that is the safest of
10 safe harbors to put into a map, a map that the
11 Supreme Court spent two pages on talking about
12 as a -- as an exemplar to essentially compare
13 against favorably the map we propose.

14 REPRESENTATIVE MOSKOWITZ: Follow up.

15 SENATOR GALVANO: You are recognized.

16 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.
17 Chairman. So the discussion about who drew the
18 Plaintiffs' map, clearly it was drawn by the
19 Plaintiffs or people who the Plaintiffs asked
20 to draw the map.

21 All the discussion about this map, it is
22 not mandated on us. Anyone here can offer an
23 amendment to that, and so I am hearing well, if
24 we adopt the Plaintiffs' map we might be
25 intentional in violation of something, but no

1 one here is suggesting that we must adopt the
2 Plaintiffs' map, is that correct?

3 MR. MEROS: Correct, however, the Court
4 has said you must draw an east/west
5 configuration. If you draw an east/west
6 configuration it has to look very much like
7 that, and if it doesn't it either becomes so
8 grossly non-compact or, and sometimes both, it
9 will reduce the minority population in such a
10 way that, that the minority candidate will not
11 win a primary.

12 So instead of having CD 5 north/south that
13 will elect an African-American we will have no
14 district in which a minority candidate can win.

15 There is only so much population east/west
16 generally, and also the minority populations
17 that you have to join together. That is why an
18 east/west configuration goes all the way from
19 Chattahoochee to Jacksonville. It is an
20 extraordinarily long district, but it has to be
21 if you are going to go that way unless you go
22 south to Gainesville.

23 SENATOR GALVANO: Follow up question.

24 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.
25 Chairman. Thank you for the answer. I

1 appreciate that. There seem to be a lot of
2 questions centered around, you know, who drew
3 what map, was it drawn by political operatives.
4 And in fact I agree with that line of thought
5 and that line of questioning. In fact, that is
6 a lot of why we are here.

7 I would love to here your legal
8 interpretation of page 27 of the -- of the
9 holding by the Supreme Court. And yes, I read
10 it.

11 SENATOR GALVANO: Okay, while you are
12 looking for that let me tell you where we are.
13 I believe that Chairman Simmons had one
14 additional question on the legal presentation.
15 President Lee, you do as well, we will take
16 those questions and if there are no more I
17 would like to get into the actual map which is
18 the subject of what we are here to accomplish.
19 So if you are prepared to answer Representative
20 Moskowitz's question then we will move on to
21 Senator Simmons.

22 MR. MEROS: I believe I am on the page you
23 are looking for. So I am sorry. Do you have a
24 question.

25 SENATOR GALVANO: Perhaps you could be

1 more clear in your question. I think the
2 original question was what is your
3 interpretation of page 27. Is there something
4 specific you wanted to look at?

5 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.
6 Chairman. Yes, a lot of questions from
7 different people on the committee have centered
8 around who drew what map, who was involved with
9 what map as far as the Supreme Court holding
10 and political operatives.

11 I just wanted to hear your legal
12 interpretation of what the Court found during
13 the trial and the evidence that they looked
14 regarding what they discuss on page 27.

15 MR. MEROS: Sure. What is discussed on
16 page 27 is something that did happen quite
17 unfortunately, and that is Kirk Pepper as noted
18 on page 27 provided draft maps unbeknownst to
19 anyone to Mark Rifendurkel (phonetic) before
20 they became public, draft Congressional maps
21 and draft Senate maps and Mr. Rifendurkel
22 distributed those to political consultants and
23 there followed any number of maps drawn by the
24 political consultants.

25 The testimony was uncontested that that

1 was wrong, it was inappropriate, that the map
2 drawers did not know about it, that the Speaker
3 did not know about it, and the Court
4 specifically found that the map drawers were
5 properly insulated from political impact and
6 that they did their job without any -- any such
7 mal-intent or without any you such outside
8 influence. And what the Court and ultimately
9 what Judge Lewis found was that he could -- he
10 could ascertain only two changes to the map
11 that could have in his view was politically
12 motivated, and that was with regard to the
13 small sliver of population that went into
14 Seminole County which improved the Republican
15 performance in District 10 which is
16 unsurprising since anytime you take minority
17 population and shed others it would likely
18 improve that. And so we made those fixes.

19 Now, this, the Supreme Court used the
20 political operative things to determine that
21 there was an intent by the Legislature to draw
22 the map, the whole map in essence
23 unconstitutional. We certainly disagree with
24 that and we don't think there is evidence to
25 support that, but that is what the Court found.

1 SENATOR GALVANO: Chairman Simmons.

2 SENATOR SIMMONS: Thank you, Mr. Chair. I
3 am concerned about the proper interpretation of
4 the Florida Supreme Court case in making sure
5 we are compliant, and I don't want the
6 complexion of our Legislature or our
7 congressional delegation to be improperly
8 impacted, and I mean that in the sense that we
9 need to make sure we comply with the fair
10 districts amendment so that we do not diminish
11 the ability of minorities to elect the
12 candidates of their choice.

13 And I am looking at this and I say to
14 myself, well, if they are -- if we are between
15 45.12 percent and 48.11 percent is what the
16 Legislature supposedly tacitly conceded was the
17 appropriate number and the Court says they
18 don't care about these issues about that if we
19 have violated the intent section.

20 If we violated the intent section that
21 means that it all goes out. Having adopted a
22 plan that includes Congressional District 5
23 that is one that has been proposed by
24 apparently admitted partisans, it seems to me
25 that it is very problematic for us to adopt

1 that, that particular plan.

2 Is there a plan that staff has worked on
3 that would help assure that there is not a
4 diminishment of the ability of
5 African-Americans to elect a candidate of their
6 choice, one that is not 45.12 percent BVAP, but
7 in fact is one that dips down maybe a little
8 bit lower in Jacksonville in that area that
9 would in fact maintain a 48 percent BVAP?

10 MR. MEROS: Senator, they have not yet
11 because we, you know, our advice was to put
12 that in but they certainly can.

13 SENATOR SIMMONS: Thank you.

14 SENATOR GALVANO: President Lee, you are
15 recognized, sir.

16 SENATOR LEE: Wait a minute, that may have
17 worked, I just had shove it in there a little
18 further. Okay. So I have tried to listen to
19 all the questions that have been asked by, you
20 know, the lawyers here on the committee because
21 I am not and maybe just kind of fill in my
22 understandings and misunderstandings, and I
23 think one of my concerns is that having been
24 through the reapportionment process once before
25 in my previous life in the Senate, I see some

1 precedential value and impact to what we are
2 doing here that will ultimately be applied and
3 questioned if we should deviate from that when
4 we proceed forward in October, with the Senate
5 maps.

6 And while the crowd may be very sparse
7 today and the level of interest may be fairly
8 sparse with respect to the Legislature, that is
9 going to dramatically change when we start
10 talking about our own political futures.

11 That is just the nature of reality,
12 partisan intent or whatever you want to call
13 that aside. It is just reality of human
14 nature.

15 So what I would like to do is try to
16 understand a little bit about where we are and
17 ordinarily I could talk to Senator Simmons and
18 I can talk to Senator Simmons, but he tells me
19 that if he talks to me now we are both going to
20 be making little rocks out of big rocks
21 somewhere. So as much as he would like to be
22 my lawyer he can't be, so I have to do it here.

23 And I apologize for having to belabor all
24 of this process but this is very inefficient
25 because of that, and he mentions that we are

1 essentially in a remedial process because the
2 Legislature has been found to have used
3 improper intent and he directed us to the
4 places in the Supreme Court ruling that where
5 they sort of articulate that.

6 I guess my first question is that
7 traditionally as the courts look at the quote,
8 Legislature, I wasn't here when these maps were
9 drawn. I came to the Legislature in 2012. We
10 came back and redrew congressional maps in
11 response to Judge Lewis' ruling, and there was
12 nothing in that process to my understanding
13 that had been deemed to have improper intent.

14 The Legislature reorganized in 2012. We
15 had new Presiding Officers. I think we had the
16 largest freshman class probably in the history
17 of the Senate, I think 12 members or something,
18 nearly a third of the Senate. At what point
19 can the -- does the Court typically visit the
20 improper intents or the defects of a prior
21 Legislature on the current Legislature once
22 they have reorganized? Is that customary?

23 MR. MEROS: Nothing about this is
24 customary, Senator. I, the reality is there,
25 you know, there is essentially an Order saying

1 that with regard to the Senate map that the
2 burden will be on the Senate to justify every
3 map.

4 SENATOR LEE: In the context,
5 Mr. Chairman, in context of this congressional
6 map here which we are currently under an Order
7 to deal with, the intent of the Legislature was
8 impugned by this Supreme Court ruling, but it
9 is not the intent of this current Legislature,
10 it wasn't the intent of the Legislature when
11 they redrew the maps.

12 How did they get in your view from, you
13 know, that defect that they cite in their
14 previous ruling to what we attempted to
15 mitigate and remediate in the drawing that we
16 did last fall by a brand new Legislature?

17 MR. MEROS: Well, who's intent is at issue
18 is a very, very big deal that is difficult to
19 ascertain, and frankly, I am not exactly sure I
20 understand what the Court said or how the Court
21 ruled who's intent are we talking about.

22 Are we talking about every Senator and
23 every Representative? Are we talking about the
24 Speaker and the President? Are we talking
25 about map drawers? And we have asserted for a

1 very long time it is the intent of the
2 Legislature that matters, and that Legislature
3 can certainly change.

4 I don't -- I don't think that based on the
5 decisions that have come out from
6 reapportionment one to reapportionment eight
7 now, that there would be any -- any credit
8 given to the fact that there are new Senators
9 and new Representatives. That is just my best,
10 my best guess.

11 SENATOR GALVANO: Yes, sir.

12 SENATOR LEE: So if I understand the
13 summary of the testimony earlier that you all
14 provided, essentially and what has been fairly
15 well chronicled, your testimony is sort of
16 consistent with the historical representations
17 that I have read about the redistricting
18 process in 1992, and that essentially
19 gerrymandering, which is kind of a made up
20 term, but it is a -- it was not only authorized
21 but it was mandated by the Court with respect
22 to Congressional District 5, is that correct?

23 MR. MEROS: Well, I would say
24 gerrymandering is the -- is manipulating
25 without good reason or manipulating for purely

1 a political reason. And so I would not call CD
2 5 at all a gerrymander.

3 SENATOR LEE: But the Court refers to it
4 as gerrymandering.

5 MR. MEROS: And I respectfully disagree.

6 SENATOR LEE: Right, but I am using their
7 interpretations here. I apologize, but, but
8 the Court has essentially ordered what is now
9 being referred to as a gerrymandered district
10 back in 1992. They mandated it.

11 MR. MEROS: Correct.

12 SENATOR LEE: Correct?

13 MR. MEROS: Correct.

14 SENATOR LEE: And then the thought here is
15 that Amendments 5 and 6 that come along later
16 20 -- almost 20 years later and essentially
17 have outlawed gerrymandering which again you
18 would dispute that 5 and 6 was ever
19 gerrymandered because it was done so with good
20 cause.

21 MR. MEROS: Right, right.

22 SENATOR LEE: But they are now saying that
23 5 and 6 is a gerrymandered district. Am I
24 reconciling all of that correctly?

25 MR. MEROS: They, CD 5 --

1 SENATOR LEE: Yes, CD 5, I am sorry.

2 MR. MEROS: The Court is saying that Tier
3 1 does not protect that district. Tier 1
4 incorporates, as I understood reapportionment
5 one, Section 2 of the Voting Rights act and the
6 diminishment standard of Section 5 to all
7 counties in the state.

8 We respectfully disagree with the Court
9 that -- that CD 5 was not justified by either
10 the first part of Tier 1 or the second part of
11 Tier 1. The Court is saying that it -- it does
12 not have Tier 1 protections. We argued to the
13 contrary and disagreed with that. They held to
14 the contrary.

15 SENATOR LEE: And their -- their opinion
16 essentially is inconsistent with the Federal
17 Court that deemed 5 and 6, I am sorry, deemed
18 CD 5 Constitutional when it required
19 essentially that it be drawn that way.

20 MR. MEROS: It certainly conflicts with
21 the 1992 decision, and the 1996 decision.

22 SENATOR LEE: So who is -- who ultimately
23 reconciles this for us? We now have a Federal
24 Voting Rights Act. We have a history of
25 jurisprudence that has been built around and an

1 industry has been built, you know, nationally,
2 and who reconciles the requirements of that
3 Federal Voting Rights requirements to Amendment
4 5 and 6 which have now been overlaid and
5 apparently aren't overlaid very well?

6 MR. MEROS: Well, apportionment one goes
7 to substantial lengths to try to -- to describe
8 how Tier 1 is the same or perhaps a little bit
9 different than the Federal law, Section 2 and
10 Sections 5. We thought and I think today that
11 we were fully compliant with reapportionment
12 one.

13 The Federal Courts can still enforce
14 Section 2 of the Voting Rights Act, not Section
15 5, and that lawsuit is attempting to be brought
16 right now by way of a motion to intervene. And
17 so that lawsuit, if it goes forward, will
18 assess whether there is a Federal violation
19 under the Voting Rights Act with regard to
20 north/south CD 5.

21 SENATOR GALVANO: Yes, sir.

22 SENATOR LEE: Thank you, sir, appreciate
23 your indulgence. That, in analyzing
24 performance under 5 and 6 and under the Court's
25 sort of view of this whole process and their

1 recommendations to us are outlined in their
2 ruling, how do they handicap from mid term
3 versus presidential elections turnout models
4 and that? What are our instructions there?

5 MR. MEROS: They have use different
6 election results and I am -- I don't know and I
7 will stand corrected if Raoul can correct me,
8 but I don't know that they have explained why
9 they would use one and not another. There is
10 always a debate about whether you use
11 presidential or mid term or some combination
12 and I don't know that they have ever
13 specifically set forth a methodology on that.

14 SENATOR GALVANO: Yes, sir.

15 SENATOR LEE: In -- in your professional
16 legal opinions we have now -- let me back up.
17 We have now been not only instructed or asked
18 or encouraged or whatever kind of term you want
19 to use, ordered, I don't know what term to use,
20 I don't feel ordered, I feel like I am here
21 voluntarily, and I will leave when I am ready
22 to leave and the Court can do what it wants to
23 do if that is what it wants to do and I am
24 going to try to fulfill my constitutional duty
25 to my constituents as I see it.

1 But, you know, we are here to try to
2 ameliorate this situation, essentially get off
3 this hamster wheel we have been on with
4 litigation constantly over the last couple of
5 years and see if we can't reconcile the Court's
6 concern, and there is not only recommendations
7 to us with respect to a map, but there is
8 recommendations to us with respect to a process
9 that caused me a great deal of heartburn and
10 concern with respect to my First Amendment
11 Rights, with respect to a separation of powers
12 question.

13 Senator Simmons does an excellent job in
14 helping me understand through his questions how
15 we get to the remedial process that we are in
16 and we are therefore in sort of a unique
17 situation, but it is pretty easy to get there
18 once you find that one person in 160 may have
19 done something perhaps on purpose to create a
20 defect.

21 I mean, any one of us on this committee
22 could start phoning our friends and have this
23 map tossed right in the garbage on purpose. So
24 we are in a remedial process here and now I am
25 subject to all of these things outside the

1 provisions of our rules and our customary
2 constitutional rights as constitutional elected
3 officers to move freely about and have
4 conversations with our staff, to talk with my
5 colleagues who are more learned than I am about
6 things.

7 Are you all not in, and we are, again, we
8 are in this congressional moment and we have a
9 very specific set of directions, we are not
10 going to be operating under those same
11 parameters necessarily in the drawing of future
12 maps, but nonetheless, we are headed in that
13 direction.

14 And I am troubled by the -- the
15 intervention here of the courts in our process.
16 I don't see the Justices having provided us
17 with the same level of information they are
18 asking us to provide, all of the conversations
19 they have had with their clerks, who they have
20 consulted with, and Senator Simmons has
21 explained why they have not had to do that, it
22 is not them that are on trial essentially here.

23 It is our maps that are on trial. But
24 that has created this very cumbersome awkward
25 process for members that weren't even here when

1 all of these supposed intent problems occurred.
2 How does the Court get that kind of latitude to
3 come in here and run a rough shot and
4 essentially over the legislative process?

5 SENATOR GALVANO: You are recognized.

6 MR. MEROS: What the Court says in its
7 opinion is that Amendments 5 and 6 are unique
8 and they are more -- I guess more important or
9 more compelling than other constitutional
10 rights. They have said that when they declined
11 to find that the Legislature has a legislative
12 privilege against being deposed.

13 They have said that time and time again in
14 this opinion. We respectfully disagreed with
15 that. We said that constitutional rights are
16 all important and that constitutional rights do
17 not, do not trump the separation of powers.
18 The Court found that uniqueness is such that
19 these strictures that they feel they can impose
20 that on the Legislature.

21 With regards to the processes, they don't
22 mandate processes. They suggest, but again,
23 they -- their suggestion is if you don't follow
24 these processes perhaps that will be held
25 against you. The dissent argued very

1 substantially that there were separation
2 problems and we argued from the beginning,
3 separation of powers requires deference and
4 requires the sort of careful analysis that
5 Judge Lewis decided.

6 We certainly disagreed with his decision
7 on two districts, but at least in our view it
8 respected the legislative process enough to
9 where there was no need to appeal. Again, we
10 respectfully disagree with what the Supreme
11 Court said, but we are at a point now where we
12 either comply or we don't fulfill our
13 constitutional duty. And in failing to do so
14 they would -- they would draw these maps.

15 SENATOR GALVANO: Yes, sir.

16 SENATOR LEE: And let me just say, I am
17 not here to defend the historical redistricting
18 process. I have personally watched members be
19 drawn out of districts vindictively, out of
20 spite and as a management tool of leadership on
21 two separate reapportionment occasions. So I
22 know that this is an imperfect process, I do
23 and I would welcome opportunities to improve it
24 and clean it up, but I just feel like we have
25 gone way too far here.

1 And so as a non lawyer but a guy with a
2 lot of common sense or at least I would like to
3 think I do, I am trying to reconcile in my mind
4 how we end up in this place and I am going to
5 leave that alone for a minute.

6 I had a series of questions that kind of
7 went to try to understand CD 5, but a lot of
8 them have sort of been answered already. So I
9 just want to try to see if I can't get down to
10 the nitty gritty here and make sure I
11 understand what we are being asked to do as a
12 recommendation from our legal counsel here as
13 -- as elected members of the Legislature.

14 And essentially Article 3 and Section
15 20-A, which is over here somewhere in the
16 ruling, I will get back to it, talks about this
17 concept of diminishment. And I assume that can
18 be used interchangeably with the previous
19 concepts I remember like retrogression.

20 MR. MEROS: Yes.

21 SENATOR LEE: Is that --

22 MR. MEROS: Yes.

23 SENATOR LEE: -- very similar and
24 interchangeable.

25 MR. MEROS: Yes.

1 SENATOR LEE: So if we were to implement
2 the map that has essentially been recommended,
3 not mandated, but recommended, the safe harbor
4 map that revises Congressional District 5 from
5 a north/south to an east/west district, would
6 the opportunity for those African -- in your
7 legal opinion would the opportunity for those
8 African-Americans previously residing in
9 Congressional District 5 to elect a
10 representative of their choice be diminished?

11 SENATOR GALVANO: You are recognized.

12 MR. MEROS: The ones that are not in the
13 east/west configuration?

14 SENATOR LEE: The ones that were
15 previously in Congressional District 5.

16 MR. MEROS: The enacted 5 and they are now
17 out.

18 SENATOR LEE: They are now out.

19 MR. MEROS: Not only is that a
20 diminishment. They are done. They have no
21 chance.

22 SENATOR LEE: The diminishment standard as
23 I read it here suggests that is problematic,
24 that we should not and maybe I should just ask
25 it in the form of a question. As I understand

1 it we are not supposed to draw maps that would
2 favor or disfavor.

3 Can you go through that whole basic
4 summary of what we are not supposed to be doing
5 here when we draw maps?

6 MR. MEROS: Well, under Tier 1 it says,
7 you shall not draw a district or a map with the
8 intent to favor or disfavor an incumbent or a
9 political party. Now, that does not mean that
10 you cannot draw a district under Tier 1 to
11 preserve minority voting rights that would
12 favor a minority candidate.

13 SENATOR LEE: So I am getting close, Mr.
14 Chair, I apologize. Has that retrogression or
15 diminishment standard typically been applied to
16 the individual or does it apply to the
17 community as a whole? In other words, if there
18 are no demographic changes in a particular
19 region of the state and a minority community
20 versus an individual is adversely affected, how
21 is that diminishment standard or retrogression
22 standard typically been applied, vis-a-vis, how
23 it is being applied today?

24 MR. MEROS: Well, what happened with
25 diminishment is you have to use, you have to

1 have a baseline for the diminishment. So you
2 take the earlier map, the map that was last
3 enacted and you then take the map that you were
4 drawing and you look at the minority community
5 that was in the previously enacted map, and if
6 that community in the latest iteration makes
7 the minority community less likely to be able
8 to elect a candidate of choice, that is
9 diminishment.

10 And so essentially it says, there shall be
11 no back sliding in the ability of this
12 population in a given area to elect a minority
13 candidate in the future, okay. So it is
14 different than Section 2. And reapportionment
15 one said in essence that is the standard.

16 If it is less likely that the community
17 will be able to elect a candidate of choice,
18 that is diminishment. It did say that you
19 might be able to reduce minority population by
20 one or two, by slight percentage points if in
21 fact the candidate, the minority candidate will
22 be clearly able to elect a candidate of choice
23 in the -- in the new district. It is a sliding
24 scale.

25 SENATOR LEE: I think I got you. And to

1 your knowledge has a Federal Court allowed a
2 Legislature in a state to essentially break up
3 a minority access seat in one area, provided as
4 an offset they created one somewhere else?

5 MR. MEROS: There is some authority for
6 that. There is some authority.

7 SENATOR LEE: That seems to be a little
8 bit of what their mindset is here in terms of
9 what happens in Orlando when CD 5 goes
10 east/west.

11 MR. MEROS: Right. There is some
12 authority for the proposition that one could
13 essentially sacrifice a minority community in a
14 north/south iteration for a community going
15 east/west. We argued of course that that was a
16 diminishment that was not an appropriate trade
17 off under any circumstances.

18 SENATOR LEE: So I guess in summary on
19 this particular line, as counsel for the
20 Legislature, and I assume you are all are
21 together on these recommendations, and if not,
22 you are welcome to explain how you differ, in
23 your professional opinion under the proposed
24 for discussion purposes only map that we have
25 in front of us, have any incumbents been

1 favored or disfavored as a result of, if we
2 adopt that configuration?

3 MR. MEROS: East/west? Not an incumbent
4 because it is a new district.

5 SENATOR LEE: Well, is not, is not -- so
6 under this, so under this, under this directive
7 that we are operating under, Gwen Graham and
8 Congresswoman Graham and Congresswoman Brown
9 are not incumbents?

10 MR. MEROS: Well, certainly Congresswoman
11 Brown was in the district before and so she
12 would -- I am sure she thinks she was
13 disfavored.

14 SENATOR LEE: What do you think?

15 MR. MEROS: Well, I felt like, absolutely
16 I think that her opportunity is diminished. I
17 think she was disfavored. I frankly, I don't
18 know where Representative Graham lives, and so
19 I don't know what the impact is.

20 SENATOR GALVANO: Okay, I think you made
21 your point. We are going to keep it to the
22 broader legal aspects.

23 SENATOR LEE: All right, so, thank you.
24 And then just kind of bringing it down all of
25 the way through the funnel here, do you believe

1 a political party has been favored or
2 disfavored as a result should we adopt the --
3 the for discussion purposes only map?

4 MR. MEROS: Well, certainly the change
5 from CD, north/south CD 5 to east/west, there
6 is a likely political impact favorable to
7 Democrats by virtue of that. Now, whether that
8 was the intent or not is a different story.
9 You can have -- you can have a favoring or
10 disfavoring effect by virtue of just effect
11 rather than intent.

12 SENATOR LEE: But, Mr. Chairman, didn't
13 the Court -- and again, I am sort of got a
14 fresh view of this fresh copy of this
15 Constitutional Amendment, not my original copy,
16 but the -- didn't one of the Justices say that
17 performance equaled intent?

18 MR. MEROS: Well, I am not sure it was
19 said that directly.

20 SENATOR LEE: I mean --

21 MR. MEROS: Performance can be indicia of
22 intent, yes, yes. And so one of the challenges
23 that these folks always have and that you have
24 is that when you make changes to lines there
25 will be immediate criticisms because it is

1 going to have a favorable effect to Democrats
2 or a favorable effect for Republicans and that
3 is -- that is one of the difficult things.

4 SENATOR LEE: So you could as counsel to
5 the Legislature recommend, although you are not
6 really trying to tell us in a lot of ways you
7 can skin a cat.

8 MR. MEROS: Sure.

9 SENATOR LEE: But you could recommend the
10 adoption of, for discussion only purposes, map
11 as maybe a safe harbor we call it or something
12 despite the fact that your testimony is that it
13 would -- it would have virtually effect
14 incumbents, at least one and that it would
15 favor a political party and the reason you
16 would do that is because you don't see any ill
17 intent in getting there. So we got there in a
18 nice way, so it was okay?

19 MR. MEROS: I am saying that because the
20 Supreme Court has ordered us to go east/west
21 and in order to give the greatest opportunity
22 to get the east/west configuration passed we
23 believe that to be a safe harbor. No east/west
24 configuration in our view is ever appropriate.
25 The Supreme Court did not give us that option.

1 SENATOR LEE: One more question, Mr.
2 Chair. So is it your testimony, therefore,
3 that because CD 5 would be an east/west
4 district under that map and that the particular
5 incumbent might be adversely affected, that
6 that suggested the east/west district is
7 unconstitutional, yet, you are suggesting that
8 we do it anyway because the Courts have ordered
9 us to do something that you believe is
10 unconstitutional?

11 MR. MEROS: I think that is right.
12 Unfortunately, I don't like being in that
13 position, but the Supreme Court is the Supreme
14 Court and we argued and we lost.

15 SENATOR LEE: And one more, they just keep
16 coming up. And so it is your recommendation to
17 me who with one hand on a Bible and raised his
18 hand and promised to uphold the Constitution to
19 violate it under the order of the Florida
20 Supreme Court?

21 MR. MEROS: If I were King and I could
22 declare what is constitutional.

23 SENATOR LEE: You are not King, but you
24 are my lawyer.

25 SENATOR GALVANO: Okay, let's have a

1 question and answer time.

2 MR. MEROS: The Court, the Court decides
3 constitutional questions, I don't, and we,
4 under our -- under our system, the Florida
5 Supreme Court is the final say on State
6 Constitutional issues. I can disagree, but if
7 the Court votes to the contrary there is
8 nothing I can do about it.

9 SENATOR LEE: Then our only remedy,
10 Mr. Chair, if it is at that point is to appeal
11 to a higher court?

12 MR. MEROS: Well, there is no higher court
13 in the land with regard to state law issues
14 like the Florida Constitution.

15 SENATOR LEE: But this is Federal law.

16 MR. MEROS: Well, if Section 2 applies and
17 Section 2 mandates a north/south, then that is
18 a possibility and that is what -- that is what
19 is being sought.

20 SENATOR LEE: Thank you.

21 SENATOR GALVANO: The Chair was
22 referencing, thank you, earlier. Okay.

23 REPRESENTATIVE MCBURNEY: Mr. Chairman,
24 can I ask a question?

25 SENATOR GALVANO: Okay, Chairman Bradley

1 for a question and then I would like to get to
2 the map today, members. I think a lot of what
3 we have discussed in terms of legal background
4 will resurface as we talk about the actual
5 district lines.

6 Legal counsel is going to stay with us for
7 the balance of the day or as long as they are
8 needed, so keep that in mind. But at some
9 point I would like to move on to the actual map
10 drawing.

11 But having said that if there any further
12 questions on the legal briefing, we are more
13 than happy to entertain those, and I will start
14 with you, Chair Bradley.

15 SENATOR BRADLEY: Thank you, Mr. Chairman,
16 and I appreciate your indulgence. I understand
17 your concern about moving forward, and in that
18 spirit this is a purely legal question. This
19 is not really have implications, but it follows
20 up on the idea about what we are doing today
21 could potentially have precedential value down
22 the road.

23 I am looking at page 80 of the Florida
24 Supreme Court opinion, and on page 80 it --
25 there is a paragraph that begins, "Why the

1 Court reached its conclusion as to the
2 continued unconstitutionality of District 5,"
3 and they cited reasons.

4 And included as one of those reasons is
5 the Legislature's configuration also had the
6 effect of benefiting the long time incumbent of
7 the district, Congresswoman Corrine Brown, who
8 previously joined with leading Republicans in
9 actively opposing the Fair Districts Amendment
10 and Redistricting Reforms.

11 My first question is, was there anything
12 in the record that talked about what
13 Congresswoman Brown or any other Republicans
14 did in regards to exercising her and any other
15 person's constitutional rights to argue for or
16 against a pending constitutional amendment that
17 had not been adopted? Was this anything in the
18 record to that regard?

19 MR. MEROS: Not that -- certainly not
20 factual testimony by any stretch, no.

21 SENATOR BRADLEY: Okay, so am I to
22 understand now that one of the standards that
23 we are to abide by in considering how we
24 conduct ourselves in this extraordinary
25 circumstance in redistricting, is we need to be

1 careful about things that we advocate for or
2 advocate against on pending constitutional
3 amendments, perhaps even pending legislation
4 for fear that the Florida Supreme Court will
5 look at that and how we communicate with our
6 fellow Congress people like Congresswoman
7 Brown, for fear that they will be watching us
8 and then will use that as evidence of improper
9 intent? Is that a fair conclusion to draw?

10 MR. MEROS: Senator, unfortunately, I
11 think it is.

12 SENATOR BRADLEY: Thank you.

13 SENATOR GALVANO: Okay. Thank you,
14 gentlemen. I appreciate it and like you said,
15 legal counsel will remain for the actual map
16 presentation. I will tell you what we are
17 going to do with the concurrence of Chair
18 Oliva, we do at this point have one appearance
19 card.

20 It is from Congressman Webster who is
21 here. Sir, I would like to go ahead and give
22 you an opportunity. It is my understanding you
23 want to speak to us for a few moments and then
24 we will go into the presentation by Jay Ferrin,
25 the Senate Redistricting Committee Director.

1 Good morning, sir, you are recognized.

2 CONGRESSMAN WEBSTER: Thank you, Mr.
3 Chairman and members of the committee, thank
4 you for the opportunity to speak today.

5 Although this is not my first choice of
6 where I would be today, I have to come and
7 highlight one aspect of the constitutional
8 amendment dealing with congressional
9 reapportionment. The words I would like to
10 focus on are these. No apportionment plan or
11 individual district shall be drawn with the
12 intent to favor or disfavor a political party
13 or an incumbent.

14 These three words, intent, disfavor,
15 incumbent. That is what I would like to talk
16 about.

17 First, the incumbent. In the
18 constitutional amendment the word incumbent
19 seems to point only to the elected members of
20 Congress under Plan B created in 2002. So
21 there are 25 congressional members who were
22 part of that 112th Congress and they were the
23 last to be elected under that plan. Only 18 of
24 them are still incumbents under the new plan.
25 The remaining nine seats, two of which were new

1 and seven are people who either left or
2 defeated would give plenty of leeway to avoid
3 disfavoring an incumbent in a plan that
4 contains 27 total seats.

5 Second, disfavor. I was elected in
6 District 8 in 2010, and under that 2010 plan.
7 That district under the proposed plan has been
8 divided into seven separate districts.

9 Those districts stretch from St. Johns
10 County in the northeast to Okeechobee County on
11 the south using the same ratio for State House
12 seats it would be like a district owned by an
13 incumbent that was divided 31 different seats.

14 It would be in the Senate it would be like
15 one divided at least 10 times. So your
16 district that you are getting ready to draw
17 here is to take an incumbent seat in the Senate
18 10 different ways. That action I believe
19 disfavors an incumbent.

20 Under the ruling issued by Judge Terry
21 Lewis based on the 2006 Governor's race the
22 definition of favor or disadvantage was
23 described by extrapolated data to mean one
24 tenth of one percent favoring an incumbent.
25 Under the three benchmark races one showed my

1 district as disfavored by seven tenths of one
2 percent. And two showed my lines as favoring
3 me one tenth of one percent and four tenths of
4 one percent, based on either including or not
5 including a small appendage in Orange County.

6 I would hope disfavoring is measured by
7 the same criteria, because the new plan could
8 give up to a negative 40 percent change
9 disfavoring the incumbent. The Court used
10 numbers of less than one percent to qualify me
11 as favored or advantaged. However, the new
12 District 10 changes are so significant it makes
13 that seat impossible to win.

14 Using 2008 presidential race, which was
15 identified by the Circuit Court as a benchmark
16 for proof of favoring an incumbent yields
17 lopsided results, Obama 61 percent, McCain
18 38.5, and there are other examples. In the
19 Presidential race with Obama and Romney, 61 to
20 35. The conclusion again, the new plan
21 disfavors an incumbent.

22 I won in District 8, the incumbent I
23 defeated spent three times more money and
24 received only 38 percent of the vote. Two
25 years later he showed his electability by

1 winning another seat in central Florida. That
2 38 percent in this new District 10 would be
3 reversed.

4 And then lastly, intent. When the first
5 plan was drawn the Legislature to my knowledge
6 had no partisan data or information where
7 incumbents lived, making the intent to favor or
8 disfavor a little more difficult to prove.

9 However, the groundwork for proving favor
10 and disfavor changed with the First Circuit
11 Court's opinion which named me specifically and
12 identified that I was the incumbent in District
13 10. In the same ruling the Court also injected
14 partisan data into the discussion by
15 identifying me as the incumbent in District 10
16 means whatever happens in District 10 happens
17 to me.

18 The new configuration for District 10
19 makes the seat uncompetitive for anyone in my
20 party, including me. Therefore, given the
21 facts I have just provided I believe an
22 affirmative vote for this plan that is before
23 you, whether it is a suggested plan or
24 whatever, this plan is a specific intent to
25 disfavor me as an incumbent.

1 This new plan not only disfavors the
2 incumbent, but appears to an attempt to
3 eliminate an incumbent.

4 Thank you for letting me come today and it
5 was a privilege to speak to you.

6 SENATOR GALVANO: Thank you, sir.
7 Appreciate your testimony. Okay, Jay Ferrin,
8 you are recognized on the base map.

9 MR. FERRIN: All right, thank you, Mr.
10 Chairman, I am Jay Ferrin, I am the Senate
11 Staff Director for the Reapportionment
12 Committee and I am going to walk us through
13 today the specific ways in which we address the
14 districts that the Court invalidated by
15 mentioning their specific numbers.

16 So we are going to go ahead and jump into
17 that. But first I want to just talk a little
18 bit about the procedure that we used for
19 drafting the base map. In accordance with all
20 of the memos that were released by the chairs
21 and --

22 SENATOR GALVANO: Excuse me a moment, now
23 that the press has left, let's move to a vote.
24 You are recognized.

25 MR. FERRIN: Thank you, Mr. Chairman. So

1 pursuant to the instructions that we received
2 from the Presiding Officers and the President
3 and the Speaker we were -- we proceeded to
4 draft a map, corroboratively with legal counsel
5 that was retained by the House and Senate that
6 complied with the Court's ruling, and that was
7 our instruction, is to address that as best as
8 we could without having any -- any
9 collaboration or communication with members or
10 the public or political consultants or anybody
11 else. So we drafted this basically in
12 isolation.

13 Specifically we were instructed to redraw
14 Congressional Districts 5, 13, 14, 21, 22, 25,
15 26 and 27 in direct compliance with the Court's
16 ruling. So where they gave us specific
17 instructions we were directed to follow those.

18 We -- during that process we avoided any
19 assessment of the political implications of the
20 maps with the exception of looking at the
21 functional analysis data that the Court has
22 suggested that we use to determine the
23 performance of minority districts.

24 Other than that, no, no analysis was
25 extended to any other districts, no

1 implications were considered for incumbents or
2 what, where they lived or how their districts
3 performed.

4 That goes, you know, all the way through
5 -- through members of Congress and their aides
6 as well as members of the Legislature here as
7 well. It took us about a week. We started in
8 late, late July and finished the night before
9 the maps were published on the 5th of August.

10 I think that about covers the process that
11 we used. So we will go ahead and go into how
12 we addressed this specifically and validated
13 districts in the base map. And what we are
14 going to do is I am going to address these and
15 then we will kind of pass it around and we are
16 going to walk through all the different drafts
17 that we came up with during the process and all
18 the different alternatives that we considered.

19 So our first directive was to address the
20 specific and specifically invalidated districts
21 and we began with District 5 which the Court
22 said must be redrawn in an east/west manner.

23 I think today we have kind of gone through
24 that extensively as to why we chose to use the
25 map that was submitted by the Plaintiffs. And

1 so I would like to kind of just go through
2 that. We kind of, you see the old CD 5, the
3 one that was passed in the remedial session in
4 2014, and here is the new one as it was drawn
5 in the proposed base map pursuant to the legal
6 instruction and legal counsel that we received
7 during the map drawing process.

8 So that from there we will go ahead and
9 proceed to Districts 13 and 14 which were
10 invalidated by the Court and we were instructed
11 to draw those to avoid crossing Tampa Bay.

12 Here is the old district, the invalidated
13 districts as they were drawn in Plan 9057 which
14 was the 2014 plan, and you can see where the
15 District 14 crosses the Pinellas Hillsborough
16 line to go into St. Petersburg, and taking in
17 some additional minority population.

18 The Court said that was not an appropriate
19 justification for this district and ordered us
20 to draw it without crossing over into Pinellas
21 County. So this is where we wound up in the
22 proposed base map. We basically filled in
23 Pinellas County from the south and moved north
24 to the, about the Clearwater area where we
25 achieved the equal population that was needed

1 to fill out District 13.

2 District 14 you can see is moved north
3 some in compliance with the Tier 2 criteria,
4 the constitutional amendments. It keeps the
5 entire city of Tampa whole and is extremely
6 significantly more compact than its predecessor
7 district.

8 District 12 was also reconfigured as a
9 part of this. It takes in the remaining
10 population in northern Pinellas, all of Pasco
11 County and then there was about 11,451 people.
12 There is exactly 11,451 people that the
13 district still needed to gain and we chose to
14 take District 12 into the northwest corner of
15 Pasco there, excuse me, of Hillsborough County
16 to get the required population.

17 Part of this reconfiguration of District
18 14 left southern Hillsborough kind of open.
19 There was roughly 150,000 people that wound up
20 in District 16 as a result of reconfiguring
21 that. District 15 takes in the remaining
22 population there in the northeast corner of
23 Hillsborough as well as the city of Temple
24 Terrace in its entirety.

25 This slide here is a closeup of the

1 boundary between Districts 12 and 13 in
2 Pinellas County. We had to, as you can see
3 from this slide here, we had to split at least
4 one city in drawing this boundary because of
5 the way Clearwater protrudes to the north and
6 basically Pinellas County is incorporated
7 across the entire east/west area and across the
8 county here.

9 So it goes from the Gulf of Mexico which
10 is incorporated in Dunedin all the way to Tampa
11 Bay over there to the east of Safety Harbor.
12 It is pretty much all incorporated. So there
13 was little or no area for us to work with to
14 draw a district that would have not split the
15 city lines here. Where we did split the city
16 lines we made use of major roadways wherever
17 possible.

18 You can see there 19 is used and I
19 believe, I am forgetting the name of the today
20 that we run east/west on there to the split
21 Dunedin and Clearwater meet there, but it is a
22 significant roadway in the area.

23 This is a similar image of District 14 as
24 it was drawn where you can see the boundaries
25 of the city of Tampa and how we were able to

1 keep the entirety of that city whole within
2 this plan. The eastern boundary makes notable
3 use of the riverway there as well as some major
4 roadways, and as I mentioned earlier, keeps the
5 city of Temple Terrace whole.

6 From there we moved on to addressing the
7 infirmaries of Congressional Districts 26 and
8 27 which the Court directed us to redraw in
9 order to avoid splitting Homestead. This is
10 the last enacted plan, 9057, that split the
11 city of Homestead and you can see how it moves
12 through the middle of the city there and then
13 follows the boundary of the city of Florida
14 City.

15 This is the configuration that we wound up
16 going with for the base map in which we move
17 all of the city of Homestead into District 26
18 and the portions of District 27 across US 1
19 there to take in the addition population that
20 it needed to make up the loss from Homestead
21 which I believe was about 17 or 18,000 people
22 that were added to District 26 and removed from
23 District 27.

24 This is a closeup of the split in the
25 enacted plan in 9057. It shows where Homestead

1 was split. This is the proposed base map now
2 where you see the black boundary on the eastern
3 side of the city of Homestead that does not
4 split it.

5 This is the, and I think Jason is going to
6 talk more about some of the alternatives here,
7 but this is the other option that we looked at
8 for this how to split, how to correct the split
9 of the city of Homestead.

10 The two obvious choices were to put either
11 all of Homestead in 26 or all of Homestead in
12 27. So this is -- this is the other way we
13 looked at it which we put all of Homestead in
14 District 27, and we would have equalized some
15 of the population there on the western boundary
16 of the city where we needed to just pick up a
17 few more people. We stayed on US 1 as it goes
18 north up to Miami from Homestead.

19 The next issue that we addressed was the
20 split in Hendry County which the Court ordered
21 us to redraw to avoid splitting. This is the
22 enacted plan, and the split there in Hendry
23 County between District 20, which is a Section
24 2 minority/majority district, and Section 25
25 which is a majority Hispanic district. This is

1 where we wound up in the base map, adding all
2 of Hendry County to District 25. We did look
3 at it both ways. This is the first draft in
4 which we went with Hendry in 25 and this is the
5 second in which we have flip flopped and went
6 the other way to decide which one to choose.
7 In all of these decisions we weighed
8 extensively the compactness measures, the
9 ability to follow major political and
10 geographic boundaries, as well as the -- in
11 these particular districts we were looking at
12 the functional analysis as well for both
13 districts because they are minority seats and
14 we were -- we were cognizant of the fact that
15 they were still able to perform.

16 We were able to through looking at those
17 confirm that in both arrangements they would
18 perform so we could use the compactness
19 metrics, the city and county splits as well as
20 sort of the visual test to decide which --
21 which district configuration to go with.

22 The next area that we addressed was
23 Congressional Districts 21 and 22 where the
24 Court concluded that we needed to redraw those
25 districts, understanding that Tier 2 compliance

1 could be improved. They didn't necessarily
2 order us to draw them in a stacked
3 configuration, but suggested that we find a way
4 to draw them more compact. This is the enacted
5 plan where you see District 22. It includes
6 coastal Palm Beach and Broward County, District
7 21 includes areas more inland of District 22
8 and goes into Broward County there just north
9 of -- or just west of Deerfield Beach.

10 This is a slide that we put together to
11 show how the city splits in this area work.
12 All of the cities in Palm Beach County that are
13 split are split by District 20, which is a
14 minority/majority district with Tier 1
15 protections, and therefore, is not necessarily
16 subject to a prohibition on splitting cities.

17 So when you look at the list of districts
18 there you see that there are no -- no cities
19 that are split between only Districts 21, 22 or
20 18. They all have a piece of 20, and that is
21 what that slide is there to illustrate. So it
22 left very little, little to no, no real room
23 for improvement in terms of keeping cities
24 whole.

25 This is a configuration that we wound up

1 going with, and that is one in which we put the
2 northern portion of that area that was not
3 included in District 20 into District 21 and
4 the southern portion into District 22, and the
5 practical effect of that is to pull District 21
6 out of Broward County, keeping one less
7 district out of Broward and both to also
8 increase the numerical compactness scores of
9 both of the districts.

10 This is -- this slide is similar to the
11 other one in that it shows the city boundaries
12 and how the districts avoid splitting
13 additional cities, and you can see where we
14 come up out of in District 22, it comes up out
15 of Broward County and into Palm Beach and
16 taking the cities of Boca and island beach and
17 those cities are not split.

18 They are entirely within the district, but
19 then it has to come back into Broward County to
20 take up that remaining. 21 could not, did not
21 have the capacity to fill that area. So it
22 being already in Broward and having to go into
23 Palm Beach to get to the remaining portion of
24 Broward that is how we chose to do it so that
25 we were sure not to split any additional

1 cities. We did manage to follow the turnpike
2 for a significant portion of that boundary and
3 to stay on some of the city lines there where
4 possible. Otherwise we are on major roadways
5 in the area.

6 I think at this point we will turn it over
7 to Jason and he will start walking through the
8 draft by draft in terms of some of the other
9 alternatives that we looked at.

10 So thank you, Mr. Chair.

11 SENATOR GALVANO: You are recognized.

12 MR. POREDA: Thank you, Mr. Chairman. As
13 Jay said, that is how we corrected the specific
14 deficiencies in the Supreme Court ruling. Now
15 we are going to go through a draft by draft
16 walk through to kind of go from point A to
17 where we ended with the base map.

18 That encompassed 31 drafts that we will
19 now go through. A lot of these are not whole
20 maps that we are going to be going through. We
21 focused on different regions trying to
22 compartmentalize different areas of the map
23 where we could to ease the effect of some of
24 the changes that we were making to certain
25 regions where we could so they wouldn't change

1 in south Florida wouldn't necessarily make a
2 change in north Florida.

3 So the first draft that we did and Senator
4 Sobel to you we actually started with the
5 District 26 and 27, that was our first draft
6 that we -- that we looked at, draft one you can
7 see here. We did our first version of the
8 splitting of Homestead and how we were going to
9 remedy that. So we actually did start in the
10 south in this particular review process.

11 So you can see here, Jay mentioned before
12 our first version we needed to correct the
13 split of Homestead. We pulled District 27 out
14 of Homestead, making Homestead entirely within
15 District 26. The portion of the population
16 that was in District 27 is now in District 26
17 from the city of Homestead. It was about
18 17,000 people.

19 Just north of the city in this graphic
20 here you can see the municipal boundaries of
21 Homestead has that sharp point up at the top of
22 it over on the eastern side. Instead of
23 following the Dixie Highway or US 1 all the way
24 south to the municipal lines, following that
25 over and kind of getting at the bottom of 27

1 there would be kind of a point at the bottom.

2 We chose to move an additional 15 or
3 16,000 people following that straight roadway
4 that goes across to the top of that point of
5 the municipal line of Homestead which is a
6 major road in the area, moving a few more
7 people into District 26 at the benefit of both
8 visual and numerical compactness. And then you
9 can see the remaining portion in District 27
10 follows the eastern boundary of the city of
11 Homestead. So now you see those two
12 municipalities down in south Miami-Dade County
13 are entirely within District 26.

14 Going back real quick you can see where
15 the remaining population that District 27 had
16 to make up, we were able to keep that
17 population shift just between the two
18 districts. So if you go up the Dixie Highway,
19 the next major street or road that you come up
20 to is actually the Florida Turnpike. So that
21 now new little bump in the middle follows that
22 turnpike up until we have to go over on
23 equalized population. That is where we
24 equalize the population for District 27 there
25 and District 26. Followed that some other

1 major roadways in the area and then the
2 boundary going up to the north is the same as
3 it was previously in the enacted map.

4 In draft two, as Jay explained briefly we
5 did the opposite. A lot of these decisions
6 that the Supreme Court said we needed to fix
7 Homestead and do other things we had two
8 different options. We could either put
9 Homestead in one district or the other. We
10 went through and did both options so we could
11 the scores of both the functional analysis and
12 of the compactness scores for each version.

13 So on this version as Jay described before
14 we put Homestead entirely within District 27.
15 Now, that instead of being about a 30,000
16 people population shift, that was 42,000 people
17 shift between the two districts. We then, we
18 were able to follow the Dixie Highway more
19 closely all the way up to the north until we
20 went and followed a vertical major road to get
21 up to the northern part of the boundary of the
22 district.

23 That took all of that population away, but
24 by doing that you can see the municipal
25 boundary of Homestead to the east is a little

1 bit jagged and kind of sticks out from the
2 remaining portion of the district. But
3 otherwise both districts visually look about
4 the same.

5 So then we move from there into the more
6 functional analysis because both of these
7 districts were majority/minority Hispanic
8 districts. And then south Florida these two
9 particular districts in particular along
10 District 25, the functional analysis is
11 relatively complicated, the functional analysis
12 compared to the rest of the state and I will
13 get into why here in a minute.

14 You can see both in draft one and draft
15 two as we were drawing we were paying attention
16 to the Hispanic VAP numbers but not using them
17 as a hard line, we need to hit that number. We
18 were looking at them and approximately what
19 they were in the previous version of the
20 enacted map, but then we had to go further into
21 that analysis to determine if the districts
22 would still perform.

23 So you can see here both in draft one and
24 draft two, the changes in the Hispanic VAP for
25 Districts 26 and 27, both staying approximately

1 where they were in the enacted map.

2 Going further into the functional
3 analysis, the next step is to determine if --
4 determine which party has control over this
5 particular district or these particular
6 districts. And as you can see, although in
7 some elections there might be a slight tilt
8 toward one party or the other, both of these
9 districts are relatively right down the middle
10 politically, and depending on the election or
11 the candidates, whether it be a Presidential
12 year or a gubernatorial year, both parties
13 would have a chance of winning the district,
14 and that is also supported by looking at the
15 voter registration of a break down of the
16 parties where no party really has the majority
17 of the voter registration totals in that area
18 and there is a significant NPA population
19 there.

20 Another, something else when you want to
21 look at real quick, the Hispanic VAP numbers,
22 they look relatively high. That is for two
23 reasons. One, just the concentration of
24 Hispanic people in south Florida is very high.
25 So you can draw a very high Hispanic population

1 district without really having to do much else.

2 The other issue there is that the drop off
3 from Hispanic, Hispanic voting age population
4 to his Hispanic registered voters is about 12
5 or 13 percent. So in HVAP of about 70 percent
6 will actually turn out to be somewhere in the
7 57 to 59 range, and then from there it actually
8 gets broken down even further.

9 If you look at both the 2010 and 2012
10 numbers, when you look at Hispanics who are
11 Democrat or Republican they are primarily
12 Republican but not a majority and there is a
13 significant portion that are Democrat. So that
14 portion of the registered voters that is
15 approximately in the high 50s gets broken down
16 into even further, and because both parties
17 have a general election we need to be mindful
18 if either party were to elect a Hispanic
19 candidate, we need to be mindful about whether
20 or not those, either side could win that
21 particular election.

22 Usually in a functional analysis you are
23 focusing on one party or the other, depending
24 on who, which party has control in the general
25 election. Well, in these cases you have to

1 consider both. So here as we go further into
2 that down into the turnout for who the actual
3 voters are and the registered voters for
4 Hispanics, you can see on the Republican side
5 there is a clear majority for Hispanics in this
6 particular district, and it being both
7 districts close performance in the general
8 election a Hispanic candidate who is Republican
9 would have a chance to win.

10 Democratic candidates and the registered
11 voters they have close to a majority but not
12 quit and their turnout percent is a little bit
13 less than out of a Republican, but we also, we
14 still had to be mindful because a Democrat
15 could still win that election in a general
16 election. So Hispanic if the Democrats happen
17 it elect a Hispanic candidate, that Hispanic
18 candidate would have a chance of winning a
19 general election. And both of these functional
20 analyses were very consistent with the enacted
21 districts that we had previously done and also
22 with the 2010 benchmark districts there, at
23 least they are as close analysis as we can,
24 obviously we have 27 rather than 25 districts.

25 So having determined that both of the

1 options that we drew for both of these
2 districts would perform we turned to the
3 compactness numbers. And as you can see here,
4 District 26 is a very low compactness score in
5 draft one and draft 2 and in the enacted map
6 and that is mostly due to the fact that the
7 Florida Keys are part of Monroe County which
8 are were the district. So that district no
9 matter how we draw it is going to have a very
10 low compactness score. That is just the simply
11 geography of the state that we happen to live
12 in.

13 There is also an area of non contiguity in
14 this particular district, that being the Dry
15 Tortugas which are a part of the Florida Keys,
16 that is just again part of our geography in the
17 state. So District 26 doesn't really change.
18 Its compactness numbers are the same, but when
19 we look to District 27 we can see that the
20 Reock scores are the same, but in draft one
21 there is a slight advantage in compactness for
22 the Convex Hull scores of the district, and
23 that is ultimately why we ended up choosing the
24 draft one keeping Homestead whole in District
25 26 rather than 27, and that is because of the

1 compactness numbers brought us in that
2 direction after we determined that both of
3 these districts could perform.

4 So after we did that we turned from south
5 Florida we turn to a different area. As I
6 said, we looked at different regions of the
7 state where there was a more obvious choice
8 that the Supreme Court gave us in their
9 opinion. So we moved from drafts three, four
10 and five up to the Pinellas, Hillsborough
11 County area, and there are our first versions
12 of that.

13 Draft three is simply our first version of
14 District 13, drawing in Pinellas County.
15 Whenever you start drawing in a peninsula you
16 have to start from the south and go north.
17 Otherwise you might trap yourself with a small
18 population on the south of the peninsula that
19 doesn't have a district. So you have to start
20 from the south and go north, and Jay did a very
21 good job of describing the municipal lines
22 there in Pinellas county and what we did with
23 that, and we had to split Clearwater and we
24 were able to follow a lot of major roads, US
25 19, Sunset Point, and I believe Enterprise Road

1 primarily to break those the cities. We were
2 able to use some major roads where we did have
3 to break a major city and you can see that a
4 little bit bigger here.

5 And when we first started drawing those
6 two because we had to fill out the rest of
7 north Pinellas County we attached it entirely
8 with Pasco which is similar to how the district
9 is oriented now, but 92,000 people District 13
10 got from District 14 in the south part of
11 Pinellas.

12 That was the approximate number of people
13 that District 14 had come over and grabbed in
14 south St. Petersburg. So 92,000 people less
15 had to go into District 12 from Hillsborough
16 County, that kind of got pulled into Pinellas
17 County. The remaining population that Jay
18 mentioned is 11,450 or 51 people in
19 Hillsborough County.

20 This was our first pass at doing that in
21 northwest Hillsborough County, and as you can
22 see here, this is a representation of the block
23 lines that we had to work with in that area of
24 the state.

25 Unfortunately, block lines, the census

1 block lines can be very, especially in areas of
2 the state that have slightly less dense
3 population, they can be very hard to work with
4 as map drawers. Map drawing has a connotation
5 that you get to kind of draw the lines wherever
6 we want. We really don't. We are blocked in
7 to the Census Bureau block lines that are
8 instituted throughout the state. So really it is
9 more like building a district based on the
10 blocks that we have available with the
11 population.

12 This was our first pass at that. You will
13 see in later drafts that we kind of went back
14 and refined that and we think we found a better
15 way of doing it than you see here where we kind
16 of come down from the corner and extend over
17 drawing on the block lines that we have.

18 But that is just kind to give you an idea
19 of some areas of the state, some of the
20 difficulties that we as map drawers have trying
21 to find small amounts of population.

22 This is the same slide we looked at
23 earlier. We can see Safety Harbor and Dunedin
24 and the split of Clearwater in Pinellas County.
25 And then here in draft four is our first

1 attempt to drawing District 14. Now that we
2 kind of had drawn our first versions of 13 and
3 12, we turned our attention to the Hillsborough
4 County district.

5 Now, this district was our kind of
6 conceptual exercise where we said well, what if
7 we kept the boundary lines of 15 and 17 the
8 same in Hillsborough as they are already
9 enacted, what would 14 look like and this is
10 what that would happen. So if you were to keep
11 that population shift of 92,000 people within
12 12, 13 and 14, rotating out of south St.
13 Petersburg into Hillsborough County and up to
14 the north and back down to the north, north
15 Pinellas County in District 12, that is what it
16 would look like.

17 We struggled with this a little bit. This
18 is not actually dissimilar to what was in the
19 Plaintiffs' version when they drew their
20 version entirely within Hillsborough County,
21 but it is a very uncompact looking district,
22 and now with the loss of the voters in, I am
23 sorry, with the people in south St. Petersburg,
24 this district is really no longer a performing
25 coalition district. And so we chose to look at

1 it and that is supported. Here is kind of a
2 look of how we had to split Tampa in the north
3 part of that district. This is when we started
4 to look at the municipal lines in Hillsborough
5 and wondering to ourselves if we can better
6 follow those lines to draw a better district.

7 Here is the part of the Supreme Court
8 opinion that talks about District 14, and how
9 we kind of took this direction from the Court
10 including footnote 15 where they mention that
11 Kathy Castor, a white Democratic Congressman
12 has been elected to District 14 for a long
13 time.

14 They didn't treat District 14 as a
15 district that needed Tier 1 protection or that
16 it was even a performing coalition district as
17 it was under the enacted map. So we took the
18 opportunity to look more closely, and as Jay
19 kind of mentioned earlier, this is close to
20 where we wound up where we were able to keep
21 the entire city of Tampa whole, drawing a much
22 more compact district and including the
23 remaining population of northwest Hillsborough
24 County with the district in our fifth draft.
25 So you can see here is kind of a more version

1 of what we did the first time, keeping the city
2 whole and here is the municipal lines of Tampa.

3 We, you can see us going around Temple
4 Terrace. There was too many people left over
5 after we included all of what was left over in
6 northwest Hillsborough and all of Tampa to
7 include all of Temple Terrace. So instead of
8 splitting that city we went around it and
9 picked up a little bit more population just to
10 the east of the city of Tampa. And you will
11 see as we go through in our drafts we slightly
12 refine this concept as we moved forward. So
13 you will see in some of the later drafts some
14 refinements to those boundaries, so this was
15 our first attempt.

16 Then in draft six and seven we went back
17 down south and back down to two other decisions
18 that the Supreme Court gave us that were more
19 obvious.

20 What do we do with Hendry County? Do we
21 keep it in District 20 or District 25? And Jay
22 mentioned that a little bit when we were
23 talking about this specifically invalidated
24 districts.

25 In District 6 we specifically looked at

1 the portion of Hendry County and put, that was
2 in District 20 and put that in District 25.
3 That was about 17,000 people that District 25
4 gained and District 20 lost. Then in the
5 remaining portion of this map we equalized the
6 population. District 20 picked up most of its
7 remaining population down in the portion of the
8 district that is in Broward County down in Fort
9 Lauderdale.

10 District 25 was, had more of the city of
11 Pembroke Pines before. So it was kind of
12 pulled back a little bit there. So there was a
13 very slight change to both districts in the
14 end.

15 In District 7 or draft seven rather, we
16 did the opposite as Jay mentioned, and we took
17 the remaining population that was in District
18 25 in Hendry county and put it into District
19 20. That was about 22,000 people and we did
20 the same sort of population shifts there.

21 Part of the difference with this is that
22 District 20 had to now lose population where it
23 lost it mostly in that Broward County portion
24 and District 25 needed to gain. In order for
25 us to gain enough population over in Broward

1 County in District 25 we actually had to split
2 an additional city in the southwest branches to
3 do that. So that was also a consideration as
4 we were drawing these.

5 We then turn briefly to the functional
6 analysis for these two districts. District 20
7 is a performing African-American district with
8 black voting age population that has been over
9 50 percent. That was an unchallenged district
10 protected by Section 2 of the Voting Rights
11 Act. So we kept that district above 50 percent
12 and we were able to do so in both versions of
13 the draft as you can see, one at 50.01 and one
14 at 50.06, which is also consistent with where
15 it was in the enacted map. And District 25
16 remained at about the same percentage.

17 That changed very little in either draft,
18 and you can go through and see some of the
19 functional analysis numbers for both of those
20 districts, but these are all very consistent
21 with the districts previously. The main
22 percentages of the VAP changed very little
23 compared to the remaining portions of that
24 district.

25 So once we determined both of those

1 districts would perform as they otherwise would
2 have we turned to the compactness numbers again
3 and this is where we determined that in draft
4 six the compactness, the Reock scores for both
5 districts were higher than that of draft seven.
6 The Convex Hull number for District 25 in draft
7 seven was a little bit higher, but very slight
8 change. District 20 in draft six was actually
9 higher in both Reock and Convex Hull and you
10 can see the third compactness scores. So after
11 looking at these numbers we made the decision
12 to go with draft six which is the one that kept
13 Hendry County whole within District 25, mostly
14 because of the compactness numbers had stronger
15 scores there. We also split one less city than
16 we did in draft seven.

17 So now on draft eight, this is where we
18 combined our two versions, or the version that
19 we kind of chose for District 25 or 26 and 27
20 and then of 25 and 20, and then we added in the
21 rest of south Florida in the more zoomed in
22 version.

23 So Senator Sobel, to your point earlier
24 when you were asking why there were certain
25 number of districts in Broward or Palm Beach

1 County. There are five majority/minority
2 districts in south Florida. Two black
3 districts that are over 50 percent black VAP
4 and three performing Hispanic districts that
5 are over 50 percent Hispanic VAP. Those are
6 Districts 25, 26, 27, 20 and 24.

7 District 24 we did not change. That was
8 not an invalidated district. We kept that
9 district the same as it was in the enacted map.
10 Once you put those districts in the map and we
11 -- paying attention to all of those functional
12 analysis to make sure that those districts were
13 able to still perform, we are left with the
14 area that is now in 21, 22 and 23.

15 Those are districts that are not minority
16 districts and they really are just the
17 remaining, the remaining areas that equal
18 exactly three districts. So we started, we
19 actually started with the south. We filled in
20 District 23 first. That looks remarkably
21 similar to what it does now in the enacted map,
22 because if you start south and start filling
23 north, you get about the same population.

24 The difference is because District 25 kind
25 of left Broward County a little bit by 17,000

1 people, District 23 was able to pick up a
2 little bit more population there in Pembroke
3 Pines which pulled, if you kind of look at a
4 comparison, there is some of the city of
5 Sunrise that was in District 23 which looked
6 like kind of a little spike at the top of the
7 district to the west. That population was now
8 pulled down, so we were able to keep that
9 district on the 595 which is also the Davie and
10 Plantation municipal lines. We kept that line
11 straight all the way across, and then equalized
12 population in Ft. Lauderdale.

13 We then, as Jay noted before, under the
14 direction of the Supreme Court we started
15 filling up from the south and we started
16 filling up with District 22. Not wanting to
17 split the municipality of Boca Raton we kept
18 that city entirely within 22 rather than
19 splitting that city to create a straight line.
20 That is why you have kind of with a little
21 extension to the west. That was to keep the
22 city of Boca Raton whole and to fill in the
23 rest of the remaining area with District 21.

24 Now, because we were able to keep District
25 18 and District 19 untouched from what they are

1 in the enacted map because we did not alter the
2 western boundary of Congressional District 25
3 or the northern boundary of District 20 and
4 District 21 into the same place that District 2
5 or 22 used to end, we were able to keep those
6 two districts entirely the same as they were
7 before. They are both very compliant districts
8 in and of themselves, and because we were able
9 to keep those two districts on either side of
10 all of those other districts we were able to
11 section off south Florida now.

12 So Districts 18 through 19 could be kept
13 apart from Districts 1 through 17, so we could
14 make changes to north and central Florida and
15 not have them effect all of the districts to
16 the south, and that is where we ended with
17 draft eight.

18 And, oh, and part of the reason why we
19 decided to go with that stack configuration
20 beyond the city and county issues that Jay
21 mentioned earlier, when we ran the compactness
22 scores the stacked version of 21 and 22
23 compared to how they are in the enacted map
24 were considerably better. So that is what
25 directed us to make that decision.

1 Now we turn to the development of the
2 Orange County area and to do that I am going to
3 turn this over to my colleague, Jeff Takacs.

4 SENATOR GALVANO: Ready to go.

5 MR. TAKACS: With your indulgence I would
6 like to present that.

7 SENATOR GALVANO: Yes, you are recognized.

8 MR. TAKACS: Thank you, Chairman. So our
9 attention turned to the central Florida area
10 and Orange County specifically and there are
11 two big things that were on our minds when we
12 started to develop the districts in that
13 central Florida area.

14 The first is that the population of Orange
15 County by itself is 1.5 million people. So
16 there is enough for a congressional district to
17 fit entirely within the county.

18 Secondly, we had to consider that the
19 north -- south configuration of CD 5 had
20 roughly 283,000 people in Orange County in that
21 old district. So we knew there was a
22 significant African-American population as well
23 as a Hispanic population in Orange County as
24 well. So those were the factors that we looked
25 at as we began drawing and as I show you the

1 first version of what we did in Orange County,
2 this was essentially kind of an exploration of
3 where those minority communities are within the
4 county.

5 As you can see to the west and to the
6 south we don't cross the county boundary line.
7 That version you see in front of you is just
8 within Orange County, and you can see as we
9 were kind of exploring the map and exploring
10 what Orange County looked like, the particular
11 shape there is not particularly favorable.

12 You can see here on this particular slide
13 all of the various colors that you see on the
14 map are the various municipalities within the
15 county and that dark black line is the outline
16 of what this draft looks like.

17 You can see to the northern area it splits
18 the city of Apopka. Over towards kind of the
19 northeast area there you can see the kind of a
20 squared off edge is the city of Eatonville
21 which was kept entirely whole within this
22 particular draft, and then that brown there
23 that kind of goes from the southern area of the
24 county and kind of sprawls more into the
25 central and northern area of the county is the

1 city of Orlando. So that in this particular
2 draft that city would be split.

3 But to kind of give you a little bit of
4 the lay of the land of what those
5 municipalities look like within this county,
6 because that was a factor for us in this
7 process working to try to create a compact
8 shape that also keeps city, county boundaries
9 whole and cities whole within the district.

10 So again, we weren't terribly happy with
11 the way that that visually looked from a
12 compactness standpoint, as far as visual
13 compactness. So we tried again, kind of wiping
14 the slate clean again within Orange County and
15 trying to use more of the southern county
16 boundary to draw a district and work our way
17 north. Again you can kind of see the
18 difference there as the other district had more
19 of a circular shape. This is more, you know,
20 probably a little more compact, again, still
21 not what we consider to be a favorable shape in
22 the Orange County region.

23 Again, it is all within Orange County.
24 Again, here are the city boundaries, again,
25 Orlando in brown is split there, Apopka is also

1 split with this one. The distinction here is
2 that in that kind of western area we worked
3 around the city boundaries of Ocoee to try to
4 keep Ocoee whole and another district in this
5 particular draft.

6 Again, when we were kind of completed with
7 this draft which this draft does equalize
8 population, each congressional district has to
9 be 696,344 in its population. So we did meet
10 that to see what it would look like before
11 making any kind of final assessment on the
12 district. So again we, we tried again.

13 This time we wanted to try to use more of
14 the northwestern county boundaries as our
15 beginning point and kind of work our way south.
16 Again still has a little bit of that semi
17 circular shape, you know, again looking at the
18 minority communities within Orange County
19 trying to see if there is any kind of ability
20 to build a coalition district in this area that
21 is entirely within Orange County.

22 Again, as we look at this and we will
23 overlay the city boundaries again, Apopka is
24 kept whole. We go back to trying to split
25 Ocoee to see what that would do while splitting

1 Orlando as well and some of the cities there
2 kind of into just in the southern area of
3 Orlando, but just north thinking of the city of
4 Edgewood is kept whole within this draft as
5 well as the city of Eatonville.

6 Again, when we were finished with this we
7 equalized population. We just weren't pleased
8 with its shape. We didn't think it had a
9 visual compactness that was -- that was
10 appropriate. And so what we did was with this
11 particular draft we said okay, let's just
12 really look hard at Tier 2 requirements,
13 looking at a compact district that follows
14 county boundaries and city boundaries. Again,
15 a district all within Orange County and see
16 what that would look like. And so this was our
17 first attempt at that and you can see it is
18 much -- it is much different shape than the
19 previous drafts where we were trying to do some
20 different things, much more compact, follows
21 the northern county boundary as well as the
22 western and southern county boundary for the
23 district and then as it moves to the east it
24 looks to keep particular cities whole and then
25 I will show that map now.

1 You can see kind of in the northern area
2 there, the cities of Eatonville, Maitland and
3 Winter Park are all kept whole, as is Apopka
4 and Ocoee. The two other cities in kind of the
5 southwest quadrant of Orange County, those are
6 kept whole as well as is the city of Edgewood.
7 And so this was our first attempt of just
8 really strictly adhering to Tier 2 standards to
9 see what that district would look like.

10 Not wanting to completely abandon the
11 possibility of there being a coalition district
12 opportunity in this region, we decided to see
13 what it would look like if we drew a district
14 that would break that county boundary and move
15 south into Osceola County.

16 You can see here that this particular
17 district draft goes from that northern border
18 of Orange County and works its way south. You
19 can see there that the city of Eatonville is
20 kept whole again, and as I overlay the city
21 boundaries you can see as we move southward
22 that green city there that you see in Osceola
23 County is the city of Kissimmee. And so we
24 worked to keep that particular city whole
25 within this draft, as well as you can see at

1 the very bottom of the slide that pinkish color
2 is the city of St. Cloud. We worked to work
3 around the edges of that city as well so that
4 that city would be kept whole in a different
5 district.

6 And so this was again just really trying
7 to explore our options and seeing what the
8 population was in Orange County and then in
9 this Osceola County version just to see what
10 was available.

11 So what we did next was look at the
12 compactness scores of those various drafts.
13 Not surprising to us was that draft 12 which
14 was that district that was again all whole
15 within Orange County but had used the northern,
16 western and southern boundaries of the county
17 as its border, had the highest Reock score.

18 Again, the Reock score is the circle of
19 the district and the area that it takes up of
20 that circle. It also had the highest Convex
21 Hull score which is the concept of wrapping the
22 rubber band around the district and measuring
23 the area within that shape as well. So again,
24 not a surprise to us, we thought it would be
25 the most compact and the statistics beared

1 fruit for that.

2 So what we did next was we said, okay,
3 well, let's -- let's see, we don't think this
4 particular draft may be a coalition district,
5 but let's run a functional analysis on it to
6 see what it is and to see what we can do from
7 that. And so as you look at this particular
8 functional analysis you can see as Mr. Poreda
9 has pointed out previously, the first thing you
10 do is determine which party would have control
11 of this district. In this particular instance
12 it is the Democratic Party. As you can see
13 from the various elections there, 2012
14 Presidential, the gubernatorial year in 2010,
15 and so forth, that this would be considered a
16 Democratic leaning seat.

17 Then what you do, what we did here is we
18 kind of did the same comparison for all of our
19 drafts, from the several attempts in Orange
20 County where there were semi circular shapes to
21 even that draft 13 which is where we crossed
22 over into Osceola County to see what that would
23 look like. All of these as you can look at the
24 various numbers there as far as elections, all
25 of those particular drafts showed us that these

1 were all, these drafts were Democratic leaning
2 districts.

3 So the next step then as you look at the
4 primary Democratic turnout, you look at as well
5 as registered voter data, and so when I kind of
6 focus in here on this particular slide since
7 there is a lot of numbers on it is that draft
8 12.

9 That was the district that was wholly
10 within Orange County and we started from the
11 northwest portion of the county and worked our
12 way down into the east.

13 The particular turnout figures for them
14 when you combine the black percentage and the
15 Hispanic percentages is 26.8 percent, not what
16 we would consider a working coalition district
17 as if, you know, because the combined
18 population there would not get to prevail in
19 the primary. So they would not be able to
20 elect a candidate of their choice if they were
21 to combine as a coalition.

22 What that number did show us though, was
23 it was encouraging in that there may be some
24 possibilities if we worked with our previous
25 version of draft 12 that maybe with some

1 adjustments we might be able to have this be a
2 district that may be a performing coalition.
3 So when you think about that District 12 was
4 drawn strictly to adhere to Tier 2 standards,
5 but then we thought there may be a Tier 1
6 benefit to that district. So we felt that that
7 was pertinent to try to explore and see if we
8 could meet that medium, and so draft 14 --

9 MR. FERRIN: He means draft 12, District
10 10.

11 MR. TAKACS: Oh, forgive me, thank you.
12 So sorry, lot of numbers. So as we move on,
13 this is draft 14. Again, this is District 10.
14 It is very similar to draft 12 District 10
15 where it uses the north border there of Orange
16 County and as well as its western and southern
17 boundaries, but what is kind of there in the
18 eastern area is what gives it its different
19 shape.

20 And with the city overlays what you can
21 see here is that the previous version kept all
22 of the city of Maitland whole. And so we
23 backed Maitland out in this particular draft
24 and worked with some of the other various
25 population to see if there was a way to get

1 that combined black and Hispanic percentage
2 above 50 percent.

3 First, as always, we look at compactness,
4 highlighted there is draft 14. It has a very
5 good Reock score of .49 and its Convex Hull
6 score actually went up compared to draft 12 at
7 a .89.

8 So those were some encouraging numbers for
9 us. So the next step in this process would be
10 to engage in the functional analysis. This is
11 as we start in this process, you can see the
12 combined voting age population between blacks
13 and Hispanics is 48.5 percent.

14 The next step again is to determine what
15 party would control that district as you look
16 at draft 14 and the various election results
17 there in 2012 Presidential, 2010 gubernatorial
18 and so forth, that this is a Democratic leaning
19 district.

20 And now we turn to that 2010 primary
21 Democratic turnout whereas you can see in draft
22 12 where I mentioned before we were at 46.8
23 percent, now with the new configuration under
24 draft 14, that combined figure went to 51.7
25 percent. So what that would mean that is if

1 the black and Hispanic populations in that
2 county were to combine as a coalition, they
3 would have a majority of the primary of the
4 party that controls the district.

5 Okay, so after we did that, as Mr. Poreda
6 had mentioned before, we had done some work
7 between Pinellas and Hillsborough County before
8 the configuration of Congressional District 12.

9 SENATOR GALVANO: Why don't we stop there.

10 MR. TAKACS: Sure.

11 SENATOR GALVANO: Before we move into
12 Hillsborough.

13 MR. TAKACS: Sure.

14 SENATOR GALVANO: Let's take a break to
15 not only digest the information, but perhaps
16 some food, and we will reconvene at 1:00 p.m.

17 (Whereupon, the proceedings were in
18 recess.)

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CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 02 through 158, is a true and correct record of my stenographic notes.

Dated this 19th day of August, 2015, at Tallahassee, Leon County, Florida.

CLARA C. ROTRUCK

Court Reporter

Commission No.: FF 174037

Expiration date: November 13, 2018

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CONCURRENT MEETING OF THE SENATE REAPPORTIONMENT
COMMITTEE AND THE HOUSE OF REPRESENTATIVES SELECT
COMMITTEE ON REDISTRICTING

AUGUST 11, 2015

VOLUME II

PAGES 160 - 350

Reported by:
CLARA C. ROTRUCK
Court Reporter

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

2 SENATOR GALVANO: Okay, good afternoon,
3 members, and presenters and people in the
4 audience, we will reconvene our Joint Hearing
5 on Reapportionment and Redistricting and we
6 will pick up where you left off, sir, and you
7 were just about to go into District 10, final
8 functional analysis. I think you had actually
9 finished that and was going into the District
10 12. You are recognized.

11 MR. TAKACS: Thank you, Mr. Chairman.
12 Wrapping up here with this functional analysis
13 of District 10 I just wanted to highlight the
14 fact that through all of the iterations of the
15 work we had done in this area, draft 12 was the
16 one that we chose. So I wanted -- I am sorry,
17 draft 14 was the one that we chose there. So I
18 wanted to mention that briefly before we move
19 on to District 12.

20 So this is, if you recall the previous
21 version of where District 12 and 14 kind of
22 interplay there between Pinellas and
23 Hillsborough County, you can see on the left
24 hand side of your screen, that was our first
25 attempt at where to equalize the population

1 between the districts. That kind of train
2 shape there is roughly 11,450 people. And so
3 thinking about that protrusion from Pinellas
4 into Hillsborough, we really didn't like the
5 way that that looked overall and thought that
6 was much more of an intrusion into Hillsborough
7 County visually than we wanted to see. And so
8 you can see on the right, this was our second
9 attempt at making that protrusion kind of less
10 pronounced within the district.

11 As was mentioned earlier in the
12 presentation, the census geography in that
13 region is rather difficult to work with as far
14 as, you know, not be able to follow the
15 roadways as much as we would like or other
16 areas there, other geographic areas. So the
17 census blocks that we used there, just trying
18 to get as straight of a line as we can as the
19 District 12 protrudes into Hillsborough County.

20 You can see here, this is the difference
21 that was highlighted earlier between our first
22 version of District 14 and the second version
23 of District 14. What we did here was, you can
24 see in the black line we moved the line there
25 to the north closer to the city boundary along

1 a roadway and made some other adjustments to
2 counter act that. Again, that protrusion you
3 can see on the left hand side of the screen
4 there with that red line to fix that to the
5 black line which is the version that we went
6 with. Some other adjustments were needed to be
7 made, again, keeping in mind to keep the city
8 of Tampa whole within District 14.

9 So the next thing that we did was now that
10 we had a District 10 that we were happy with
11 and wanted to move on from, what we wanted to
12 do was just kind of start the process of the
13 way Seminole County would look with District 7
14 and the way Osceola County would look with
15 District 9.

16 You can see here on the zoomed in version,
17 District 10 is that draft 14 version that I
18 mentioned earlier, and what we did there was
19 basically just start with Seminole County for 7
20 and work our way south keeping Seminole County
21 whole within the district, and then stopping
22 there and then starting with District 9
23 containing the rest of Orange County and going
24 into Osceola County.

25 That District 9 that you see there on your

1 screen is not a complete district. It needs
2 roughly 252,000 more people to be a complete
3 district. So I don't want you to think that
4 take was a completed thought. This was us just
5 seeing what the lay of the land was and what
6 was needed to complete District 9.

7 I should mention, thinking about District
8 9 and this will come up later in the
9 presentation, but you may recall back in 2012,
10 the Legislature attempted to draw a Hispanic
11 opportunity district in this area. Last year
12 when Judge Lewis rendered his opinion on the
13 districts and when he invalidated 10, District
14 10, he said that it was a legitimate goal to
15 try to draw a Hispanic opportunity district in
16 District 9, but that he saw no evidence that a
17 performing Hispanic district existed there.
18 And so that what the Legislature needed to do
19 was to go back to the Tier 2 standards for that
20 district since Tier 1 protections were not in
21 place for the Hispanic community in that
22 region. So I just wanted to mention that again
23 as we look to complete District 9.

24 That comes up in a later slide, but I
25 wanted to mention that now before I turn this

1 over to Mr. Ferrin.

2 MR. FERRIN: Thank you, and Mr. Chairman,
3 I am going to go ahead and continue the
4 presentation here. But before we leave this
5 slide, why we kind of stopped here, too, is we
6 kind of came to the realization that filling
7 this area in without first addressing some of
8 the issues in north Florida and how that played
9 out with the -- the impact of CD 5's
10 reconfiguration up there, without addressing
11 some of those it was unclear sort of where to
12 put the seams, because we kind of built up from
13 south Florida as we alluded to earlier where we
14 started addressing some of the deficiencies the
15 Court found down there.

16 So by this point we had built out most of
17 south Florida and had CD 5 in north Florida.
18 So we kind of decided that we needed to sort of
19 address how we came out of north Florida before
20 we could figure out how to piece together
21 central Florida here around the District 10
22 that we had configured in a manner in which we
23 thought worked.

24 So we started our next draft, draft 17 by
25 bringing in CD 1 from the enacted plan. That

1 was another district that was unchallenged in
2 the Court and really probably weren't a ton of
3 different ways to draw it. You started in the
4 panhandle and worked your way east until you
5 reached the equal population. So we did that.
6 We mentioned earlier we were going to use the
7 CD 5 from Romo A, and then we had already
8 selected the configuration of CD 10 from draft
9 14, as well as the Tampa Bay area which was
10 Districts 12, 13 and 14 from the draft 15 that
11 Jeff just recently explained.

12 So here is the CD 5 kind of as we brought
13 it in this, it is from, it is shown here in
14 draft eight, but it is the same -- the same
15 district that we brought into 17. And this is
16 probably a point worth mentioning here, you
17 know, we kind of talked about this morning
18 about, you know, why the decision to use the CD
19 5 that we did was made, and I think we kind of
20 talked about the Court's functional analysis.

21 Here it is in the presentation. It, you
22 know, kind of didn't come up earlier but here,
23 here is the full fledged analysis that the
24 Court provided us on the performance of that
25 district and the one that we relied on in

1 choosing that configuration.

2 So here is draft 17 as it came together.
3 From the statewide image you can see the CD 5
4 there and CD 2 next to it. This is just a shot
5 of north Central Florida as it is laid out in
6 this configuration and this draft and I will
7 get into more of these districts as we move
8 here.

9 This is Congressional District 2 which you
10 will recognize is very dependent on the
11 configuration of CD 5. There it is going to
12 take in all of the space that CD 5 does not
13 here in what is left in the panhandle and
14 really the only decision point on this one or
15 the major decision point on District 2 is where
16 its boundary ends on the eastern side.

17 We in looking at it determined that
18 leaving, you know, ending the boundary there in
19 Marion County worked well because it allowed us
20 to make District 3 significantly more compact
21 by using -- by including Union and Bradford
22 counties in that district. Had we -- you could
23 pretty much swap Union and Bradford for Marion
24 here, but that limits your ability to do things
25 with that District 3 that would improve its

1 compactness score and help it utilize the
2 political and geographic boundaries that it
3 does. So we kind of arrived at that conclusion
4 early on that this was a workable configuration
5 of District 2 which, because of the geography
6 of the state in that area and because of the
7 configuration of CD 5 is not going to have very
8 good compactness measures.

9 The measures that are the scores for the
10 CD 2 in this configuration which is that one
11 right there is a .27 Reock and a .62 Convex
12 Hull. So the Convex Hull is not terrible, but
13 the Reock is fairly low, but like I mentioned,
14 that is just a figment of the arrangements of
15 the districts around it as well as the
16 geography of the state, and the fact that these
17 are relatively unpopulated counties, not
18 unpopulated but less populated than some of the
19 other counties in the state.

20 So that brings us to District 3, which we
21 drew by including Union, Bradford, Clay,
22 Alachua, Putnam and the northern part of Marion
23 County. We utilized the St. Johns River in the
24 northeast border there as a boundary that is
25 both a widely recognizable political and

1 geographic boundary in that area.

2 There is another iteration that is going
3 to show us another way to draw District 3 and
4 District 4 and we will get into that in the
5 next draft, but back to District 3, this one
6 has a Reock score of .71 and a Convex Hull of
7 .89, which was extremely high in both measures
8 at this juncture. It was the highest scoring
9 packed district that we have drawn yet.

10 So if we move along to District 4 we can
11 see that because we kept Clay County whole in
12 this iteration, District 4, you know, can't go
13 any further, it has to go down into St. Johns
14 County to get the remaining population that it
15 needs, and I forget the exact number, but I
16 believe it is about 130 or 160,000 people. It
17 is 160? About 160,000 people that District 4
18 needed leaving Duval County. And so the
19 decision is either, the choice is to either get
20 that population from northern Clay or from
21 northern St. Johns and in this draft we went
22 with the St. Johns choice.

23 That leaves us to District 6 and how to
24 draw District 6. Six can take the remaining
25 population in St. Johns. Well, let me go back

1 real quick and we will talk about the scores
2 for CD 4 if I haven't already, but that has a
3 Reock of .37 and a Convex Hull of .72.

4 CD 6 takes the remaining population in St.
5 Johns, all of Flagler and in this draft all of
6 Volusia and the northern protrusion of Lake
7 County there, which Lake County is kind of an
8 oddly shaped county to begin with.

9 It has got that portion that shoots up
10 north along the St. Johns River. So we worked
11 to address that and Lake County is going to
12 become kind of a central figure in the
13 discussion as we move forward here this
14 afternoon because it is an area where a number
15 of the districts kind of come together and
16 there was a lot of variation in how that was
17 addressed.

18 District 6 in this version or in this
19 draft has a Reock score of .44 and a Convex
20 Hull of .76.

21 Then the last district here is District 11
22 which takes in all of Citrus, Hernando, Sumter,
23 the southern portion of Marion and the northern
24 half of Lake. The area there in Lake County
25 that is not filled in yet is the city boundary,

1 such as the city of Mineola and we are going to
2 look at that a little bit closer later, but
3 that -- that became -- how we broke Lake County
4 in this general configuration was something
5 that we tinkered with quite a bit to try and
6 get, do the best we can to minimize city splits
7 and maximize compactness scores. So the
8 District 11 here has a Reock score of .52 and a
9 Convex Hull of .81.

10 From here we will look at sort of where
11 the boundaries fall in terms of cities, where
12 these counties are split. Here is the split
13 between Districts 2, 3 and 11 in Marion County
14 and you can see that we heavily utilized major
15 roadways and municipal boundaries.

16 On the west side there we fall in 27 from
17 the north or from the northwest and to the
18 south there we are on I believe it is State
19 Road 200. I think it is 200. And so then we
20 are up along the Ocala, the city boundary there
21 where we could be where it made sense to be.
22 There is some areas interest where we didn't
23 necessarily hug the city boundary, but that was
24 because we were on a road and we are also
25 trying to equalize population.

1 The line over there to the -- to the east
2 shows where we came in on the eastern side of
3 Ocala and that is -- comes along a major
4 roadway and through a State Park before getting
5 back on a major road north of Bellview there.

6 This is the division between District 4
7 and District 6 in St. Johns County where we
8 also were very cognizant of the municipal
9 boundaries in this area and made the best
10 possible use of geographic features.

11 Starting there on the west we come in on
12 just north of the border of the city of
13 Hastings. We followed the border around to the
14 road there which is State Road 207, and it
15 comes up to the northeast before we run into, I
16 believe the Tensas River, if I am pronouncing
17 that correctly, and over to the city of St.
18 Augustine Beach where we follow the city
19 boundary all the way around to the Atlantic
20 ocean.

21 This is the area in Lake County, in the
22 northern part of Lake County where District 11
23 and District 6 meet and we were very aware of
24 the city boundaries here as difficult as it was
25 to acknowledge given their shapes and their

1 discontiguities as well as the interplay with
2 all of the lakes in this area. Believe it or
3 not a lot of these lakes don't have very good
4 block lines running through them or around
5 them, so sometimes they are kind of difficult
6 to work with and achieve a pleasing shape.

7 This is kind of what I mentioned earlier
8 in the southern portion of Lake County where
9 you can see the city boundaries there of
10 Mineola. Both boundary of Mineola and
11 Groveland extends north of the Turnpike which
12 is the northern most road. It cuts through
13 those two cities right there. So we are trying
14 to figure out how to handle this situation
15 without splitting all of these cities, and this
16 is something that we are going to come back to
17 a couple more times as we continue to improve
18 the drafts we will get to see how we address
19 this and manage to do this in the end splitting
20 only the city of Groveland.

21 This is draft 18 and these two kind of
22 drafts here are centered around two different
23 iterations of how to draw Districts 3 and 4.
24 And so it is going to show basically, you know,
25 coming out of Jacksonville and Duval County

1 like I mentioned earlier you either go to St.
2 Johns or you can go to northern Clay. This
3 draft we go to northern Clay and kind of get to
4 see how that plays out through District 3 into
5 District 11.

6 We kept the District 2 configuration the
7 same as we had in draft 17 because we at that
8 time didn't feel like there was significant,
9 you know, improvements available to us
10 generally. So this is just a close up of north
11 Florida and you can see how the districts are
12 configured there.

13 We are going to, that is the District 2 I
14 mentioned earlier. It is the same as in the
15 other draft.

16 Here is the District 3 in draft 18, and
17 this one, you know, keeps Union and Bradford
18 whole as well as Alachua, still keeps all of
19 Putnam and splits Clay which pushes the
20 district further south into Marion and actually
21 pushes District 11 out of Marion completely.

22 At that point the district still needs
23 additional population so it has to go over to,
24 so we take it over into lake and Volusia to
25 gain the last part of the population we need.

1 Here is -- here is District 4 in this
2 configuration and it shows where we go into
3 Clay County there just east of -- or just west
4 of Green Cove Springs which was the city we
5 were able to keep whole in District 3 in this
6 configuration.

7 That is District 11 and real quick we will
8 mention the Reock scores if anybody is
9 interested in those. The District 3 in this
10 draft has a Reock of .55 and a Convex Hull of
11 .86. District 4 has a Reock of .47 and a
12 Convex Hull of .76. And then this District 11
13 which goes a little bit further east into Lake
14 County, but stays out of Marion has a Reock
15 score of .42 and a Convex Hull of .78.

16 This is a similar sort of view of the city
17 boundary in Ocala. The difference here being
18 of course we kept CD 11 out of Marion so there
19 is no additional boundary that we would border
20 Ocala to the south.

21 This is the split in Volusia and Lake that
22 I mentioned. Here we were able to keep Pearson
23 whole within District 3. There were no
24 particular municipalities in Lake County there
25 where you see the split between 11 and 3. And

1 now that was an area in which the geography and
2 the block lines in that area, there is not a
3 lot of major roadways, there is not a good
4 blocks to equalize population. So that is kind
5 of why we had to stray from some of the
6 roadways and other recognizable boundaries
7 there. We did the best we could to stay on
8 roads and I think we did a fairly good job of
9 that, but do recognize and admit that that was
10 a tricky, tricky area to handle.

11 When you look at these two drafts kind of,
12 you know, with Districts 3 and 4 being kind of
13 the keystones in how you come out of north
14 Florida, it is -- it is -- it is important to
15 look at how the average scores work. And so
16 you can see here in this slide we have got the
17 average Reock for Districts 3 and 4 in draft 17
18 and .54, the average Convex Hull of .81, and in
19 draft 18 it is .51, and again .81. So the
20 Convex Hull stays, stays the same.

21 The Reock is a little bit better in draft
22 17 and so that is, we are going to continue
23 working with these two drafts as we move
24 forward here.

25 Draft 19 hand 20 both are further

1 iterations of 17, draft 17. We decided to go
2 ahead and continue working off that model to
3 sort of see how Volusia County, coming down out
4 of Volusia County and filling out the rest of
5 Lake kind of played out. So this would get us
6 closer to -- to the completed map.

7 And here is draft 19, and this -- so this
8 version like I mentioned, we took draft 17. We
9 plugged in District 8 from the enacted plan to
10 see how that would fit into the picture and we
11 were able to fill out District 7 with all of
12 Seminole County and some remaining population
13 in Orange.

14 That kept, maintained the border between
15 Volusia and Seminole. Here is a better picture
16 of CD 7 which has had a Reock of .60 and a
17 Convex Hull of .79.

18 This is CD 9 which in this plan has a
19 Reock of .67 and a Convex Hull of .88. This
20 is, we pretty much picked up kind of where we
21 left off with draft, I think it was 16 where we
22 were kind of taking the remaining population in
23 Orange County and including it with Osceola
24 County and then filling out the remaining
25 250,000 or so people in Polk.

1 That left the area between Lake County and
2 Hillsborough kind of naturally to include a
3 district of its own. So this is how it looks
4 kind of filled out from where we had left it in
5 draft 17 where the area up there by Mineola was
6 incomplete.

7 Here we filled it out and I believe in
8 this iteration we were keeping Auburndale
9 whole. We will come back to that a little
10 later on, I think. Yes, here is the same
11 configuration of Mineola showing where it goes
12 north of the Turnpike there and it stayed the
13 same between these drafts 19 and 17.

14 And here is how we did Polk County and
15 here, yes, I was right, we did keep Auburndale
16 whole in this iteration as well as I think we
17 actually don't split any cities in Polk County.

18 Here is the part of this was to continue
19 filling out the districts in south, toward
20 southwest Florida. And if you recall we kept
21 District 19 there in Lee County, so we were
22 able to fill out 17.

23 We went ahead and copied in the District
24 16 from the enacted plan, in part because we
25 felt like it was -- it was a compelling

1 compactness shape in scores and did not, didn't
2 split too many counties and we kind of wanted
3 to see how that fit in with our configuration
4 of Tampa Bay. And as you can see here in this
5 draft it leaves the tail sort of so to speak of
6 Hillsborough County that extends out to the
7 Gulf of Mexico. If it stays with District 17
8 it is going to shoot all the way out there and
9 negatively impact its compactness score.

10 Draft 20 contains the same configurations
11 of Districts 8, 7, 8, 9, 15 and then we drew 16
12 and 17 differently in this iteration. We --
13 here we drew, we began by adding southern
14 Hillsborough County to District 16 including
15 all of Manatee, and then flushing out the rest
16 of the district in northern Sarasota County
17 there. That left 17's border to the south and
18 the east the same as well as up where it met 9
19 with the earlier draft.

20 Here is a comparison of these particular
21 districts in this region which are sort of the
22 most notable variables between these two
23 drafts. You can see that District 16's Reock
24 in draft 19 which was the one that was pasted
25 in from the enacted plan was .42.

1 When it was redrawn in Hillsborough County
2 to include all of Manatee and part of Sarasota
3 the Reock went up to .64. Likewise the Convex
4 Hull increased in District 16 and District 17's
5 compactness score increased as well as a result
6 of that configuration. And kind of like I
7 mentioned earlier, we also were aware of the
8 two district averages when looking at these
9 things because we are mindful of the notion
10 that evaluating the compactness of a district
11 in isolation is not always the best way to go.

12 You have got to be cognizant of what
13 happens to the districts around it. So here,
14 here you can look at the two districts average
15 between the two and see that again, District 20
16 is going to have much better scores than the
17 version of the draft with District 16 pasted in
18 from the enacted plan.

19 So those were both drafts that sort of
20 emanated from draft 17. The next two drafts
21 that we do come from District 18 or draft 18,
22 excuse me, which draft 18 didn't fill out
23 District 6. We stopped at having finished
24 District 3 and 4. So this, this shows kind of
25 how District 6 gets filled out and how much of

1 its remaining population it needs from Volusia
2 County. And you can see that Volusia County
3 ends up getting split three ways in this draft,
4 in part because it is coming down from
5 Jacksonville District 6 can only get its
6 population from so many places. So that -- and
7 District 7 is also going to have to protrude
8 into Volusia County to get the remaining
9 population, to take the remaining population
10 left over in Volusia from District 6.

11 So, and if I remember correctly, I am
12 trying it remember how many people that was.
13 Do you guys remember? I think it was about
14 77,000 actually that were left over in Volusia.
15 So here is the average statistic for looking at
16 draft 17 and draft 21 in comparison. When you
17 add in District 6 you notice that the
18 compactness scores decline a little bit with
19 the Reock falling from .51 to .43.

20 Draft 22 still sought to address the same
21 configuration of Volusia County there in
22 District 6 and how it interacts with that area,
23 except this draft we pushed District 8 rather
24 than pasting it in or copying it in from the
25 enacted plan we took some of the population,

1 some of that 77,000 folks that were left over
2 in Volusia County and put them into District 8
3 which added more population from Orange into
4 District 9.

5 So the trade off there is now that Volusia
6 County is split four ways. And I think at that
7 point, let's see, from there we went on to
8 draft 23, which is a point where we went ahead
9 and made some choices regarding some of the
10 districts and their configurations we were
11 going to use, and I think I am going to turn
12 this over to Jason for this part of the
13 presentation.

14 SENATOR GALVANO: You are recognized.

15 MR. POREDA: Thank you, Chairman. As Jay
16 just alluded to, we are kind of filling out the
17 north and central Florida regions as we kind of
18 go through the maps, and with some of the
19 compactness comparisons of some of the regional
20 averages we had a better direction of where we
21 wanted to go with some of the -- some of the
22 district combinations that we had.

23 But we weren't there yet, we weren't
24 completely happy with it, but we did have a
25 pretty good idea with what we wanted to do with

1 Districts 1 and 2 in the panhandle, the area of
2 four, because of the things that allowed us to
3 do with Districts 3, 6 and 11, we felt like
4 that was the way to draw that district coming
5 out of Nassau and St. Johns. District 5
6 obviously we had locked in.

7 We were happy with our Tier 2, primarily
8 District 10 in Orange County with the benefit
9 of what we think will be a performing coalition
10 district. And then Tampa Bay, 12, 13 and 14,
11 we were comfortable with those districts and
12 Districts 16 and 17 after seeing what the
13 enacted District 16 would do to 17 and the
14 improvement that we could get with that, we
15 were happy with the new configuration of
16 Districts 16 and 17.

17 So we then went into several other
18 variations of those same drafts that we had
19 just worked on that Jay went over that go from
20 draft 23 to 27 and we will go through those
21 now.

22 So draft 23 is a more refined look,
23 because there were some parts of those earlier,
24 like the I believe draft 20 that we liked in
25 north Florida with the District 3 that is very,

1 very compact including all of Clay, Union,
2 Bradford, Alachua, Putnam and the top half of
3 Marion, but there were some parts of one of the
4 previous drafts in southern central Florida
5 that we kind of liked how the districts were
6 coming together. So we were trying to see if
7 we could marry those two ideas, keeping what we
8 thought was a benefit to north Florida, but
9 also keeping what we thought was a benefit to
10 central Florida, and this was our first attempt
11 at that.

12 So you can see here we have the very
13 similar configuration that you saw before from
14 Districts 3 and 4, and then as we go south,
15 District 7 comes up into Volusia County. So
16 Volusia County is just split one way in this
17 particular iteration. By doing that, that
18 pushes District 6 into, further into Lake
19 County and into Marion County.

20 As Jay alluded to before, you will
21 remember that there was one version of District
22 15 that went up into southern Lake County when
23 we dealt with the Mineola city area. Well,
24 that portion of southern Lake that was in
25 District 15 was approximately 77,000 people.

1 So now that we had District 10 locked in we
2 were trying to see what different population
3 rotation we could do with that. We weren't
4 entirely happy with the district that went into
5 southern Lake. Just visually we were just kind
6 of seeing what different options we had since
7 we knew we had that 77,000 people, we were
8 trying to see, well, what happens if we rotate
9 that population out of Lake and keep District
10 15 just within the two county, just within two
11 counties rather than three, and saw what that
12 did to the rest of the districts as we kind of
13 rotate that 77,000 people from District 11 to
14 15 to 9 into 7.

15 And going back real quick you can see
16 District 7 then has to break the Volusia
17 County, Seminole County line going up into
18 Volusia County which then forces District 6
19 into northern, more of northern Lake and
20 Marion. But that was just kind of a different
21 way of dealing with that population rotation
22 around District 10.

23 Here is kind of the, you will see this
24 slide a lot as Jay alluded to, of how we dealt
25 with the different municipalities and lakes up

1 here in Lake County and how we had to, when we
2 added more, 77,000 more people coming into this
3 portion, some of that went in to Marion, but
4 here is how we addressed some of that
5 population shift here.

6 You will remember that the border
7 previously kind of went around Eustis and then
8 went up more northerly right there, kind of
9 around the area of Umatilla, but in that
10 direction. It just got forced all the way over
11 to Lady Lake Park in Leesburg, not splitting
12 any of those cities.

13 And then draft 24 we kind of went back to
14 the previous version that we had. I believe it
15 was draft 20 where we split, where we didn't
16 split Volusia County, we kept it whole, kept
17 the Seminole County line as it was. So you can
18 see a lot of the north part of Florida is the
19 same as it was in the previous draft, but we
20 wanted to try to address some of the
21 compactness issues both visually and
22 numerically that came up with keeping the city
23 of Mineola whole in Lake County.

24 So that 77,000 people I talked about
25 before we are putting back into Lake and that

1 rotation of population kind of went back to the
2 way it was before but we wanted to see how we
3 could change that.

4 In this, so in this iteration for District
5 15 to improve its compactness as well as the
6 compactness of District 11 and 9, we made the
7 conscious choice to split two cities. You will
8 remember that previously in Lake County we went
9 up around Mineola and back down, that it kind
10 of created this large section that kind of
11 stuck on the top of District 15 and was kind of
12 taking a bite out of District 11.

13 We wanted to try to see if we could even
14 that line out to make it more visually and
15 numerically compact. We were able to do that,
16 but we had to split the city of Groveland
17 within that municipality collection that you
18 see there in southern Lake, where that was the
19 only city that we had to split to do this sort
20 of configuration, but it did greatly improve
21 both the visual and slightly improve the
22 numerical compactness of I believe District 11
23 but we will get into that in a moment.

24 Then you can see here in district -- in
25 draft 25, we tried yet another approach where,

1 well, what if we didn't take all of that 77,000
2 people and rotated it, what if we just took the
3 population from District 8 and moved that into
4 Volusia County. So that would be splitting
5 Volusia county but only to the tune of 15,000
6 people rather than 77,000 people. By taking
7 this variation of District 8 up into Volusia
8 County we also had to split the -- one of the
9 cities in southern Volusia County because this
10 is an area where the block lines were very
11 difficult to work with and there was splitting
12 the city in southern Volusia was unavoidable.
13 That was about 15,000 people rather than the
14 full 77,000 and kind of pushed it over.

15 We were trying to see especially in
16 southern Lake if that would allow us to kind of
17 get an easier boundary there and be able to
18 keep all of the cities whole. We were able to
19 keep the cities whole, but it forced the line
20 further south of Groveland than I think we
21 originally thought it would and in that very
22 unpopulated area of Lake County we had to
23 utilize a lot of block lines that did not
24 follow roadways, did not really, it just kind
25 of went through space, and was not that

1 particularly desirable and we didn't really get
2 the results we throughout we might by trying
3 this sort the population.

4 Up here in north Lake County you can see
5 we had to shift that 15,000 people over a
6 little bit and that just got us to the border
7 of Leesburg and went north.

8 So now here in draft 26, this is yet
9 another variation of, I believe this is a
10 variation of draft 23 where we tried to keep
11 District 15 just in two counties, shifting that
12 77,000 people over but just splitting Volusia
13 County once but with District 7 and just
14 altering the boundaries of District 6 to make
15 that more compact.

16 Because when we ran the scores of that
17 other district because it had to stick so far
18 over it did not score very well. So we were
19 trying to see what, can we do anything, excuse
20 me, to improve the compactness of that district
21 without affecting the remainder of the --
22 remainder of the map.

23 At this point I will also talk about
24 District 8 because now you have seen two
25 different versions of that. This is how it is

1 in the enacted map where it gets its remaining
2 14,940 people from Orange County. We have
3 tried a way of doing it in Volusia County. We
4 also attempted a way of putting it into Osceola
5 County and getting its 15,000 people from --
6 approximately 15,000 people from that county.
7 But eastern Osceola and southern Osceola County
8 is very sparsely populated, so we would have to
9 bring District 8 as far as the city of St.
10 Cloud, very, very far into the district and
11 that forces District 9 into a very uncompact
12 shape. So we -- we didn't even save that as a
13 draft. We immediately abandoned that idea
14 because we did not think that that would be an
15 improvement to the compactness of any of the
16 districts on the map.

17 So we realized the only two viable ways of
18 getting the extra population for District 8 is
19 either in Orange County and in Volusia County,
20 and you will see in later drafts we actually,
21 we tried to come up with a different solution
22 for the 15,000 people in Orange County, but
23 really because of the block lines another
24 difficult area to work with, another very
25 unpopulated part of that particular county,

1 what we had in the enacted map was really the
2 best way to do that.

3 It was pretty much a vertical line as
4 straight as you can get going up, down,
5 north/south within the -- within the county.
6 You will see later that we kind of settle on
7 that and abandon the Volusia County part of
8 that.

9 But here you can see that 77,000 people
10 shifted a little bit differently in Polk
11 County. I don't remember specifically what we
12 do with the municipality lines there and some
13 of these drafts we tried to keep as many cities
14 in Polk County whole as we could and some of
15 them like Jay had mentioned, Auburndale, also
16 Winter Haven and some others we may have split
17 to get the boundary lines a little bit better.

18 It is a very difficult area of the state
19 to work with with block lines. You will hear
20 us say that a lot, but because of the geography
21 that we have in this state with all the
22 waterways we have, it is very and because of
23 all of the municipality lines, sometimes even
24 overlapping with each other, sometimes that is
25 unavoidable, but we did the best we could where

1 we could.

2 And now you can see a similar boundary to
3 one of the previous drafts in north Lake County
4 and I was trying to respect the municipal
5 boundaries there. And now we have draft 27,
6 this is yet another attempt to further refine
7 our -- our idea and in this particular case we
8 tried to do a different thing.

9 Well, if we kept Volusia County whole what
10 if we can improve the compactness of that
11 district by splitting Putnam County. So we
12 actually go into the St. Johns River within
13 Putnam County, and that was about 22,000 people
14 that we kind of took out of District 3 into the
15 three district rotation between District 11, 6
16 and 3 and you can see the result of that.

17 It certainly gives a different look to
18 those three districts. We were just trying
19 different little things we can do, anything we
20 could really try to improve the visual and
21 numerical compactness of all of these districts
22 while at the same time respecting all of the
23 municipal lines that we had in the past. This
24 is just another version, different amounts of
25 population shifting around throughout the

1 different districts and trying to improve the
2 map as best we can.

3 You will see also we played a little bit,
4 well, that is probably wrong, we experimented a
5 little bit with the boundary between District 9
6 and 7 in Orange County trying to make that a
7 little bit better. It is about 190,000 people
8 that District 7 needs after including all of
9 Seminole County into Orange County and that
10 interplay between those districts and District
11 8 to the east. We tried different ways of
12 doing that, but keeping those lines there, all
13 utilizing as many major roadways as we can in
14 the county and keeping those lines as straight
15 and as boxey as we can based on the population
16 there. We tried that and we tried altering the
17 boundaries in Polk County several times to try
18 to get the best line that we could through
19 those while respecting municipal lines as much
20 as we could.

21 I believe in this particular draft is one
22 where we just had to split the city of
23 Auburndale. We were trying to keep it whole
24 but it made the compactness scores of both
25 District 9, I believe 15 stayed about the same

1 but District 9 was greatly impacted when we
2 tried to keep Auburndale whole. So in this
3 draft I believe we made a conscious choice to
4 split that city in order to improve the
5 compactness scores, and that is one of those
6 trade-offs that you have to make periodically
7 throughout the map. You can go compactness
8 scores or city splits and we tried to do both
9 where we could or sometimes depending on the
10 situation we had to choose one or the other.

11 And now we are kind of coming down to some
12 of our final choices. We have draft 23 through
13 27, and with different slight variations, but
14 we kind of have a better idea of the different
15 options that are available to us in north and
16 central Florida, and this is yet another
17 version of us trying to improve the line
18 through Groveland.

19 And here is the line on this particular
20 draft we have that really great north/south
21 line there on the kind of boundary of District
22 6, but to do that we had to split two cities,
23 the cities of Eustis and Umatilla, and that was
24 just forced on population. That was
25 unavoidable there.

1 We now as I mentioned we start to compare
2 the compactness scores, regional compactness of
3 all 17 of these districts to see if we had
4 gained anything by doing any of those small
5 variations. Beyond looking at visual
6 compactness we tried to focus where we could on
7 the numbers and let that guide our decision.

8 So you can see there is a slight variation
9 in the compactness scores, but they were all
10 basically the same, a difference of one 100th
11 in each of the scores. That led us to looking
12 at the different number of total city splits
13 and county splits in the different drafts. And
14 you will see district or draft 23 and 26 both
15 split more cities. District 24 and 25 split
16 seven and six cities respectively, but the
17 biggest difference and we held county splits
18 ahead of city splits. The Supreme Court had
19 made the determination that county splits and
20 avoiding county splits where possible was
21 higher priority than city splits.

22 District 24 was the only one that kept
23 Volusia County entirely whole. The others we
24 had variations of it splitting it, splitting
25 that particular county. So draft 24 at this

1 point is the one that we decided to push
2 forward and see if we can refine even more but
3 we were going to keep that county whole because
4 we weren't -- we weren't gaining anything in
5 compactness in the other drafts to do that. So
6 we, everything being equal but the compactness
7 scores we opted to go with the draft that kept
8 one fewer or split one fewer county.

9 And now you can see for the Tampa Bay the
10 Supreme Court in their opinion specifically
11 identified a six district average. I kind of
12 identifying that if you, the Plaintiffs' Romo A
13 map that if you took District 14 out of St.
14 Petersburg and drew just a Hillsborough
15 Congressional District 14 it improved the
16 compactness score of that particular district,
17 but it decreased the compactness of the
18 regional districts around it and I used this
19 six district average as a way of demonstrating
20 that.

21 Here you can see our compactness scores of
22 all three, all four of those drafts, 23 through
23 26 are six district average even though we drew
24 that district entirely within Hillsborough. We
25 were able to keep our regional compactness

1 scores at a very high level, much higher than
2 the Plaintiffs did. So we were very happy that
3 we were on the right track of what we were
4 doing in the Tampa Bay region, including
5 Districts 16 and 17, 12, 13 and 14 and the part
6 of 15 that is in that district as well.

7 So now after having made the decision to
8 kind of push forward with draft 24 for the base
9 map because of the one less county split, we
10 decided to go back and do different versions of
11 the boundary in Polk County and Lake County
12 that you see several times to try to keep them
13 whole or split and kind of see what that does
14 to the different scores.

15 So here in draft 28 we tried, those
16 districts up north are the same and we tried to
17 keep Auburndale whole down here. So you can
18 see what that does to the boundary line between
19 Districts 15 and 9 and you can see it is much
20 more jagged and we had to push the boundary
21 line from the county, the Osceola County line
22 there on the eastern side kind of a little bit
23 west through an area where it is not really
24 following any roadways. It is literally going
25 through space where there are block lines which

1 we didn't particularly like, but that was the
2 only way that we could add population to
3 District 9 having kept Auburndale entirely
4 within District 15.

5 There wasn't anywhere else that we could
6 add population to. So that is what we were
7 forced to do and that is what we -- that is
8 what that particular version looks like.

9 In draft 29 we decided to go back down
10 because that is all the same. We decided to
11 split Auburndale and you can see we kind of
12 refined that line and that is, you can see kind
13 of the difference between this, if I go back a
14 little bit and that. That is the difference of
15 keeping Auburndale whole or not. We made the
16 determination that in this particular case the
17 difference to both the visual compactness and
18 numerical compactness with District 9 it was
19 preferable to split Auburndale and go for those
20 compactness scores.

21 This is, and then we kind of get into
22 refinements of the actual boundaries. Without
23 changing too much, but just kind of refining
24 those final boundaries. So you can see here
25 between here and here we made a small

1 adjustment to kind of make the boundary lines a
2 little bit cleaner and this stuff we are
3 getting into the real small refinements.

4 And now we go to draft 30 and we do those
5 same little final clean ups in south Florida
6 and a lot of that is just being making sure
7 that we are actually following the roadway
8 where we think we are assigning unassigned or
9 any unassigned blocks that happen to be in
10 between districts were unpopulated blocks that
11 may be on a roadway or that we can better
12 follow those kinds of lines. We really went
13 through and walked the boundary lines of every
14 single district to make sure there wasn't
15 anything that was in error.

16 We then went back and did the same thing
17 with north Florida. We actually discovered in
18 this particular draft that there is a little
19 unpopulated block of Sumter County that we
20 accidentally grabbed in CD 15. So little tiny
21 shifts like that.

22 And then this is kind of the final
23 orientation of all of these districts that are
24 very similar to that as you see it in the base
25 map. We were still kind of doing our final

1 checks. We then pasted our south Florida
2 version and our north Florida version together,
3 ran our reports one more time. We actually did
4 catch one more unpopulated block in Lake County
5 that we had accidentally not assigned. We
6 fixed that and put that in District 11. It was
7 just an unpopulated block over a road that
8 somehow alluded us, and that is why we ran our
9 final reports in this final draft before we
10 took this draft and turned it into the plan
11 number 9065 that you see in the base map today.

12 And one final comparison, once we kind of
13 got our base map situated we compared its
14 overall compactness in city splits and county
15 splits to our previous drafts, our previous
16 maps that we had enacted previously in 9047 and
17 9057.

18 9047 is the map that we passed in 2012.
19 9057 is the map that we passed last year in the
20 remedial session. 9065 is the map that we
21 currently is the base map that we are working
22 with right now. The other two maps that you
23 see on here are two remedial maps that were
24 offered during litigation in Romo A and the
25 League of Women Voters offered a remedial map

1 during the last session in 2014. And you can
2 see with every score that is on there working
3 within the confines of the Supreme Court Order
4 that we have before us, we were able to keep
5 our compactness scores at a higher level of all
6 of those maps that had previously been offered,
7 and at the same time splitting fewer counties
8 by three, and fewer cities by four in the final
9 base map. And that is our presentation.

10 SENATOR GALVANO: Great, thank you, and
11 thank you for being so thorough with your
12 presentation.

13 Okay members, we are going to go into
14 question and answer period. I am going to
15 start with a question you touched on it in the
16 beginning from a process standpoint.

17 I just want to be clear, and I guess Jay
18 Ferrin, I will direct this to you. Make sure
19 we know the names of everybody who was involved
20 in this process that you just walked us
21 through. Was it the people who are before us
22 or were there additional people? And if you
23 could just run through that so we do have a
24 record of it.

25 MR. FERRIN: Absolutely, it was myself,

1 Jay Ferrin, Jason Poreda, Jeff Takacs and then
2 the legal counsel that was occasionally met
3 with us to review some of our drafts and
4 things, which included Mr. Meros, Mr. Cantero,
5 Andy Bardos, (inaudible) and Matt Parson, who
6 is House counsel and George Levesque, yes. And
7 I believe that is, that is all of the team that
8 was ever present during our meetings, and then
9 Jeff's son joined us for an afternoon.

10 MR. TAKACS: Chairman, if I might.

11 SENATOR GALVANO: Yes.

12 MR. TAKACS: Saturday, August 1st, we were
13 drawing in the room there and my six year old
14 son, Evan, was present with us but I can give
15 you assurances that he was more interested in
16 his dinosaur videos than what we were doing on
17 the maps, so he was there.

18 SENATOR GALVANO: That is unfortunate
19 because he might have been able to put together
20 a good product that would be acceptable to the
21 Supreme Court of Florida.

22 Members, additional questions? Yes,
23 Representative Trujillo.

24 REPRESENTATIVE TRUJILLO: Thank you, Mr.
25 Chair. I want to congratulate you guys,

1 obviously it is a very large task you have
2 undertaken and it was extremely complex and
3 especially given all of the political, legal
4 and practical implications of the maps. So I
5 want to first congratulate you guys on the job,
6 extremely well done.

7 I will go over some areas you presented,
8 and obviously it is the base map plus an
9 additional 21, 32, different deviations of that
10 base map. Why did you choose the base map and
11 in your opinion is that the best map that
12 encompasses the law and the constitutional
13 requirement as well as the mandate from the
14 Supreme Court?

15 MR. FERRIN: Thank you, Mr. Chairman, to
16 answer that question, first and foremost, we
17 feel that this map complies with the Supreme
18 Court's Order. That was kind of the beginning
19 of the presentation, but how we went through
20 things like keeping Homestead whole, keeping
21 District 13 solely within Pinellas, you know,
22 not splitting Hendry County, drawing an
23 east/west configuration of CD 5, that would be
24 my first kind of level of an answer as to why
25 we think this is a good map.

1 Secondly, when thinking of all of the
2 iterations, why the iteration that we chose was
3 the final one for your consideration as a base
4 map is that kind of based on that last slide
5 there that Mr. Poreda had is that it is an
6 overall compactness is the highest that we had
7 been able to achieve while also minimizing city
8 splits and county splits.

9 That was the reasoning that we used. It
10 was based on the metrics throughout the entire
11 process when we were evaluating districts, you
12 know, again thinking about keeping Homestead
13 whole within District 7 -- 26 versus 27. We
14 would analyze the compactness of that.

15 The metrics drove the decisions that we
16 made and that, that final decision of, that
17 final iteration of which one we went with was
18 based on the metrics and that was why we chose
19 it and landed with it and why it is before you
20 today as the base map.

21 REPRESENTATIVE TRUJILLO: Thank you, Mr.
22 Chair. I guess to our attorneys, Justice
23 Cantero and Mr. Meros, based on the
24 presentation you have seen in the new proposed
25 base maps, I guess for the pendency of the

1 litigation do you guys feel that this is the
2 best alternative for us to consider in
3 representing us?

4 JUSTICE CANTERO: Yes, we feel this is the
5 best alternative and i think they did a great
6 job. As you can see, it is very challenging to
7 put together a map and to reconcile the
8 different tensions, compactness, keeping
9 together cities and counties and complying with
10 the Supreme Court's decision. So yes, I think
11 it this certainly complies with what the
12 Supreme Court asked us to do and I think it is
13 far better than anything the Plaintiffs have
14 offered in the litigation.

15 SENATOR GALVANO: Representative Santiago.
16 Excuse me, Mr. Meros, would you like --

17 MR. MEROS: I apologize. And let me just
18 say one thing that I didn't want to forget.
19 Both Houses waived the attorney/client
20 privilege with regard to communications with
21 the map drawers during the map drawing process.
22 So there is no cloak of secrecy with regard to
23 what a recommendations were or anything that we
24 said to them they are certainly able to speak
25 to the public.

1 SENATOR GALVANO: Representative Santiago,
2 you are recognized.

3 REPRESENTATIVE SANTIAGO: Thank you. And
4 to our of staff and legal staff here, good job
5 given the task you all were given.

6 My question is specific to the Homestead
7 non splitting. I see at the end of the day we
8 still had cities that were split. What was the
9 specifics behind the Court Order of not
10 splitting Homestead? What happened there?

11 MR. FERRIN: As I recall, there were some
12 drafts of the map that did split, did not split
13 Homestead when the map was being drawn in the
14 House and the eventual map did split Homestead
15 and the Court saw that there were some
16 political performance affects of that split,
17 and given that we no longer had the deference
18 because of what the Court found as to District
19 5, the Court found that we had not justified
20 why we split Homestead.

21 SENATOR GALVANO: Representative Watson,
22 you are recognized.

23 REPRESENTATIVE WATSON: Thank you, Mr.
24 Chair. I have a series of questions I would
25 like to ask and it goes back to the three of

1 the map drawers. How long have you been
2 working together as a team?

3 MR. FERRIN: We started together I believe
4 on or about July 27th, is when we convened to
5 begin drawing the maps together as a group.
6 And that lasted through the publication of the
7 map on the 5th of August.

8 REPRESENTATIVE WATSON: Okay. Thank you.
9 Did any of you work on the current inactive
10 congressional maps?

11 SENATOR GALVANO: You are recognized.
12 Yes, you are recognized.

13 MR. POREDA: I don't believe Jeff Takacs
14 did. I don't know if Jay Ferrin did, but I can
15 speak for myself, I did have -- I drew parts of
16 or helped draw the 2012, map as well as the map
17 that passed last year.

18 REPRESENTATIVE WATSON: Okay.

19 SENATOR GALVANO: Mr. Ferrin.

20 MR. FERRIN: Yes, I was working for the
21 Senate Reapportionment Committee during the
22 remedial session in 2014.

23 SENATOR GALVANO: Justice Cantero.

24 JUSTICE CANTERO: Just to further answer
25 the question. In its opinion the Supreme Court

1 and in the Circuit Court in its Order
2 specifically noted, and the Circuit Court
3 stated that the staff that drew the map were, I
4 forget one adjective they used, but
5 straightforward and credible and it said that
6 the Circuit Court found that the staff was
7 insulated from any kind of consultants of maps
8 or any of the process with which the political
9 consultants were involved.

10 SENATOR GALVANO: Follow up.

11 REPRESENTATIVE WATSON: Yes. Thank you
12 for your answer. However, it was stated
13 earlier in the proceedings here today that
14 these map drawers were put in a sterile
15 environment. How do you feel that sterile
16 environment relates back to the conclusion that
17 was rendered by the Supreme Court that required
18 this map drawing process to be public?

19 SENATOR GALVANO: Mr. Meros.

20 MR. MEROS: I can tell you that neither
21 Court found a single word of testimony from Mr.
22 Poreda or Mr. Guthrie to be anything other
23 than the truth, completely credible. The Court
24 found that they were insulated in the process,
25 and that their bosses by and large helped them

1 become insulated in the process. The Supreme
2 Court did not -- did not counter that. So any
3 finding of invalidity has not been attributed
4 directly or indirectly in any way to these map
5 drawers.

6 SENATOR GALVANO: Follow up.

7 REPRESENTATIVE WATSON: My question was
8 not to imply that they were not insulated or
9 whether they compromised themselves. I guess
10 my question refers to the fact it was the
11 recommendation of the Supreme Court that asked
12 that they would be doing these present
13 drawings, C5 in the public's eye as they create
14 C5. They should have been public instead of
15 isolated or in a sterile environment.

16 MR. MEROS: I --

17 MR. POREDA: I will address that. The
18 Presiding Officers of both the House and the
19 Senate instructed staff together with legal
20 counsel to come up with a starting point. What
21 I call yesterday on the Senate floor a
22 discussion map. The actual business of putting
23 together and deciding on a map began yesterday
24 at 3:00 p.m. and is continuing as we speak.

25 REPRESENTATIVE WATSON: Follow up?

1 SENATOR GALVANO: Yes, you are recognized.

2 REPRESENTATIVE WATSON: Thank you. My
3 next question would have to go to how many
4 individuals of the population is in each of the
5 districts?

6 SENATOR GALVANO: Jason, you are
7 recognized.

8 MR. POREDA: Each of the districts contain
9 696,344 or 45 people.

10 REPRESENTATIVE WATSON: Follow up?

11 SENATOR GALVANO: Yes.

12 REPRESENTATIVE WATSON: To the best of my
13 understanding, that relates back to the 2000
14 census. Were we not compelled to use the 2010
15 census in order to create the district which
16 shows a population of 710,767 people per
17 district?

18 SENATOR GALVANO: You are recognized.

19 MR. POREDA: That number of 696,344 or
20 five is based on the 2010 census. That is the
21 ideal population for a congressional district
22 in Florida after the 2010 census.

23 SENATOR GALVANO: Yes, you are recognized.

24 REPRESENTATIVE WATSON: Thank you, Mr.
25 Chair. As we were putting together these maps

1 we were not compelled to use the 2010 census?

2 SENATOR GALVANO: You are recognized.

3 MR. POREDA: No, we used the, that is the
4 2010 census numbers, yes.

5 SENATOR GALVANO: Follow up.

6 REPRESENTATIVE WATSON: No, thank you,
7 sir.

8 SENATOR GALVANO: Senator Gibson. Yes.

9 MR. FERRIN: Just to follow up on that,
10 there has been no dispute in the litigation at
11 any point in time that 696,345 is an incorrect
12 figure to use.

13 SENATOR GALVANO: Thank you, Senator
14 Gibson, you are recognized.

15 SENATOR GIBSON: Thank you, Mr. Chair. I
16 got a little lost. So is Volusia kept whole in
17 the base map?

18 MR. FERRIN: Yes, Senator, Volusia is
19 whole in the base map.

20 SENATOR GALVANO: Follow up.

21 REPRESENTATIVE WATSON: Thank you, Mr.
22 Chair. And what about St. Johns County?

23 MR. FERRIN: St. Johns is split between
24 Congressional District 6 and Congressional
25 District 4.

1 REPRESENTATIVE WATSON: I am sorry 6 and?

2 MR. FERRIN: Six and 4, sorry.

3 REPRESENTATIVE WATSON: Can you --

4 SENATOR GALVANO: Yes.

5 REPRESENTATIVE WATSON: Do you have an
6 estimate of the count of how many voters are
7 split from what essentially a northeast Florida
8 congressional district wherein the split
9 portion of St. Johns could potentially be in
10 central Florida?

11 MR. FERRIN: I can't necessarily speak to
12 voters, but I can speak to the population in
13 that district and in St. Johns County District
14 6 contains 28,205 people.

15 District 4, a portion of St. Johns County
16 contains 161,834. And Senators, that is, a lot
17 of that is driven by the way the district comes
18 out of the Jacksonville and Nassau County area
19 which is driven in part by the way District 5
20 leaves that area as well.

21 There is the population has to come out of
22 Duval County to the south, and the decision is
23 either to split Clay County or split St. Johns.

24 SENATOR GALVANO: Yes.

25 REPRESENTATIVE WATSON: Okay. I will look

1 at that. In terms of the population that was
2 formerly in CD 5, what is the population that
3 is no longer in CD 5 and the disbursement of
4 that population in terms of whether or not they
5 are now part of a coalition district, or they
6 are disbursed in areas where they cannot be
7 able to coalition?

8 MR. FERRIN: Mr. Chairman.

9 SENATOR GALVANO: Yes.

10 MR. FERRIN: Senator, I think that perhaps
11 I can provide that number for you in great
12 detail, but I, I don't have that on me right
13 now. I can get that for you. I mean, we can
14 -- we can discuss, you know, the population
15 that is in Orange County that is now included
16 in the coalition district, but if you are
17 looking for specific numbers in terms of what
18 percentage of the population of CD 5 in the
19 9057 plan is retained in CD 5 and 9065, that is
20 a separate report I can run later and we can
21 get that number for you. I just don't have it
22 now.

23 MR. POREDA: And I can add some
24 information to that, Senator Gibson. Thinking
25 about Orange County, the old north/south

1 configuration as enacted in the special session
2 last year, there were 283,419 people in Orange
3 County in CD 5.

4 SENATOR GIBSON: Yes.

5 MR. POREDA: I just wanted to give you
6 that data.

7 SENATOR GIBSON: I have that number but
8 there is some remaining numbers that I am
9 interested in whether or not that part of the
10 population which because it was a largely
11 minority district, whether or not the
12 population that is now not part of the 283,000
13 that went into Orange which I believe is a
14 coalition district or not?

15 SENATOR GALVANO: You are recognized.

16 MR. POREDA: Thank you, ma'am. That
17 question, we believe that as drafted in the
18 base map, Congressional District 10 has the
19 ability and the possibility of being a
20 coalition district. As to the figures and the
21 statistics that you are looking for, we would
22 need to run a separate report to get that for
23 you and we would be happy to do so.

24 SENATOR GIBSON: I would greatly
25 appreciate that.

1 SENATOR GALVANO: If you will do that,
2 please, for both the House and the Senate.
3 Yes, please.

4 SENATOR GIBSON: I have two more.

5 SENATOR GALVANO: Take your time.

6 SENATOR GIBSON: I know it is a numbers
7 again and a Convex Hull and Reock score, not
8 game, but process, but can you tell me if any
9 Hispanics or African-Americans or other
10 minorities were involved in the developing of
11 the maps? Not that you all didn't do a good
12 job, I am just trying to get a sense of
13 diversity of participation.

14 MR. POREDA: Do you mean in terms of
15 professional staff and legal counsel?

16 SENATOR GIBSON: Yes.

17 MR. FERRIN: Other than the people that I
18 have already mentioned there we had no
19 interaction regarding the base map development
20 with anybody else. I don't necessarily want to
21 speak to the ethnicity of the people in the
22 room.

23 SENATOR GALVANO: Well, I am sure Justice
24 Cantero --

25 SENATOR GIBSON: I am just looking at

1 diversity. I think it is important
2 particularly in our state as far as
3 participation goes when we are trying to make
4 sure we have fair as the Court calls it
5 representation, that we have fair
6 participation.

7 Thank you.

8 SENATOR GALVANO: Senator Montford, you
9 are recognized.

10 SENATOR MONTFORD: Thank you, Mr. Chair.
11 You know, I guess we all look at this from the
12 areas for which we come from in the area they
13 we represent. So if we may focus on District 5
14 and 2 just for a moment.

15 I am curious, I have looked at this map
16 closely and I have gone right down to the
17 street level. It appears that both Florida
18 State University and Florida A&M University
19 campuses will be split between two different,
20 two different seats, congressional districts.
21 Is that correct?

22 MR. FERRIN: Senator, I can -- one of my
23 colleagues might be able to also speak to that.
24 Having looked at the lines closely during the
25 process, but we haven't looked at it that

1 closely. I can tell you most of Florida State
2 University if not the entire of it is actually
3 in Congressional District 2, and I believe that
4 most of Florida A&M University is in, if not
5 all of it, is in Congressional District 5.

6 SENATOR GALVANO: Yes, sir.

7 SENATOR MONTFORD: I understand it is
8 confusing, but Florida State, I know Florida
9 State is in two districts, and I think Florida
10 A&M might be, but regardless of that, then on
11 the next level then, clearly we will have both
12 congressional districts. We will have both
13 Universities represented by two different
14 Congressmen or women, would that be fair to
15 say? And did you take that into account?

16 SENATOR GALVANO: You are recognized.

17 MR. POREDA: Thank you, Mr. Chairman.
18 Assuming, as you have reviewed that closer than
19 I have as far as the two campuses, if that is
20 how it is, that is how it is. Thinking about,
21 you know, kind of the Tier 2 requirements when
22 we think about following, you know, natural and
23 geographic boundaries, thinking about keeping
24 the cities and counties whole, thinking about
25 kind of more about communities of interest

1 argument you are talking about as far as
2 college campuses, it is simply not a factor for
3 us as far as following the constitution. So as
4 far as a college campus and what district it
5 may or may not be in is not a factor for us as
6 far as determining the districts on the map.

7 SENATOR GALVANO: Yes.

8 SENATOR MONTFORD: Well, are there any
9 other factor that you may have considered that
10 were not part of Tier 1 requirements or Tier 2
11 of the Supreme Court direction? I am just
12 curious, I am not saying there are any other
13 ones, but I am just curious. I mean, if you
14 got two great Universities and someone says the
15 best universities in Florida are right here in
16 Tallahassee, and you have got, I mean, you
17 split them and one of those or maybe both
18 campuses are split, it seems like that maybe we
19 could take a look at that and say, is that,
20 would that be appropriate to do that?

21 MR. TAKACS: Thank you, Mr. Chairman. As
22 a UCF grad I may disagree with you on that, but
23 as far as the boundaries of a campus and
24 whether that can be factored in. Let's say,
25 let's say someone or you were to offer an

1 amendment that did just simply that, put both
2 campuses into one, into one district, whether
3 it was 2 or 5. I don't know if that would be a
4 legal justification to make that move. I
5 understand what you are saying as far as
6 wanting the both of them in the same district,
7 but they are not part of the census geography,
8 they are not a municipality or a county. And
9 so that would -- that would not be a factor in
10 trying to legally comply with a map.

11 SENATOR MONTFORD: Follow up, Mr. Chair.

12 SENATOR GALVANO: Yes, sir.

13 SENATOR MONTFORD: Maybe this would be a
14 question directed to our legal counsel here.
15 If since this is only a suggested map why would
16 there be a legal issue there?

17 MR. MEROS: What Mr. Takacs was talking
18 about is the issue of whether, quote,
19 communities of interest, close quotes, are
20 protected or factors in drawing maps. The
21 Legislature proposed the constitutional
22 amendment to ensure under Amendments 5 and 6
23 that we could keep communities of interest
24 intact as a, as an element and standard.

25 The Supreme Court struck that down. And

1 if the opposition has time and again said that
2 at any assertions of community of interest
3 cannot be done.

4 Now, one can try to draw a compact
5 district that is numerically or visually
6 compact and combine those communities, but that
7 would have a basis in compactness or
8 utilization of city or county boundaries which
9 are the expressed requirements in Tier 2.

10 So that doesn't mean that they have to be
11 split, but the justification has to be based on
12 what is in Tier 1 or Tier 2 and communities of
13 interest as rejected by the Supreme Court, but
14 not one of those.

15 Now, understand that the Legislature never
16 believed that that configuration of a minority
17 district was appropriate and there was plenty
18 of public testimony around here about not being
19 one, but that east/west configuration at least
20 in part is imposed on the Legislature now by
21 the Court, and to get a minority population
22 high enough to where it doesn't diminish and
23 possibly take away the ability to elect a
24 minority candidate, you have to get minority
25 population from Jacksonville through

1 Tallahassee into Gadsden County to get to a
2 sufficiently high population.

3 It can be tried to be, to be sure and
4 amendments could be tried to see what that
5 minority population would be if you didn't
6 split that area of Tallahassee, but it is a
7 potential problem.

8 SENATOR MONTFORD: Thank you. And Mr.
9 Chair, if I might that leads into my next
10 question.

11 SENATOR GALVANO: Absolutely.

12 SENATOR MONTFORD: I serve in my Senate
13 District 11 of the counties that are impacted
14 here in 2 and 5. I have nine prisons and two
15 work camps.

16 Are those populations included in these
17 numbers, and if they are, what impact does that
18 have on the -- the minority makeup voting age
19 population?

20 SENATOR GALVANO: Yes.

21 MR. MEROS: I think they can answer and
22 they can correct me if I am wrong, but those
23 population numbers are included in the
24 districts and in the numbers. It is our
25 understanding that that is required to be done.

1 Certainly because they do not, anyone
2 incarcerated does not vote, then the turnout
3 reflects that, registration numbers reflects
4 the absence of those individuals, but those
5 population numbers are included.

6 SENATOR GALVANO: Follow up.

7 SENATOR MONTFORD: Do we know how many
8 prisons or work camps we have in both Senate
9 District 2 or Congressional District 2 and 5?

10 MR. TAKACS: Mr. Chairman.

11 SENATOR GALVANO: Yes.

12 SENATOR MONTFORD: And what are those
13 populations?

14 MR. TAKACS: Senator, I think that is
15 something we would have to look at more closely
16 to be sure about it. It is not a statistic
17 that we would have readily available. If that
18 is something you want we can get together with
19 you and try and figure that out.

20 SENATOR MONTFORD: Thank you, Mr. Chair.

21 SENATOR GALVANO: Representative Slosberg.

22 REPRESENTATIVE SLOSBERG: Thank you, Mr.
23 Chair. I am just curious as of the last
24 Presidential election like, I am sorry,
25 Gubernatorial election in November of 2014.

1 Were any of the three map makers registered
2 Democrats?

3 SENATOR GALVANO: You know, I think we are
4 bringing in personalities and I am going to,
5 you know, say that they don't have to answer
6 that.

7 Do you have further questions?

8 REPRESENTATIVE SLOSBERG: No.

9 SENATOR GALVANO: Senator Bradley.

10 SENATOR BRADLEY: Thank you, Mr. Chairman.
11 This is a question for Mr. Ferrin and the
12 others who are involved in the map making
13 process. Did any of you other than when
14 considering the configuration of
15 majority/minority district as is a Tier 1
16 requirement, did any of you look at partisan
17 performance of any of the districts? I will
18 ask the question for each of you.

19 MR. FERRIN: Mr. Chairman.

20 SENATOR GALVANO: You are recognized,
21 starting with you.

22 MR. FERRIN: No, Senator.

23 MR. TAKACS: I can speaking for myself,
24 no, and I even avoided Twitter and a lot of the
25 media articles to avoid accidentally seeing

1 some of that.

2 MR. POREDA: No, and then I have, too,
3 avoided kind of the news media, Twitter, et
4 cetera, to read any of the possible political
5 impacts of our work.

6 SENATOR BRADLEY: Thank you.

7 REPRESENTATIVE TORRES: Follow up?

8 SENATOR GALVANO: Representative Torres.

9 REPRESENTATIVE TORRES: Thank you, Mr.
10 Chair. My question is to CD 9 and I wanted to
11 ask you, how do you compare the existing
12 Congressional 9 to your map right now, dealing
13 especially with the Hispanic voters in that
14 seat?

15 SENATOR GALVANO: You are recognized.

16 MR. FERRIN: Thank you, Chairman. With
17 just respect to the Hispanic population, the
18 currently enacted Congressional District 9 is
19 not -- is 38.4 percent Hispanic VAP, and the
20 new base map, yes, 38.4 for the currently
21 enacted. It is 32.0 percent Hispanic voting
22 age population in the new base map.

23 REPRESENTATIVE TORRES: Follow up?

24 SENATOR GALVANO: Yes.

25 REPRESENTATIVE TORRES: So the Hispanic

1 vote has gone down with your map, your current
2 map, correct?

3 MR. FERRIN: That is correct, sir. A lot
4 of that population went into the Congressional
5 District 10 that we drew that encompasses most
6 of the western portions of Orange County.

7 MR. TAKACS: Mr. Chairman, if I could add.

8 SENATOR GALVANO: Yes.

9 MR. TAKACS: To that answer. Thank you
10 very much. Representative Torres, thinking
11 about the enacted District 9 versus what it
12 looks like in the base map. As I had mentioned
13 earlier when Judge Lewis invalidated District
14 10 last year, he said to the Legislature that
15 while it was a legitimate goal to try to create
16 a Hispanic opportunity district in that region,
17 that he saw that there was no evidence that one
18 existed.

19 And so basically what he was saying to the
20 Legislature was that there are no Tier 1 kind
21 of, you know, vote delusion issues there that
22 we should try to protect from. So then what we
23 would do was default to Tier 2 standards
24 thinking of compactness, keeping counties and
25 cities whole and following natural and

1 geographic boundaries which is what the
2 District 9 is that you see in the base map
3 represents.

4 In fact, that CD 9 on the map with a .69
5 Reock score, again thinking about the shape of
6 the district, wrap the tightest circle you can
7 you around it and measure the area of that
8 shape, that .69 Reock score is the second most
9 compact district on the base map.

10 SENATOR GALVANO: Follow up?

11 REPRESENTATIVE TORRES: Yes, thank you.
12 We had public maps submitted, specifically 188.
13 Have you compared that with your basic map?

14 SENATOR GALVANO: You are recognized.

15 MR. TAKACS: We haven't looked at any of
16 the previous public input that was submitted
17 back in 2012. We obviously have that still
18 available. That is still on the Senate's
19 website, I believe, but we haven't considered
20 any of the public input prior to -- any of the
21 public input even the new public input that we
22 have received. We did not look at any of that
23 prior to and during the drawing of the base
24 map.

25 REPRESENTATIVE TORRES: Can I have one

1 more follow up?

2 SENATOR GALVANO: Yes, you may.

3 REPRESENTATIVE TORRES: In your statement
4 about the Judge Lewis, about -- is that based
5 on the voter turnout for the Hispanics in CD 9?

6 MR. TAKACS: Yes.

7 SENATOR GALVANO: You are recognized.

8 MR. TAKACS: Thank you, Mr. Chairman.

9 Representative Torres, I would have to go back
10 to Judge Lewis' decision. I don't know if he
11 cites any kind of specifics as to why he did
12 not believe that there was evidence that there
13 was an opportunity district in that region.

14 But I should also mention, too, along with
15 that in the Supreme Court's review of the map
16 there were several areas where they found that
17 Judge Lewis had erred in his decision in
18 validating Districts 5 and 10. But this
19 district area was not one that they had written
20 about in their opinion that brings us here
21 today.

22 REPRESENTATIVE TORRES: Thank you.

23 SENATOR GALVANO: Chairman Simmons, you
24 are recognized.

25 SENATOR SIMMONS: Thank you, Mr. Chair.

1 In doing all of this, and thank for your hard
2 work, I look at us as sometimes at least
3 government an island of fantasy in a sea of
4 reality. And the Constitutional Amendment,
5 Article III, Section 20, says that in
6 establishing congressional district boundaries,
7 no apportionment plan or individual district
8 shall be drawn with the intent to favor or
9 disfavor a political party or incumbent, and
10 districts shall not be drawn with the intent or
11 result of denying or abridging equal
12 opportunity of racial or language minorities to
13 participate in the political process or to
14 diminish their ability to select
15 representatives of their choice.

16 Now, we are doing that right now, and at
17 the same time as I understand it we are using
18 2010 information. Now, I realize that we only
19 have census data and maybe there is some
20 requirement under Federal law that we can only
21 use in drawing these kind of districts
22 information that now is probably significantly
23 outdated.

24 Is it -- have we taken a look at what it
25 is in 2005, and project it in 2006, as to how

1 these are going to perform so that we can
2 assure that since we are now establishing a
3 congressional district in 2005 or 2006, that we
4 will not violate?

5 SENATOR GALVANO: Chairman, you don't mean
6 2005, 2006.

7 SENATOR SIMMONS: I mean 2015, 2016, that
8 we would diminish the ability to elect
9 representatives of the choice of the
10 inhabitants of those districts. Do you follow
11 what I am getting at? I mean, we are dealing
12 with 2010 information is what you are telling
13 me, now in 2015, 2016 information, is it
14 available?

15 MR. TAKACS: Mr. Chairman.

16 SENATOR GALVANO: Yes.

17 MR. TAKACS: Senator Simmons, I understand
18 I think what you are saying about the potential
19 problem with using census data that is now five
20 years old. It is my understanding that that is
21 the requirement under Federal law is we must
22 use the most recent census data for this, and
23 the census is also the closest thing we, I
24 mean, it is a count.

25 There is population estimates out there

1 that they are ACS, it is American Community
2 Survey that use survey data to make
3 projections. It has a significant margin of
4 error on it that would be inappropriate for use
5 in creating a representation for one person,
6 one vote. So we have to use the census data
7 for that. Does that answer your question?

8 SENATOR SIMMONS: Yes, because the
9 question was raised as to why we were using
10 information that we are using and I wanted to
11 make sure that what we are doing is using the
12 information that is the required information
13 for us in this analysis.

14 SENATOR GALVANO: Yes, Mr. Meros, you are
15 recognized for further comment.

16 MR. MEROS: Yes, you actually have to use
17 2010 data.

18 SENATOR GALVANO: Can you move your mike
19 closer to your mouth, please, sir?

20 MR. MEROS: I am sorry?

21 SENATOR GALVANO: Lean into the mike a
22 little more. Thank you.

23 MR. MEROS: We have to use 2010 population
24 from the census, but there are elections data
25 that are after 2010, that we have and that one

1 can use with the 2010 population figures.

2 SENATOR GALVANO: President Lee, you are
3 recognized.

4 SENATOR LEE: Well, thank you, Mr. Chair.
5 A couple of questions for different parties
6 here that have sort of surfaced as a result of
7 the presentation.

8 Mr. Meros, you mentioned that you had
9 waived your attorney/client privilege, I assume
10 you and Justice Cantero both waived.

11 MR. MEROS: Correct, all of us who were
12 counsel advising.

13 SENATOR LEE: If I were to hire a lawyer
14 since I, you know, maybe don't have access to
15 staff like I once did, and if I wanted to hire
16 a lawyer to represent me, just me, if I just
17 personally wanted to hire a lawyer to represent
18 me and educate me in how to manage my
19 constitutional responsibility with respect to
20 this map and any other maps that come before
21 the Legislature, would my communications
22 between me and that lawyer be privileged?

23 MR. MEROS: Certainly, unless you waived
24 it.

25 A VOICE: And I will add to that, that was

1 in the course of including counsel with staff,
2 there was a very specific limited waiver of
3 privilege, and it is actually the staff in the
4 Senate and the House who have waived, not the
5 attorneys.

6 SENATOR LEE: Yes, sir, thank you, thank
7 you so much. Okay, well, let me be just what I
8 need to do in order to make sure that I am able
9 to preserve, you know, my right to privacy and
10 my First Amendment Rights and exercise my
11 responsibility going forward.

12 Once you gentlemen dealt with the, I guess
13 the defects I am going to call them that were
14 identified by the Supreme Court in their
15 findings, their ruling, you then had a
16 preponderance of the map still undrawn,
17 correct, as you kind of walked us through that.
18 Okay.

19 How many ways were there to draw the
20 balance of that map without violating the
21 provisions of 5 and 6 in your opinion? Were
22 they hundreds, were they thousands, were they
23 tens of thousands or millions of ways to draw
24 the maps without --

25 SENATOR GALVANO: Mr. Ferrin.

1 MR. FERRIN: Mr. Chairman, I will try a
2 stab at that. I am sure there is a
3 mathematical way to calculate that based on the
4 number of census blocks and the different ways
5 you can connect them to each other. I don't
6 want to try to figure it out, but I would
7 venture to guess that there is a lot of
8 different ways to draw the map and they are
9 presumed constitutionality is probably in the
10 eye of the beholder.

11 Some folks may feel that there is a
12 different way to draw a map that is preferably
13 constitutional or meets the criteria that were
14 outlined by the Court that looks different than
15 ours. I mean, this is not the silver bullet,
16 per se.

17 SENATOR LEE: Thank you. So you all had
18 to make a lot of decisions and you have in
19 front of you Tier 1 and Tier 2 standards that
20 have been set forth. You have essentially
21 addressed the Tier 1 standards by responding to
22 the Supreme Court and some of the Tier 2
23 standards that were considered defective by the
24 Court, but many, many decisions still had to be
25 made.

1 But most of the, in fact, were all of the
2 Tier 1 standards already addressed? Were there
3 any lingering Tier 1 standards that you had to
4 address once you got past the Supreme Court's
5 direction?

6 SENATOR GALVANO: You are recognized.

7 MR. FERRIN: There was a possible, based
8 on the minority population that was vacated in
9 Orange County by Congressional District 5, that
10 is why we drew so many different versions of
11 that particular district because of the black
12 community and Hispanic community in Orange
13 County. We were trying to assess if there was
14 a Tier 1 issue there before we could move on
15 and draw the rest of the map.

16 We determined that we were able to
17 essentially accomplish that by first starting
18 with Tier 2 and then we kind of tweaked the
19 district that we had drawn and still very much
20 complying with Tier 2 while also addressing any
21 possible Tier 1 considerations in Orange
22 County.

23 SENATOR LEE: And so Orange County was a
24 concern and you flipped it to Tier 2 and tried
25 to work back to Tier 1 to fix Orange County.

1 All right, so within Tier 2 you have a variety
2 of standards that have to be applied. They
3 relate to compactness and you try to use
4 political and geographical boundaries
5 essentially once you get past the obvious
6 apportionment of a population.

7 And you have to balance those out, right?
8 You have to make choices between those and set
9 priorities on a given occasion. How do you, if
10 I were drawing the maps my number one prior
11 would be boundaries, and my far distant number
12 two priority would be compactness. Because I
13 think that far greater as an elected official I
14 know that far more impacts the quality of
15 representation that people have than whether or
16 not the district is compact, but others might
17 not feel that way. How did you all approach
18 those competing standards or objectives?

19 SENATOR GALVANO: You are recognized.

20 MR. POREDA: Thank you, Mr. Chairman. You
21 are right, there is all of those different
22 things that we need to consider when we are
23 drawing. The first consideration is simply
24 population with the congressional districts
25 having to be so exact. There is only so many

1 things you can do which those populations in
2 certain areas. We tried to very, wherever we
3 could, follow the political geography, whether
4 it be county lines or city lines as we
5 demonstrated going through all the drafts that
6 we went through. And where we had to deviate
7 from county lines we tried to follow the major
8 roadways and other very recognizable
9 geographical boundaries that are within the
10 counties and different communities. So it was
11 a balancing of all of those things, but we
12 first really tried to follow the county lines
13 and city lines where we can based on where we
14 could, based on the population of the
15 congressional districts and we really let the
16 numbers of not just the compactness scores but
17 the city splits and the county splits and that
18 is part of the reason why we went the way we
19 did with north Florida. We went with the
20 version that split one fewer county than the
21 other versions.

22 So we certainly assessed all of those
23 things that you are talking about, trying to
24 follow those boundary lines as much as we could
25 and that is why we ended up going in the

1 direction we did to split one fewer county than
2 the other drafts that we had produced up until
3 that point. So you are right, it is all a
4 balance of what to do there and when you get
5 down to those smaller population shifts, what
6 to do with that 77,000 people in south Lake
7 County, where are you going to move that, how
8 do you rotate that around District 10, it is
9 those types of things where we can start to
10 figure out how to place the boundary lines in
11 between cities, in between the rivers, lakes
12 that are all around in the geography of our
13 state.

14 SENATOR GALVANO: Yes, you are recognized.

15 MR. FERRIN: And if I may add to that.

16 Senator Lee, that is part of why there were so
17 many iterations of that versions, as Mr. Poreda
18 was just talking about, because we are trying
19 to find that sweet spot between keeping as many
20 cities as we can whole, keeping as many
21 counties as we can whole while drawing compact
22 shapes.

23 SENATOR GALVANO: Yes, you are recognized.

24 SENATOR LEE: Okay, so, so let me draw
25 your attention to the Tampa Bay area.

1 Hillsborough County has roughly 1.3 million
2 people in it, and yet we end up with three
3 congressional districts. Now, I realize
4 because I have done this and, not at your level
5 but I have been around it, it is like pushing a
6 balloon, it pops out somewhere else and we can
7 create Reock scores and things like that in
8 other areas that are simply as compact than
9 what we might otherwise have.

10 But if my priority as a map drawer and
11 this Constitutional Amendment says the order in
12 which the standard shall be applied as set
13 forth in 1 and 2 shall not be read to establish
14 any priority of one standard over the other,
15 but it doesn't preclude me from having an
16 opinion about necessarily what might be a
17 priority. So if I apply geographic boundaries
18 as my priority, knowing from, you know, two
19 decades of involvement in public service, that
20 that is what most directly affects the quality
21 of representation that a community has, why did
22 you is choose to split Hillsborough County into
23 three congressional seats when it would have
24 almost in and of itself created two perfect
25 congressional seats?

1 SENATOR GALVANO: You are recognized.

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

3 Well, we put one district entirely within, it
4 is actually four technically, it is about
5 12,000 people in District 12 as well.

6 SENATOR LEE: Uh-huh.

7 MR. POREDA: But we put District 14
8 entirely within Hillsborough County as ordered
9 by the Supreme Court. We followed the
10 municipal lines of Tampa as we went through in
11 the presentation and that left the remaining
12 population on the eastern side of Hillsborough
13 County down to the south.

14 We didn't attempt that but we had talked
15 about that, but where we ended up with the
16 population coming out of Orange County into
17 Polk County, it created an area, the area of
18 Lake County didn't have any population. So we
19 had a choice of if we did something like that
20 in Hillsborough County it would have blocked
21 off that county line, so then Congressional
22 District 17 would have either had to go all the
23 way up from where it is in Charlotte County all
24 the way up into Lake County to get that
25 population in a relatively uncompact area, in

1 an uncompact way snaking all the way up or
2 District 9 would have had to wrap around
3 District 10 to grab that population. So it is
4 because of what was happening in the rest of
5 the region because the population of
6 congressional districts have to be so exact we
7 had to figure out where to put that 77,000
8 people. And then the people in north Polk
9 County, including the entire city of Lakeland
10 that had to go somewhere. You only can put so
11 many people in the district.

12 So if you were to block off that county
13 line it would have potentially made the rest of
14 the region in Polk County and connected to
15 Osceola County going up the Lake would have
16 made that significantly less compact. So you
17 have to think about how all the population, the
18 rest of the region is going to fit together and
19 that is why that particular option really
20 wasn't available to us when it came down to it.

21 SENATOR LEE: In the enacted map it was
22 four districts as well, am I correct?

23 MR. FERRIN: Correct.

24 MR. POREDA: That is correct, yes.

25 MR. FERRIN: Mr. Chairman, if I might just

1 add one other thing there. When we could
2 create those kind of compartments that
3 Mr. Poreda had mentioned earlier as far as
4 using a county boundary to try to
5 compartmentalize the map holding the county
6 line, we did that as much as we could. That is
7 what enabled us to draw north Florida and south
8 Florida kind of independently because we held
9 county lines along the way in this area.

10 So as Mr. Poreda said, it is the regional
11 implications as those populations move
12 throughout the state, how to draw those
13 districts that created that four district
14 split.

15 SENATOR GALVANO: Mr. President.

16 SENATOR LEE: So if you had just simply
17 shifted District 15 eastward to pick up the
18 521,000 voters that were left in Hillsborough
19 County, that would have done big damage to your
20 overall map in central Florida, is that it? I
21 am sorry, if you move District 15 westward into
22 Hillsborough County to pick up the 521,000
23 voters that were then split into two.

24 MR. TAKACS: Senator, I think we would
25 want to kind of look through all the

1 implications before giving you too precise
2 answers as to what it would do to everything
3 else. If that is something you want to draw or
4 have drawn, I am happy to sit down with you and
5 work through that if that is what you would
6 like to see and I can also just kind of try to
7 think through some of the implications and try
8 to put it in words for you so that I can answer
9 your question a little bit more fully.

10 SENATOR LEE: Well, let me just -- I, you
11 know, again, I know how complicated this is in
12 a general sense, and so, you know, it wouldn't
13 be my goal to get overly parochial with respect
14 to one part of the map even if it is someone
15 else's part of the map from another part of the
16 state at the expense of the balance of the
17 state. But I know that there are a lot of
18 decisions that you all have had to make and
19 there was a lot of latitude that you had in the
20 drawing of the balance of this map once you got
21 past the Court's Order, and that, you know, we
22 have essentially relegated to a discussion only
23 starting point 20 million people's future to
24 three men, and you have done an amazing job
25 getting us to this point and giving us a sense

1 of how you intellectually walked through that
2 process.

3 But I am just trying to figure out what
4 you considered along the way and maybe why you
5 didn't go that direction in areas of the state
6 that I feel like I understand pretty well and I
7 will be happy to chat with you about that on TV
8 somewhere I guess.

9 SENATOR GALVANO: Representative Rader.

10 REPRESENTATIVE RADER: Thank you, Mr.
11 Chairman, both Chairmen for allowing me to ask
12 a few questions if you indulge, and thank you
13 to the, I really want to commend the staff
14 attorneys and staff for both House and Senate,
15 you have really done a superb job in a very
16 short time from with probably a lot of pressure
17 they can feel from a few years ago, but getting
18 this done in a short period of time.

19 Because I was not part of the
20 redistricting process a few years ago, I was
21 not in office, and I am not an attorney so some
22 of the 172-page Supreme Court ruling is
23 sometimes beyond what I can understand, it
24 takes several readings and it is quite long,
25 but and this might be more geared toward the

1 legal side than the map making side which --
2 have there been any challenges to the Voters
3 Right Act of 1965 in the past two years, three
4 years, five years, 10 years and to your
5 knowledge have they been successful or not
6 successful?

7 SENATOR GALVANO: Yes, Mr. Meros.

8 MR. MEROS: Challenges to the Voting
9 Rights Act or challenges under the Voting
10 Rights Act?

11 REPRESENTATIVE RADER: Mr. Chair.

12 SENATOR GALVANO: Yes. Clarify, please.

13 REPRESENTATIVE RADER: How about both.

14 MR. MEROS: I am unaware of any challenges
15 to the voting, to the Voting Rights Act of
16 1965. If you are -- there have certainly been
17 plenty of challenges to any number of whether
18 it is a minority district or other violations
19 of the Civil Rights Act that have been filed.
20 With regard to this plan or anything relating
21 to that, I mean, I have frankly forgotten the
22 title of the Voting Rights Act, itself, but
23 there has been a challenge under Title II to
24 the Congressional District as proposed that is
25 presently pending, and that is, I don't know if

1 I am answering your question or not.

2 SENATOR GALVANO: Follow up?

3 REPRESENTATIVE RADER: Please, thank you.

4 On page 29 of the Supreme Court ruling it
5 states that there were maps received by a
6 Republican operative and then they were changed
7 to better the performance of Districts 5, 7, 9
8 and 10 toward the Republicans, toward the, it
9 says that right on page 29.

10 Were you, was the map making staff, were
11 you aware of that when that happened, and what
12 have you, and can you tell me what steps you
13 have done after you reading this and seeing
14 that it happened, what you have done to make
15 sure it got corrected to do what your original
16 process was I guess in 2011, before the
17 Republican operatives got the maps?

18 MR. TAKACS: Yes, and I will answer that
19 again. This staff along with counsel was given
20 the instruction prior to this special session
21 to work with each other, no operatives, and
22 frankly no members to develop a base map for
23 discussion. The actual decision-making process
24 as I stated earlier began at 3:00 p.m.
25 yesterday. And so that it, that is where we

1 are, and in terms it re-litigating the case we
2 are not going to do that.

3 SENATOR GALVANO: Yes, sir.

4 MR. MEROS: Mr. Chairman, I have a
5 clarification for Representative Rader with
6 regard to his prior question.

7 SENATOR GALVANO: With regard to the
8 voters Rights Act?

9 MR. MEROS: Yes, the Shelby -- there was a
10 case, Shelby County that was in the U. S.
11 Supreme Court challenging Section 5 of the
12 Voting Rights Act and the U.S. Supreme Court
13 invalidated the formula under Section 5 of the
14 Voting Rights Act that applies to the various
15 states.

16 So effectively speaking right now the
17 Section 5 under the Federal law is not
18 operative in the United States. So I just
19 wanted to clarify that.

20 SENATOR GALVANO: Question, further
21 questions?

22 REPRESENTATIVE RADER: Thank you, Mr.
23 Chairman. And just for clarification, the map
24 that was presented by the map making folks
25 right here, the staff, this is your map, this

1 isn't a Democratic operative map which I kind
2 of heard a little bit of that over the last few
3 hours. This is your map? This is the map that
4 you guys came to, the most fair map that you
5 believe that the state could go forward with,
6 no Democratic leaning map that I heard?

7 SENATOR GALVANO: You are recognized.

8 MR. TAKACS: Representative, we drew this
9 map just as we described it in the meeting
10 today. CD 5 was taken from another plan. I
11 don't personally know what was drawn in that
12 plan and who did it, but that is where we got
13 the CD 5 from.

14 REPRESENTATIVE RADER: One more?

15 SENATOR GALVANO: Yes, sir.

16 MR. FERRIN: Mr. Chairman, to kind further
17 that answer. That being true about the
18 Congressional District 5 we would consider this
19 our map. This is what we drew. The three of
20 us drew this together. So we would take
21 ownership of the map as a whole.

22 REPRESENTATIVE RADER: Okay, thanks.

23 SENATOR GALVANO: Leader Joyner.

24 SENATOR JOYNER: Thank you, Mr. Chair.

25 Looking at Senate District 14 that had a

1 Hispanic and black VAP of 24 percent each and
2 now the black VAP is down to 17. Prior to this
3 map it was a minority access with 48 percent,
4 and now there is no possibility since there is
5 an eight percent decrease. Even though the
6 Trial Court didn't make any findings, I see to
7 add that black voters from Pinellas County
8 would impact Hillsborough to the point where it
9 would diminish the ability of black voters in
10 Hillsborough County to elect a representative
11 of their choice, and now we don't have that
12 opportunity because of the eight percent
13 decrease.

14 You all stated that regional compactness
15 was utilized in Hillsborough County, so that
16 because of the Trial Court not mentioning it,
17 did that outweigh, regional compactness
18 outweigh the retrogression that occurred in
19 Senate District 14?

20 SENATOR GALVANO: Mr. Meros.

21 MR. MEROS: And let me make --

22 SENATOR JOYNER: I mean, Congressional
23 District 14.

24 SENATOR GALVANO: Sure.

25 SENATOR JOYNER: I am thinking Senate.

1 MR. MEROS: Let me make it very clear to
2 you, Senator. We argued from the beginning
3 that the population in Pinellas County, in
4 south Pinellas County which had been joined to
5 Hillsborough County was necessary to retain a
6 coalition district. We pointed out time and
7 again in the Trial Court and the Trial Court
8 accepted it, that in 1992, the corresponding
9 Senate District was not pre-cleared by the
10 Justice Department because they specifically
11 found that south Pinellas African-Americans and
12 Hillsborough African-Americans had similar
13 interest across the bay.

14 The -- Judge Lewis considered that. Judge
15 Lewis said that there were reasonable
16 trade-offs with regard to our Tampa Bay drawing
17 and validated it. The Supreme Court
18 invalidated them and directed us, directed the
19 Legislature to take south Pinellas County out
20 of that district with our strong opposition.

21 SENATOR JOYNER: A follow up.

22 SENATOR GALVANO: You are recognized.

23 SENATOR JOYNER: Is there anyway for this
24 district to be drawn where you went north and
25 picked up some others, to pick up some other

1 African-American communities in Hillsborough
2 County to make up the difference and keep it
3 assessable so that minorities, the coalition
4 could elect a representative of their choice?

5 SENATOR GALVANO: Yes, you are recognized.

6 MR. POREDA: Thank you, Chairman.

7 Senator, in looking at the district drawn
8 entirely within Hillsborough County and the
9 Romo A alternative, there would be no
10 opportunity for, the opportunity would no
11 longer exist that had we thought had existed
12 previously entirely within Hillsborough County.

13 So that being said we looked at the
14 requirements of that district rather than Tier
15 1 as we did not, we don't believe that there is
16 the possibility that district will perform
17 entirely within just Hillsborough County, and
18 we believe the Supreme Court supported that
19 decision when they removed the 92,000 people of
20 south St. Petersburg from that district and
21 told us to keep it entirely within Hillsborough
22 County.

23 SENATOR GALVANO: Representative Williams,
24 you are recognized.

25 REPRESENTATIVE WILLIAMS: Thank you, thank

1 you, Senator Galvano. Thank you, gentlemen,
2 for being here. A few questions.

3 Looking at CD 2 after we configured these
4 new districts based on the ones that were in
5 question that we are here for, can you show me
6 the VAP before and after for CD 2?

7 SENATOR GALVANO: Yes, sir.

8 MR. TAKACS: Representative, are you
9 referring to the BVAP for CD 2?

10 REPRESENTATIVE WILLIAMS: Right, yes.

11 MR. TAKACS: In the last enacted plan 9057
12 the BVAP for CD 2 was 23.8 percent. In 9065
13 which is the map that we are discussing today,
14 it is 12.6. And that is going to be the result
15 of CD 5's, you know, coming into this area and
16 containing most of the black population in
17 north Florida in this region.

18 SENATOR GALVANO: Further question?

19 REPRESENTATIVE WILLIAMS: Follow up.

20 Thank you, thank you, Mr. Chair. With that in
21 looking at this map and looking at the rest of
22 the state, how many counties with the
23 population equal or greater, greater than Leon
24 County are split the way the current map is,
25 the current counties split with this plan?

1 SENATOR GALVANO: Mr. Poreda.

2 MR. POREDA: Representative, I don't have
3 that exact number in front of me but I would be
4 willing to get that number to you at a later
5 time. But counties like Marion County are
6 split among I believe three districts in our
7 current map and I believe that that is a bigger
8 county than Leon. Polk County which is about
9 600,000 people is split among multiple
10 counties. In a congressional map you are going
11 to have more split counties than you could
12 otherwise because you have to have such an
13 exact population.

14 SENATOR GALVANO: I am sorry, can you all
15 keep it down, please.

16 MR. POREDA: Because of the exact
17 population needed for congressional districts
18 you are going to have more split counties than
19 you could otherwise. So there is a number of
20 large counties that are split because of that,
21 but we can get you the exact number of county,
22 counties that were split that are larger than
23 Leon County. I don't have that information
24 immediately in front of me, but we can get that
25 to you.

1 REPRESENTATIVE WILLIAMS: One more quick
2 question.

3 SENATOR GALVANO: Absolutely, you are
4 recognized.

5 REPRESENTATIVE WILLIAMS: When looking at
6 the plan that we have right now that has a BVAP
7 of now 12.6, as you said before it currently is
8 23.8, what is the line of demarcation as you
9 had to configure the map, because as I am
10 looked at it in Leon County like any other
11 county in this plan, has lines that really
12 almost separate neighborhoods. You could
13 possibly be in the same subdivision but have
14 one congressional member or another.

15 So I am trying to understand, how do we
16 get to that point and what is the justification
17 behind that?

18 SENATOR GALVANO: Mr. Ferrin.

19 MR. FERRIN: I will try and answer your
20 question, Representative. The Tier 1 criteria
21 under the Constitution, you know, subgrades the
22 Tier 2 standards in terms of compactness and
23 things like that. So in an area where you are
24 drawing a minority district, it is frequently
25 necessary to split neighborhoods and things

1 like that to maintain the district as a
2 performing minority district, and I believe,
3 you know, that is probably the case in
4 Tallahassee.

5 REPRESENTATIVE WILLIAMS: And so --

6 SENATOR GALVANO: I think we are going to
7 have additional comment, Representative.

8 REPRESENTATIVE WILLIAMS: Oh, sorry.

9 MR. POREDA: In addition to that, what I
10 had mentioned previously about the exact
11 population of congressional districts, in
12 addition to the Tier 1 aspects that Mr. Ferrin
13 is discussing and how that really interacts
14 with Leon County, you are going to have those
15 types of splits throughout a congressional map
16 because you need to obtain exact population.
17 So there is going to be neighborhoods that you
18 are going to have to through and split in order
19 to pick up that remaining 100 people that you
20 might need or 73 people you might need,
21 whatever the case may be. So that is
22 unfortunately the case with congressional
23 redistricting.

24 REPRESENTATIVE WILLIAMS: And --

25 SENATOR GALVANO: Representative Williams.

1 REPRESENTATIVE WILLIAMS: Thank you. And
2 I understand we have to deal with that in north
3 Florida, I understand that we have probably
4 more pine trees in north Florida than the rest
5 of the state.

6 So when you are looking at communities of
7 interest, and when looking at the ability to
8 try and keep these communities whole,
9 especially these counties whole under
10 congressional representation, looking at the
11 other counties that you referenced that were
12 split of equal or greater size, the distance in
13 between the potential for congressional
14 representation being in Jacksonville or being
15 in Bay County, but having the ability to reach
16 their Congressman or to be able to visit and
17 reach out and touch their Congressman, so to
18 speak, how do they do that under this plan and
19 how does that communities of interest still
20 stay whole even though understanding that Tier
21 1 implications that are there, but that is some
22 of the concerns I have? I am trying to get to
23 that point because under this current plan it
24 is hard for me to support that.

25 SENATOR GALVANO: All right.

1 MR. FERRIN: Thank you, Mr. Chairman.
2 Representative Williams, the communities of
3 interest issue that you raise is not a factor
4 in the constitution that governs how we draw
5 these maps. So taking that aside for a moment,
6 thinking about keeping counties whole, keeping
7 cities whole and things of that nature as you
8 said, those are Tier 2 requirements of the
9 Constitution trumped by, you know, what would
10 be a Tier 1.

11 REPRESENTATIVE WILLIAMS: Right.

12 MR. FERRIN: A Tier 1 constraint from the
13 Court. In this particular instance with
14 Congressional District 5 the Supreme Court
15 ordered us to draw an east/west configuration
16 of the district and the decision that was made
17 in this particular case was to take the Romo A
18 exemplar district and place it into the base
19 map.

20 REPRESENTATIVE WILLIAMS: Thank you, thank
21 you, Mr. Chair.

22 SENATOR GALVANO: You are welcome.
23 Representative Metz, you are recognized.

24 REPRESENTATIVE METZ: Thank you,
25 Mr. Chairman, I appreciate it. Gentlemen, I

1 want to compliment you on a very comprehensive
2 base map that you drew, and I have a concern
3 about it though coming from Lake County. It
4 references the fact that we are a county of a
5 little over 300,000 in population and the base
6 map has us divided into three congressional
7 districts.

8 Roughly in thirds, not exactly, and
9 including one city split there as well, but as
10 recently as draft map number 26 you had the
11 county in two districts. I was wondering if
12 you could help me understand better the
13 trade-off that occurred when you went from two
14 splits in draft map 26 in Lake County to three
15 in the base map, and whether there is anyway we
16 can roll that back and have only two splits?

17 Thank you.

18 SENATOR GALVANO: You are recognized.

19 MR. POREDA: Looking back at those other
20 drafts where Lake County was only split twice,
21 that was the result of us splitting Volusia
22 County to do that. So in the end I think
23 Mr. Ferrin coined the phrase earlier and we
24 used throughout the process you need to
25 determine where the seams of these

1 congressional districts are going to be, and
2 unfortunately Lake County happens to be one of
3 those counties simply because it is in between
4 some other larger population areas and where
5 districts come down and join.

6 The reason why we ended up splitting Lake
7 County three times as opposed to two is because
8 we made the trade-off of keeping one county
9 whole by splitting another county three times
10 rather than having two counties be split and
11 that keeping counties whole is something that
12 the Supreme Court and something that our
13 methodology that we used in 2012, was something
14 that was always preferable to having an extra
15 county split as opposed to having three
16 districts in the county.

17 But as you reference we tried many
18 different variations, a lot of them ended up,
19 ended up affecting Lake County one way or
20 another throughout our drafts. So you can take
21 a look at those and we would be happy to
22 discuss any of those further with you at
23 another time if that is what you want to do.

24 SENATOR GALVANO: Additional comment?

25 MR. TAKACS: Thank you, Mr. Chairman. And

1 to speak of the city split that you referenced
2 with the city of Groveland as we had shown
3 during the presentation. That was an area that
4 we wrestled with a lot as far as to try to keep
5 as many cities whole within that region as we
6 could thinking about the way Minneola,
7 Clermont, Groveland, Montverde, all of those
8 cities in that area interplay and interlock
9 with each other was a really difficult task to
10 try to keep them all whole and have districts
11 that looked visually compact. And so at the
12 end of the day in the base map that is before
13 you, we made that difficult decision to split
14 the city of Groveland to benefit the visual
15 compactness of those two districts, Districts
16 15 and 11.

17 SENATOR GALVANO: Representative Metz.

18 REPRESENTATIVE METZ: Thank you, a brief
19 follow up, Mr. Chairman.

20 SENATOR GALVANO: Sure.

21 REPRESENTATIVE METZ: Thank you very much.
22 I think I just heard from your answers that
23 there is a priority given to having more
24 spirits within a single county than having
25 multiple counties have a single split. Did I

1 hear you correctly on that?

2 SENATOR GALVANO: Yes.

3 MR. POREDA: That is something that has
4 been consistent throughout our methodology
5 throughout the process, and that the Supreme
6 Court in apportionment one held out up. So the
7 answer to your question is yes, that I would
8 say that there would be a priority given to
9 keeping a county whole rather than splitting a
10 county into three districts.

11 REPRESENTATIVE METZ: And Mr. Chairman,
12 thank you, and I will take up my additional
13 questions off line.

14 SENATOR GALVANO: Okay, well, if you have
15 more questions now, please.

16 REPRESENTATIVE METZ: Well, I think I can
17 probably get a little more specific if I had
18 the one on one with is the staff.

19 SENATOR GALVANO: Okay, your reference.

20 REPRESENTATIVE METZ: Thank you, Mr.
21 Chairman.

22 SENATOR GALVANO: Representative Watson,
23 followed by Leader Joyner.

24 REPRESENTATIVE WATSON: Thank you, Mr.
25 Chair. My question has to go back to District

1 21 and 20. It appears to me in some of the
2 maps that you have considered and proposed for
3 that most of the final conclusion I am
4 understanding you came to is that District
5 number 21 is sort of encompassed or other
6 districts wrap around it. Is that indeed the
7 last provision or consideration for District
8 21?

9 SENATOR GALVANO: You are recognized.

10 MR. POREDA: Thank you, Mr. Chairman,
11 Representative Watson, the starting point for
12 the drawing of District 21 as well as District
13 22 was the Supreme Court's Order. They didn't
14 specifically invalidate the enacted Districts
15 21 and 22, but they said that the Legislature
16 did not justify the reason that they were drawn
17 the way that they were.

18 And in doing so they actually put in the
19 graphic of a previous House draft of those two
20 districts that looked very similar, not
21 identical, but very similar to the Districts 21
22 and 22 that is in the base map before you. So
23 it is not just a situation of the districts
24 that are around it, that was in direct response
25 to the Supreme Court's Order.

1 Again, they didn't mandate that the
2 Legislature change 21 and 22, but they held
3 that example up as a way to make both of those
4 districts more compact while still splitting
5 the same number of cities. And so that was the
6 reason we chose those and that is the way 21
7 and 22 look before you.

8 REPRESENTATIVE WATSON: May I?

9 SENATOR GALVANO: Yes.

10 REPRESENTATIVE WATSON: Was there ever any
11 opportunity for you to look at these two
12 surrounding Districts 20, 21, 22, to see if
13 there could have been a more compactness in
14 your efforts to draw those districts?

15 SENATOR GALVANO: You are recognized.

16 MR. POREDA: The Districts 21 and 22 as
17 drawn in the enacted map are the most compact
18 version of those districts that we have drawn.
19 They are more compact than they were in the
20 enacted map. District 20 doesn't really come
21 into play because that is a majority/minority
22 black district, and we need to maintain the
23 voting age population of that district above
24 50 percent. So that is a Tier 1 consideration
25 as well as a Section 2 of the Voting Rights Act

1 consideration that takes precedence over other
2 compactness for city boundary Tier 2
3 requirements in our State Constitution. So
4 that district is separate from District 21 and
5 22.

6 In looking at the numerical compactness
7 scores, the version that we drew is more
8 compact than the version that was in the
9 enacted map. It also has the benefit of
10 keeping District 21 entirely within Palm Beach
11 County. Before both districts used to share
12 portions of Broward and Palm Beach. Now there
13 is this one District 21 that is entirely within
14 Palm Beach County.

15 SENATOR GALVANO: Yes, follow up.

16 REPRESENTATIVE WATSON: Thank you. Just
17 for clarity did I understand you to say that
18 this is the best configuration that you could
19 possibly come up with, with this region of the
20 state?

21 SENATOR GALVANO: You are recognized.

22 MR. POREDA: I said that that is the most
23 compact version of District 21 and 22 that we
24 have drawn so far. As Mr. Takacs pointed out,
25 it is very similar to a House draft that we

1 drew previously in 2012, that the Supreme Court
2 referenced specifically in their opinion.

3 SENATOR GALVANO: Leader Joyner, you are
4 recognized.

5 SENATOR JOYNER: Thank you, Mr. Chair.
6 Since this is the public I am going to request
7 in the public, that you all look at drawing a
8 map for me that would find a way either on the
9 other side of Temple Terrace or a portion of
10 Polk County to bring the black VAP back up so
11 that it will become a minority accessible seat
12 with the coalition of the Latinos and blacks,
13 and then we can talk about it as you record my
14 request if you want it more definitively done
15 after this meeting.

16 SENATOR GALVANO: Yes, and recall we are
17 in a joint meeting. So the Senate request
18 would go through Jay Ferrin.

19 MR. FERRIN: Yes, Senator, I would be
20 happy to work with you on something like that.

21 SENATOR GALVANO: Senator Gibson.

22 SENATOR GIBSON: Thank you, Mr. Chair, and
23 then I am going to be done for the day. Let me
24 say thank you to you all, you know, my
25 questions are -- have to be asked and posed in

1 such a way so that folks understand that it is
2 not about us and it is not about me, it is
3 about the future and access for all people to
4 the process. So thank you all very much for
5 what you have done and what you will continue
6 to do until we are finished.

7 On the -- it looks to me since we have
8 drawn an east/west configuration for CD 5, it
9 looks to me like then there would still have
10 been an opportunity to perhaps draw a minority
11 access, I guess you would call it district
12 north/south, north/south still. Was there any
13 consideration given to that?

14 SENATOR GALVANO: You are recognized.

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

16 Senator Gibson, the answer to that is no. I
17 think the feeling that we had is that once the,
18 I am so sorry, once the north/south
19 configuration of CD 5 was rejected by the
20 Supreme Court, I think any attempt that we
21 would have done to recreate a district similar
22 to that but maybe smaller or taking a different
23 area maybe looked at favorably by the Court.

24 Where we, when we could we looked at where
25 the populations were there as we talked about

1 with Orange County.

2 SENATOR GIBSON: Uh-huh.

3 SENATOR GALVANO: Yes.

4 SENATOR GIBSON: And I wasn't speaking to
5 not configuring an east/west district. I am
6 talking about an additional opportunity in the
7 north/south district given the remaining
8 population.

9 SENATOR GALVANO: Do you follow?

10 MR. TAKACS: Yes, thank you, Mr. Chairman.
11 Two considerations there. One I think there
12 would be a fear that a district drawn of that
13 nature would not perform. Again, I haven't
14 drawn it so I can't speak to it, but thinking
15 about the way that the north/south
16 configuration of the previous CD 5 went and it
17 being very close in its black voting age
18 population to that 50 percent threshold,
19 thinking about the Supreme Court, you know,
20 basically mandating that we can't recreate that
21 district, take the population of Jacksonville
22 there and configure an east/west district for
23 CD 5, I don't know if we would be able to -- to
24 do that in a compact manner that would also be
25 a Tier 1, that would meet that Tier 1

1 threshold. That would be, I don't know if we
2 could do that.

3 SENATOR GALVANO: Additional comment?

4 MR. POREDA: I think our attempt at doing
5 what you are suggesting is our district that we
6 have, Tier 2 district drawn within Orange
7 County that Mr. Takacs referred to before. The
8 majority of that population that would have
9 been in a north/south configuration of the
10 district is in Orange County. So our attempt
11 at recognizing that minority population there
12 in Orange County along with some of the
13 Hispanic community and attempting to draw that
14 sort of coalition district there, all of that
15 population that is necessary to draw that
16 district would be in Orange County and we
17 wouldn't have to go outside the county as we
18 see here on the base map.

19 SENATOR GALVANO: Further questions.

20 SENATOR GIBSON: Well, more of I guess a
21 response, because there was Putnam, Alachua,
22 there were other areas besides just Duval and
23 Orange. So there are still a number of members
24 of that previous population that could have
25 been considered I think and maybe I can ask to

1 have that drawn just to see take it looks like
2 in the impact of probably 6, 7, whatever this,
3 I am looking at the old map. Anyway, you do
4 you get my drift?

5 MR. FERRIN: I think I understand where
6 you are going, Senator Gibson, but just for
7 clarity, are you suggesting going outside of
8 Orange County to other -- other areas in north
9 central Florida that have minority populations,
10 is that -- I mean --

11 SENATOR GIBSON: Mr. Chair.

12 SENATOR GALVANO: Yes, you are recognized.

13 SENATOR GIBSON: I believe that is what I
14 am alluding to. And I know I asked for some
15 numbers earlier that we are going to get. And
16 so in looking at what was formerly included in
17 CD 5, that made up CD 5, the population still
18 exists somewhere.

19 So my question really was, was there an
20 opportunity to incorporate that population to
21 create an access that leans towards potentially
22 being able to elect a different representative?

23 MR. FERRIN: Yes, Senator, and I think
24 that we did consider that, but within the
25 confines of Orange County. I think if you are

1 interested in seeing a district that would have
2 a higher black voting age population and would
3 go outside of Orange County, I think maybe the
4 first place is we will look at what I can get
5 you, that other report you asked for we can
6 look at population numbers and have that
7 discussion to see if that is something you
8 would actually want to see.

9 SENATOR GIBSON: If --

10 SENATOR GALVANO: Yes.

11 SENATOR GIBSON: Yes, because I think
12 under Jax, for CD 5 east/west you took
13 Jacksonville to Gadsden, and when CD 5 was
14 north/south it went Jacksonville all the way
15 down to Orange, I think or something. So in
16 terms of coming below Jacksonville and going
17 back down to Orange County there is a
18 considerable population left, if you will, that
19 was in CD 5. So I am saying there is potential
20 east/west and north/south.

21 SENATOR GALVANO: Mr. Ferrin, before you
22 comment I think Justice Cantero had a comment
23 relative to the conversation.

24 JUSTICE CANTERO: Yes, an additional
25 answer on that, I hope to shed some light on

1 your question, Senator Gibson. The reason why
2 former District 5 had to stretch all the way
3 from Jacksonville down to Orlando was in order
4 to get enough of a black voting age population
5 to make it even a 48 percent that a current
6 iteration of 9057 which is only 48 percent
7 black voting age population still stretches all
8 the way from Jacksonville to Orlando, and the
9 two critical masses of voting age population
10 come from Jacksonville and then central
11 Florida.

12 There isn't really much population in
13 between which is why it had to stretch all the
14 way down to Orlando. So once you take out
15 Jacksonville from the equation, because that
16 has to go east/west, you don't have much left
17 between Jacksonville and Orlando to be able to
18 form a minority voting district, and the
19 Supreme Court has said that once you don't have
20 a minority voting district you are not
21 justified in reducing compactness and other
22 Tier 2 factors in order to create a district
23 that is not going to perform for minorities
24 anyway.

25 SENATOR GALVANO: Chairman Simmons, you

1 are recognized.

2 SENATOR SIMMONS: Thank you, Mr. Chair. I
3 think it is important to reemphasize that what
4 staff has done is not a decision. It is up to
5 each one of us as members of this committee to
6 ask questions and ask them to get us some
7 revised maps if we don't like anything. And
8 that what they have done is not a decision, it
9 is just simply what they presented to us is
10 what they -- their thought processes.

11 In that respect I am going to ask, first
12 can legal counsel tell me, I thought under the
13 Voting Rights Act that communities of interest
14 was a legitimate concern to be taken into
15 consideration by this Legislature with respect
16 to how we draw districts.

17 SENATOR GALVANO: Mr. Meros.

18 MR. MEROS: Senator, with regard to
19 districts that might be protected by Tier 1
20 under Federal law in determining whether the
21 jingles standards, the jungle preconditions
22 apply, the case law suggests that one can
23 determine what is reasonably compact by virtue
24 of the minority community interest that
25 comprise the district, and that in that, to

1 that extent communities of interest can be
2 considered and even if they are not compact,
3 that is a factor into determining what is
4 reasonably compact for a minority district.

5 With regard to non minority districts,
6 the answer is I think clearly, no, the
7 standards, there is not an independent standard
8 that says one can protect communities of
9 interest. One can protect communities of
10 interest if in fact it complies with the
11 compactness standard or city and county
12 preservation or geographic preservation. But
13 if you will recall there was a Constitutional
14 Amendment to going on the ballot to permit the
15 Legislature to do that and the Supreme Court
16 struck it.

17 SENATOR SIMMONS: So insofar as the
18 minority access districts are concerned, it is
19 appropriate for us to consider communities of
20 interest in order to draw those, that being
21 subject to the Voting Rights Act, not the
22 Constitutional Amendment. I am talking about
23 fair voting.

24 MR. MEROS: The Florida court, the Florida
25 Supreme Court has not expressly rejected the

1 notion that one can consider communities of
2 interest with regard to Tier 1 protected areas.
3 However, our testimony at trial reflected
4 substantial, un rebutted proof of the
5 communities of interest going from Jacksonville
6 to Orlando, and why that was an appropriately
7 reasonably compact minority district. Judge
8 Lewis did not credit it and the Court did not
9 credit it.

10 So you might recall in 2002, a three Judge
11 District Court in the 2002 redistricting, found
12 by way of, because it was stipulated that the
13 Jacksonville to Orlando CD 3 at that time was
14 reasonably compact for voting rights purposes.

15 SENATOR SIMMONS: May I follow up, Mr.
16 Chairman?

17 SENATOR GALVANO: Yes, you may.

18 SENATOR SIMMONS: That leaves me with this
19 issue. Since the Voting Rights Act is supreme
20 law of the land, it has been a Federal law, it,
21 to the extent that our Constitution were
22 different from it, obviously the Voting Rights
23 Act controls.

24 The concerns that I have are us looking at
25 something if we are going to do an east/west

1 contract what Senator Gibson says is correct.
2 Is there a way to keep the communities of
3 interest, and I understand the remarks that
4 have been made that Jacksonville's population
5 is a significant part of Congressional District
6 5 as it presently exists. Can staff go ahead
7 and run those numbers to see if in fact there
8 is a way to take Orange County into
9 consideration and create two minority access
10 districts out of this just so we can have the
11 opportunity to analyze that?

12 It may not work, but if we could have
13 staff do that, and then I would also like, and
14 I am asking Mr. Chair for staff to run a number
15 with respect to the proposed east/west
16 configuration of Congressional District 45
17 which is, as I understand it, 45.11 percent
18 African-American. Can we go ahead and in
19 order, because I don't know how that particular
20 proposed district is going to perform, whether
21 or not there is going to be block voting,
22 whether or not it is going to be difficult for
23 a minority to actually be elected, and then we
24 find out under today's situation that it is
25 difficult for a minority to obtain access to

1 this District 5.

2 Could we just have some number runs at
3 46 percent, 47 percent and 48 percent with
4 respect to that east/west configuration and
5 possibly drop down someplace or go someplace
6 else? It is either south of Jacksonville which
7 I am looking at, I think it is probably
8 difficult, but is there someplace else that we
9 can pick up another percentage point or two
10 just for the purposes of discussion, so that we
11 can help assure that two things are done.

12 Number one, that we don't simply adopt the
13 Plaintiffs' map which I have serious concerns
14 about being one that doesn't already violate
15 the intent requirement of the Florida
16 Constitution, because it having been drafted by
17 apparently and paid for by the Democratic
18 Party, that we look at it and do something that
19 is clean and meets what I believe is a
20 non-partisan purity test that we should look
21 at.

22 And then secondly, just for the purposes
23 of assuring that the access that we want to
24 have here is at least discussed and we have an
25 opportunity to determine whether or not there

1 is a 46, 47 or 48 percent number that will even
2 work.

3 SENATOR GALVANO: Mr. Ferrin, you have --

4 MR. FERRIN: Thank you.

5 SENATOR GALVANO: Senator Clemens.

6 SENATOR CLEMENS: Thank you, Mr. Chairman.

7 So as it relates, I just want to make I
8 understand, as it relates to the previous map
9 in District 5, I think I heard you correctly
10 when you said that the black voting age
11 population was in the 48 percent range, is that
12 correct?

13 I would be curious to know between the
14 three of you what your standard was for drawing
15 a new district in terms of District 5 in terms
16 of black voting age population, and why that
17 standard may or may not have differentiated
18 from what the standard was the last time
19 around.

20 SENATOR GALVANO: Mr. Ferrin.

21 MR. FERRIN: Mr. Chairman and Senator
22 Clemens. So District 5 as it was previously
23 drawn was at 48.1 percent, and as it is drawn
24 now, I mean, you know, the advice we received
25 was to go with the option that best gave our

1 plan a chance to pass the Supreme Court's
2 review. And so under that aspect, I mean, we
3 didn't have a threshold for CD 5 in its current
4 configuration. We went with what the Court
5 recommended.

6 SENATOR CLEMENS: Follow up, Mr. Chair, if
7 I may?

8 SENATOR GALVANO: I think we have a
9 further comment.

10 SENATOR CLEMENS: Sure, absolutely.

11 MR. POREDA: In addition to that, just to
12 dovetail off of what Mr. Ferrin was saying, the
13 majority opinion of the Supreme Court did a
14 functional analysis on that 45.1 percent
15 district. We showed it up in our presentation.
16 It is a part of one of our slides.

17 So they go through how that district would
18 perform and why they believe it would be a
19 performing district and that is the functional
20 analysis that we relied upon going forward.

21 SENATOR GALVANO: Senator Clemens.

22 SENATOR CLEMENS: Thank you so much,
23 Mr. Chair. So if I understand, you said the
24 functional analysis showing the 45 percent
25 would be able to elect a representative of

1 their choice, is that the correct response to
2 that?

3 SENATOR GALVANO: Mr. Poreda.

4 MR. POREDA: In the opinion of the Supreme
5 Court it would be. Then the functional
6 analysis I believe starts on page 82, but on
7 the one that we have handed out, the opinion
8 that we have handed out, but don't take me to
9 that. We can try and look up the exact page
10 numbers, but it is one of the slides that we
11 put in our presentation and it goes through the
12 numbers. So in their opinion it would be a
13 performing district.

14 SENATOR CLEMENS: Follow up, Mr. Chair?

15 SENATOR GALVANO: Yes.

16 SENATOR CLEMENS: Thank you so much. So
17 that being the case can you speak to why, I
18 think you heard you correctly why the new
19 Congressional District 5 is at 50.1, is that
20 correct? Or did I mishear that?

21 MR. POREDA: That is not correct.

22 SENATOR CLEMENS: Okay, and so is, did I
23 get that number?

24 MR. POREDA: Yes. Originally we were at
25 49.9. In '14, we came back or then it went up

1 to 51.1. Then in '14, we brought it down to
2 48.6, I believe, and so right now it is at the
3 current number you just discussed.

4 SENATOR CLEMENS: I apologize, Mr. Chair,
5 just for clarification. We are talking about
6 the base map that we are discussing, the new
7 base map that we are discussing today, what is
8 the number that the new Congressional District
9 5 is?

10 MR. FERRIN: Senator Clemens, it is 45.1.

11 SENATOR CLEMENS: Thank you so much. I
12 appreciate it.

13 SENATOR GALVANO: Representative Santiago.

14 REPRESENTATIVE SANTIAGO: Thank you, Mr.
15 Chairman. To our map makers here, I have heard
16 a few references to adopting the Plaintiffs'
17 map and I want you to correct me if I am wrong
18 or if you are going to elaborate on to that.

19 My understanding of the presentation that
20 we have had here today the portion that can be
21 referenced accurately as a Plaintiffs' map is
22 as it pertains to Congressional District 5.
23 The rest of the state as you all drew it out is
24 a map that was created based on the guidance
25 you all were given, is that correct?

1 SENATOR GALVANO: You are recognized.

2 MR. POREDA: The answer to that question
3 is yes, Representative. The three of us worked
4 collaboratively to develop the base map that is
5 before you with the exception of that one
6 district that has been mentioned.

7 REPRESENTATIVE SANTIAGO: Mr. Chair.

8 SENATOR GALVANO: Follow up.

9 REPRESENTATIVE SANTIAGO: I know this is
10 miniscule here, but this is not the Plaintiffs'
11 map.

12 MR. FERRIN: This is a base map for basis
13 of discussion that was produced by these
14 gentlemen in concert with legal counsel to
15 respect the Supreme Court opinion.

16 REPRESENTATIVE SANTIAGO: Thank you,
17 Chairman.

18 SENATOR GALVANO: Senator Montford.

19 SENATOR MONTFORD: Thank you, Mr. Chair.
20 I -- I am getting a little -- a little
21 confused. I want to make sure I know exactly
22 what is in front of me. Is Senate District 5,
23 I mean CD 5 as on the map today, did you draw
24 those lines? I mean, did you sit down and go
25 through them or did you take what the Court

1 suggested which came from somebody else?

2 SENATOR GALVANO: You are recognized.

3 MR. POREDA: Senator Montford, I think
4 with all of the different numbers and
5 everything going around I think sometimes we
6 are confusing the word map and district. We
7 copied the district, Congressional District 5
8 from the Plaintiffs' map directly. We did not
9 draw those lines and we relied upon the
10 functional analysis that the Supreme Court did
11 in their opinion on that district for why we
12 believe it would perform. The rest of the map
13 all of the other 26 districts we drew.

14 SENATOR MONTFORD: Follow up.

15 SENATOR GALVANO: Yes.

16 SENATOR MONTFORD: Then early this morning
17 Senator Soto said at some point why didn't you
18 start in the south, and then y'all came back
19 and you did start in the south, but it sounds
20 like you really started in the north if you
21 accepted the recommended CD 5, then it sounds
22 like that is where you started and then if you
23 did that and you built from the south, you are
24 going to hit a roadblock somewhere.

25 SENATOR GALVANO: You are recognized.

1 MR. POREDA: Thank you, Mr. Chairman.
2 Senator Montford, if we went back to the very
3 beginning of the presentation when we start
4 with draft one which was literally where we
5 started, the first deficiency the Supreme Court
6 outlined in their opinion that we addressed was
7 Homestead in south Florida, Districts 26 and
8 27. That was where we began.

9 The decision of CD 5 was not made until
10 slightly later into the process. I forget, it
11 was draft eight was when that decision was made
12 to copy and paste that district in as we were
13 working. So we did begin in south Florida with
14 the deficiencies that the Supreme Court
15 outlined in their opinion.

16 SENATOR MONTFORD: Follow up.

17 SENATOR GALVANO: Follow up, yes, sir.

18 SENATOR MONTFORD: Then all of a sudden
19 this recommendation that you received carries a
20 lot of weight and a lot of significance and a
21 lot of importance.

22 With you gentlemen, I think obviously
23 there is a high level of trust. Now we are
24 being told that we are using a suggestion that
25 came from some outside group that I am not even

1 sure who that is, and if that is the case, that
2 gives me pause. Help me understand that that
3 is not, that I am misunderstanding.

4 MR. POREDA: Mr. Chairman.

5 SENATOR GALVANO: Yes, you are recognized.

6 MR. POREDA: We made that decision to copy
7 that district because the Supreme Court used it
8 to exemplify what they felt was an appropriate
9 district east/west to the point where they even
10 did a functional analysis of that proposed
11 district in their opinion.

12 And then on the advice of legal counsel,
13 when were drawing it was just the three of us
14 in the room, but we periodically asked the
15 counsel to come in and weigh in on some of
16 these decisions. This being one of them, and
17 having waived the attorney/client privilege we
18 can tell you that they recommended to us that
19 we use that map as opposed to drawing one of
20 our own because the district would end up
21 looking remarkably similar, and because the
22 Supreme Court used that as the example they
23 hold up in their opinion, it was from the
24 advice of counsel that we decided to use that
25 district exactly, and that is what we did.

1 SENATOR MONTFORD: Mr. Chair.

2 SENATOR GALVANO: Yes.

3 SENATOR MONTFORD: I think it should be
4 directed to you. I believe we have a
5 6:00 o'clock deadline for amendments tomorrow,
6 and I know that we have made, some have made
7 recommendations or suggestions that they, our
8 staff come back with something.

9 Are we to do that here today or do we make
10 a meet with them? I have already set up a time
11 to meet with them later, but I would just as
12 soon --

13 SENATOR GALVANO: Here is the answer to
14 that. Thank you, Senator Montford, first of
15 all, there have been specific requests made
16 here today that will be followed up on.

17 Leader Joyner has done so. Senator Gibson
18 and most recently Chairman Simmons. Tomorrow
19 in both chambers the day is open for further
20 discussion with staff and to vet out further
21 amendments.

22 There is a 6:00 o'clock deadline for
23 Thursday, if, and I will speak for the Senate,
24 if in the Chair's opinion we have not been able
25 to accomplish our work by Thursday the

1 President has allotted us time on Monday, with
2 a further amendment deadline of 8:00 p.m -- on
3 Friday of 8:00 a.m. and then we also have
4 additional time on Monday at 8:00 a.m.

5 SENATOR MONTFORD: Thank you, Mr. Chair.
6 Follow up with another question.

7 SENATOR GALVANO: Yes.

8 SENATOR MONTFORD: If we have a concern
9 for example that we drop from roughly 50 to
10 roughly 45 in this map, in your opinion how
11 difficult would it be to change lines so that
12 we could really actually go back to close to
13 where we were so maybe we will feel more
14 comfortable than the Supreme Court in their
15 analysis?

16 SENATOR GALVANO: You are recognized.

17 MR. FERRIN: Senator, I think that in
18 order to, you know, without specifically
19 knowing or having tried, my suspicion would be
20 that to get the black voting age population in
21 CD 5 much higher than it is now, it might have
22 to go even further west into Jackson County and
23 that is purely speculation on my point and
24 without knowing and without having tried it to
25 see if it even can be done, but that would be

1 my guess.

2 SENATOR MONTFORD: Follow up, Mr. Chair.

3 SENATOR GALVANO: Yes, sir.

4 SENATOR MONTFORD: We understand clearly
5 today, most clearly and I thought it was that
6 we are going to go east/west. I mean, that is
7 what I have heard. Would that prohibit us from
8 going east/west and south as well? Did they
9 say east/west, don't go south or did they just
10 say east/west?

11 SENATOR GALVANO: You are recognized.

12 SENATOR MONTFORD: You can go east/west
13 and still go south.

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

15 SENATOR GALVANO: This whole thing is
16 going south.

17 MR. POREDA: I see what you are saying,
18 can we also go down into Alachua County or
19 something like that. The Plaintiffs said, we
20 keep on referencing Romo A. There was actually
21 a Romo B map that they also submitted that did
22 exactly that and that district came out to
23 right around the same percentage that Romo A
24 was.

25 I don't remember exactly what it was, but

1 the Supreme Court specifically did not
2 reference that district at all. It only
3 referenced Romo A which didn't go south. So in
4 that respect we do have another map out there
5 that does do what you are suggesting. Again, I
6 don't remember what the exact percentage of
7 that particular district was.

8 JUSTICE CANTERO: Chairman?

9 SENATOR GALVANO: Yes. Justice Cantero.

10 JUSTICE CANTERO: Thank you. Senator
11 Montford, the other thing as I explained this
12 morning, there is also a challenge because we
13 are kind of stuck between two important points.
14 On the one hand we can't go below a certain
15 BVAP because then minorities will not be able
16 to elect a candidate of their choice.

17 On the other hand, if we go too far above
18 a number where we believe that they can elect a
19 candidate of their choice, then we will be
20 accused of packing minorities into the district
21 which is precisely what happened when we tried
22 to create a majority/minority district in
23 District 5 and take it to 50 percent. The
24 Plaintiffs accused the Legislature of packing
25 Democrats into District 5 in order to remove

1 Democrats from adjoining districts and make
2 those districts more Republican. So I would be
3 concerned if we tried to take that black voting
4 age population which the Supreme Court has
5 determined would perform at 45.12 percent, try
6 to take it up above that, and we might be
7 accused of trying to pack minorities into that
8 district.

9 SENATOR MONTFORD: Thank you.

10 SENATOR GALVANO: Okay, thank you.

11 Senator Thompson, you are recognized for a
12 question.

13 SENATOR THOMPSON: Thank you, Mr. Chair,
14 and I would like to thank the staff members and
15 legal counsel for the work that you have done
16 because this is critically important in terms
17 of how all Floridians have an opportunity to
18 participate in the political process.

19 And as I understand it, since 1992, for 23
20 years we have had three African-Americans in
21 Congress, is that correct?

22 SENATOR GALVANO: Yes, I believe that is
23 correct.

24 SENATOR THOMPSON: Follow up, Mr. Chair.

25 SENATOR GALVANO: Yes.

1 SENATOR THOMPSON: And in the 23-year span
2 of time, what has been the change or the
3 increase in representation from other ethnic
4 groups?

5 SENATOR GALVANO: Anyone on the panel?

6 MR. TAKACS: Chairman, we would have to
7 look that up exactly. We don't have those
8 numbers specifically off the top of our heads.
9 Sorry.

10 SENATOR GALVANO: Okay.

11 MR. TAKACS: We will get those numbers to
12 you if you want them, Senator.

13 SENATOR THOMPSON: Thank you. So I think
14 what I am trying to get at, we have remained
15 stagnant for 23 years in terms of
16 African-American representation in Congress,
17 and I would like to know what the prospects are
18 under this map for gaining additional minority
19 access seats in terms of congressional
20 representation.

21 SENATOR GALVANO: Mr. Takacs.

22 MR. TAKACS: Thank you very much, Mr.
23 Chairman. Senator Thompson, as we discussed
24 earlier, in the Orange County area with
25 District 10 as it is before you in the base

1 map, we believe that if the black community in
2 that district and the Hispanic community in
3 that district combine together to form a
4 coalition they combined could elect a candidate
5 of their choice.

6 I don't know what the race of that
7 candidate would be, but they would have that,
8 that ability. So thinking about the prospects,
9 there is an opportunity for those communities
10 to unite a form a coalition in that area.

11 SENATOR THOMPSON: The last.

12 SENATOR GALVANO: Follow up.

13 SENATOR THOMPSON: Last question. I live
14 in Orange County so I am aware, and I do know
15 that Congressional District 10 absorbed a lot
16 of the African-American communities that had
17 been packed into CD 5. And my question is
18 going beyond one more in the 23-year span of
19 time, what other possibilities beyond just one
20 more?

21 SENATOR GALVANO: You are recognized.

22 MR. TAKACS: Thank you, Mr. Chairman. If
23 I understand the question correctly, I don't
24 know the answer to that as far as kind of
25 exploring the map and drawing, you know,

1 districts that would ignore, you know,
2 compactness, geographic boundaries, et cetera,
3 to where there might be an opportunity for an
4 additional above the just one as you mentioned.
5 I simply don't know what that would yield.

6 SENATOR GALVANO: Mr. Poreda.

7 MR. POREDA: Thank you, Mr. Chairman. I
8 think that might be a question for 20/20 when
9 we get new statistics when we figure out what
10 the new census numbers are, but I understand
11 the question but under the current map under
12 the statistics and populations that we have in
13 the current map, I think what you have before
14 you is what is available under this map, but I
15 guess you never know.

16 SENATOR GALVANO: Okay. We are going to
17 go --

18 SENATOR THOMPSON: Thank you very much.

19 SENATOR GALVANO: -- Leader Joyner and
20 then if there are no other questions we are
21 going to public testimony.

22 SENATOR JOYNER: I just have one.
23 Wouldn't you agree, however, that if you
24 changed Senate District -- CD 14, that from the
25 diminution of the eight percentage points back

1 up to what it is now that the possibility of
2 another minority coalition district would exist
3 because the black and the Hispanic VAP equals
4 almost 50 percent right now? So if you drew a
5 map that I am proposing that you all prepare
6 for me to bring more blacks into 14 again
7 without going across the bay, but looking at
8 other avenues, Pasco, Hernando and
9 Hillsborough, some additional Hillsborough,
10 that we could accomplish that goal and then we
11 would have two possible minority seats?

12 SENATOR GALVANO: And I think that is a
13 potential you are seeking in your request.

14 SENATOR JOYNER: Yes, but he -- his answer
15 was reflective of none other than one and I
16 just pointed out that it could be two if we can
17 draw it.

18 MR. POREDA: Thank you, Mr. Chairman,
19 Leader Joyner, I just cannot simply answer that
20 because I don't know what it looks like yet.
21 Speculating there certainly is a possibility
22 but I just don't know where those populations
23 are and where that district would have to grow
24 to the north, to the west, you know, or to the
25 east I should say for that to happen. So I

1 just simply can't -- we know it can't going
2 west. The Supreme Court has told us that, but
3 as far as north or south or east, I just simply
4 don't know. So I don't want to comment any
5 further about what the speculation of that
6 could be.

7 SENATOR GALVANO: President Lee.

8 SENATOR LEE: Thank you, Mr. Chair. As we
9 have gone through this I have talked to Senator
10 Joyner just briefly and I want to share
11 publicly what is shared with her privately in
12 an abundance of transparency, but before I do I
13 had a question.

14 Are there any Congressmen or women
15 currently elected to the state of Florida that
16 do not reside in the districts you have drawn
17 here on this map?

18 SENATOR GALVANO: Mr. Poreda.

19 MR. POREDA: Actually, we actually don't
20 know, and that is actually not a requirement
21 under Federal law, so I don't know.

22 SENATOR GALVANO: That is a good answer.

23 SENATOR LEE: Well --

24 SENATOR GALVANO: And the purpose is
25 because you don't want to have Tier 1.

1 SENATOR LEE: I understand, but they just
2 happen to but we got lucky there, so that is
3 good. But I guess the question is to Senator
4 Galvano's point, if I join with Senator Joyner
5 in her effort to try to improve the minority
6 access performance of Hillsborough County,
7 there is a -- there is a Hispanic population in
8 Hillsborough County with deep roots in that
9 community that have not had adequate
10 representation at any level in government,
11 because they are just a little too small
12 outside of the city, just a little too small to
13 come to get that magnitude.

14 There is a group of African-American
15 populations in the city of Tampa and the
16 surrounding areas that are just a little too
17 small to elevate themselves to the level to get
18 minority access but coming together, if we work
19 together properly we might be able to achieve
20 the objectives she is trying to seek without
21 having my bias for or against how you gotten
22 where you have gotten or with any knowledge of
23 whether or not that is even possible.

24 I have offered to try to help her do that
25 and at the same time I would like to work on

1 consolidating the rest of Hillsborough County
2 so that it doesn't continue to be a donor
3 county to all of the other smaller counties who
4 don't have the population to create their own
5 congressional district but want to come into
6 Hillsborough County and pick it apart.

7 So my question is this. In going about
8 that, if we were to draw districts where, for
9 instance, my Congressman, Representative
10 Congressman Ross, were no longer in her
11 district, it would be hard to see how that
12 didn't disadvantage an incumbent, but is -- is
13 that part of the challenge here or can I ignore
14 that as we go about our effort to try to work
15 together?

16 SENATOR GALVANO: And I can comment, too.
17 It goes to the intent. It is not the effect.

18 SENATOR LEE: So the fact that my stated
19 intent is to consolidate the county and assist
20 Representative, Senator Joyner in building up
21 the minority populations to create a coalition
22 like district, regardless of who might be
23 affected positively or negatively, I no longer
24 trigger any intent. So the unintended
25 consequences of the dominoes that may fall as a

1 result of that are okay because I didn't start
2 out with the intent to do any damage.

3 SENATOR GALVANO: Okay.

4 SENATOR LEE: Thanks for the road map.

5 MR. MEROS: I must say, Senator, that
6 effect the Court has said, that the effect of
7 what occurs can be evidence of intent. And so
8 I -- I would not be able to suggest, right, you
9 are exactly right, you are caught on the horns
10 of a dilemma, but if by itself in theory would
11 not be sufficient evidence of intent.

12 SENATOR GALVANO: Representative Santiago
13 for encore performance.

14 REPRESENTATIVE SANTIAGO: Mr. Chairman, I
15 just want to ask this question to our legal
16 staff, because the premise of the previous
17 inquiry of you have a small population of let's
18 just say Hispanics and small black, that could
19 pretty much be argued for just about anywhere
20 in the state if you wanted to create an area,
21 even if it was a serpentine nature of
22 connecting the dots, and that is a question to
23 you. But as I am wrapping that up I want to
24 make the statement that that puts us in this
25 political process of making decisions for

1 political reasons.

2 These guys have been shielded from all of
3 that. That is why I like what they have done,
4 but could you answer my question if that can be
5 public anyway?

6 MR. MEROS: Sure, well.

7 SENATOR GALVANO: Mr. Meros.

8 MR. MEROS: These, the map drawers will do
9 this and try to assess it but to try to talk
10 about the cold hard facts of the standards
11 present. With regard to Tier 1, if we talk
12 about the diminishment standard, what you have
13 look at there is whether in the prior districts
14 in Hillsborough County say, you had a
15 significant, a population significant enough
16 that it could elect a candidate of choice, and
17 unfortunately diminishment would not arise if
18 you took a 15 percent district and a 10 percent
19 Hispanic district and diminished it to five
20 percent, because you have never had the ability
21 to elect.

22 With regard to Section 2, you don't have a
23 right under Section 2 to a minority district
24 unless the population of the minority
25 population is at or above 50 percent. Recent

1 case law suggests in Federal law that combining
2 two separate populations of Hispanic and
3 African-American does not -- and making that
4 over 50 does not give rise to a Section 2
5 claim.

6 And so if it is serpentine, if it
7 doesn't -- if it is not required either by lack
8 of diminishment or Section 2, then you have to
9 refer back to Tier 2, and then the question is,
10 is it compact, does it comply with city and
11 county boundaries.

12 There is little question that in making
13 these drawings they will have to -- have to go
14 to some -- to real lengths to try to combine
15 those populations. If anyone can do it these
16 folks can, I can assure you of that, but they
17 face legal challenges that are not of their own
18 making.

19 SENATOR GALVANO: Justice Cantero.

20 JUSTICE CANTERO: Thank you, Mr. Chairman.
21 Also I want to point out that the Supreme Court
22 found that District 14 was not a minority
23 district that was entitled to protection on
24 page 90, note 15, the Court noted that before
25 2012, and after the district was represented by

1 Kathy Castor, a white Democratic Congresswoman.
2 So it has not been a minority performing
3 district in the past. And so that was the
4 reason that the Supreme Court gave for
5 rejecting our desire to cross Tampa Bay to
6 include southern Pinellas County which was a
7 black voting population in southern Pinellas
8 County in District 14 and why they said that we
9 could not cross Tampa Bay in creating that
10 district.

11 SENATOR GALVANO: Okay. Thank you all for
12 your presentation. I would ask you to stick
13 around. We are going to go into public
14 testimony. We have a few cards, actually three
15 presenters this afternoon.

16 I am going to start with Jon Ausman from
17 the Democratic National Committee of Florida
18 and he is here to provide information.

19 MR. MEROS: Mr. Chair, do you want us here
20 or do you want us to go back?

21 SENATOR GALVANO: You can stay there. As
22 badly as you want to get up and go and sneak
23 out the back, you are stuck. Now, you all have
24 been great, Mr. Takacs, Mr. Poreda, Mr. Ferrin
25 and Justice Cantero and George Meros. We

1 appreciate very much your hard work and the
2 time and your patience.

3 We are getting something set up here. Why
4 don't we have the Sergeant, if you would come
5 and move the easel up front, I have a feeling
6 he has got a few maps.

7 MR. AUSMAN: That is fine.

8 SENATOR GALVANO: Can the members see
9 that? And your card doesn't indicate, but how
10 long do you anticipate your presentation is so
11 I can confer with my --

12 MR. AUSMAN: Seven minutes, sir.

13 SENATOR GALVANO: Seven minutes?

14 MR. AUSMAN: Yes.

15 SENATOR GALVANO: Okay, that is fine. Is
16 that it okay with you, Chairman? Yes, we have
17 plenty of time.

18 MR. AUSMAN: First I want to thank the
19 members for being allowed to be here. My name
20 is Jon Ausman. The last name is spelled
21 A-u-s-m-a-n. I am the longest serving member
22 of the Democratic National Committee in Florida
23 history.

24 I am here to talk to you about the
25 proposed Congressional District 5. The Fair

1 District Amendments of the Florida Constitution
2 requires the Florida Legislature to create
3 congressional districts which one do not favor
4 or disfavor a political party or incumbent.

5 Two, protect the equal opportunity of racial or
6 language minorities to participate in the
7 political process.

8 Three, to not diminish racial or language
9 minorities' ability to elect representatives of
10 their choice and they shall be contiguous.
11 That is your Tier 1.

12 Tier 2 is that they be nearly equal in
13 size and where feasible utilizing existing
14 political and geographical boundaries. While
15 the first four requirements have priority over
16 the latter two I want to present a map for a
17 north Florida east/west district which meets
18 all six requirements with a special emphasis on
19 the Florida Legislature creating congressional
20 districts that shall where feasible utilize
21 existing political and geographical boundaries.

22 I am very respectful of the staff and of
23 the attorneys, recognizing that Congressional
24 District 5 was not drawn by them, but it was
25 instead taken from the Plaintiffs case, Florida

1 Supreme Court case.

2 SENATOR GALVANO: Mr. Ausman, have you
3 submitted this map?

4 MR. AUSMAN: Yes, sir.

5 SENATOR GALVANO: Okay. We can pull it
6 up.

7 MR. AUSMAN: Yes, sir. The Florida
8 Supreme Court ruled that the Legislature
9 adopted a congressional district map with
10 unconstitutional intent. Whether we agree or
11 disagree with that statement or whether we like
12 or dislike the map, that is what we are here
13 for today.

14 The Court stated that the Legislature must
15 redraw Congressional District 5 from a
16 north/south orientation to an east/west manner.
17 The Plaintiffs' map and the draft map proposed
18 by staff splits Leon County and the city of
19 Tallahassee into two parts. The Plaintiffs'
20 map and the staff's map do not meet the six
21 criteria in the Constitution.

22 First I want to address the splitting of
23 political boundaries. The Court in three other
24 instances ordered new districts drawn elsewhere
25 in order to avoid the splitting of political

1 and geographical boundaries.

2 Hendry County, the city of Homestead and
3 the two congressional districts which cross
4 Tampa Bay between Pinellas and Hillsborough
5 County. They have consulted a GIS specialist
6 Matthew Isbell and I drew up a congressional
7 map that accomplishes four goals. It keeps
8 Leon County whole and the city whole. It does
9 not split the county or the city.

10 It reaches the black voting age population
11 requirements of the Florida Supreme Court. It
12 creates the east/west district the Court
13 directed and it gives the western portion of
14 the district a good chance of electing one of
15 our own to Congress. The exist north split
16 south alignment splits five of 12
17 municipalities.

18 I will represent to the staff electronic
19 copies of all the documents that I am
20 presenting.

21 SENATOR GALVANO: If you would, please.

22 MR. AUSMAN: Yes, sir. The Ausman, the
23 existing north/south splits five of 12
24 municipalities, the Plaintiffs and staff maps
25 splits two of 17 cities, Lake City and

1 Tallahassee.

2 The Ausman east/west district splits none
3 of the 17 cities in the district. The existing
4 north/south district splits all seven counties
5 in it. The staff, Plaintiffs' map splits four
6 of the eight counties, four counties remain
7 intact. The Ausman plan splits four of the
8 nine counties, five of the counties population
9 remain intact.

10 If you remember looking at Jefferson
11 County it is split, but all the population is
12 north of US 98. So I consider that county
13 whole as does the staff. The current
14 north/south alignment splits 84 voter
15 tabulation districts. The staff proposed
16 east/west district splits 57 voter tabulation
17 districts. The Ausman plan splits only 13
18 voter tabulation districts.

19 The Ausman plan splits only 15 percent of
20 the voter tabulation districts in the current
21 plan and only 23 percent of what the staff
22 proposes. The staff plan has four times the
23 splits that we do, and you can see on our
24 chart. The Ausman east/west proposed district
25 clearly makes it where feasible utilize

1 existing political boundaries, better than
2 either the current map or the staff proposed
3 map. They show can be done and where feasible
4 should be done.

5 The next issue I shall address concerns
6 the current incumbent and Congressional
7 District 5. The incumbent believes
8 Jacksonville has nothing in common with north
9 Florida and in fact there has never been a
10 district between Jacksonville and Leon County.
11 I am not sure whether she was complimenting
12 north Florida or not, but I remind her that
13 Charles Bennett, the longest serving member of
14 Congress in Florida history was from Duval
15 County and also represented Leon County back in
16 the 1950s.

17 Florida's Constitution states the
18 Legislature should protect the equal
19 opportunity of racial or language minorities to
20 participate in the political process and not
21 diminish racial or language minorities ability
22 to elect representatives of their choice. The
23 Federal courts in Martinez observed a district
24 drawn with a 42.7 percent black voting age
25 population would be acceptable.

1 That is your page 82 of the Florida
2 Supreme Court decision. The district being
3 recommended today in an east/west configuration
4 has a black voting age population of 45.1
5 percent. The district also balances the
6 eastern/western, excuse me a moment. The
7 district being recommended today has a black
8 voting age population of 42.1 percent. The
9 district also balances the east and western
10 portion of the district, but more on that
11 later. The 45.1 percent is in the Plaintiffs,
12 staff recommendation.

13 The United States Supreme Court this year
14 in Alabama Legislative Black Caucus versus
15 Alabama say black voting age population cannot
16 be viewed in a vacuum. The Supreme Court
17 emphasized that it is the ability to elect a
18 preferred candidate of choice, that is the
19 pertinent standard, not a particular numerical
20 minority percentage.

21 If the Legislature respects the city of
22 Tallahassee and Leon County's political
23 boundaries when it creates a minority access
24 district from Jacksonville to Leon County, it
25 is extremely likely in practice that the member

1 of Congress selected will be of an American
2 with African dissent. Former State Senator Al
3 Lawson of Tallahassee was repeatedly elected
4 from a district with a number much below the
5 42.2 percent black voting age population in our
6 plan. In fact, Senator Lawson was elected in a
7 Senate district with a BVAP of 29 percent.

8 There are currently nine locally elected
9 African-American public officials in Leon
10 County, we have quite a few more who have
11 retired, but currently serving in office is
12 County Commissioner Nick Maddox, elected at
13 large with a 28 percent black voter
14 registration. County Tax Collector Doris
15 Malory elected county-wide with a 28 percent
16 black voting registration.

17 County Judge Augustus Aikens selected
18 county-wide with a 28 percent voting
19 registration. County Judge Nina Ashenafi
20 Richardson elected county-wide with a 28
21 percent black voting registration. Mayor
22 Andrew Gillum elected city-wide with a
23 33 percent black voting registration. City
24 Commissioner Curtis Richardson elected
25 city-wide with a 33 percent black voter

1 registration. School Board member Phil Boland
2 elected in a single member district, District
3 5, with a 34 percent voting black voter
4 registration.

5 Leon County has also elected a county-wide
6 Supervisors of Elections, Ion Voltaire Sancho
7 who is in the room seven times even though our
8 Hispanic Latino population is in single digits.
9 It is clear Leon County and the city of
10 Tallahassee as a whole intact when an intact
11 entity votes for persons of quality without
12 regard to racial or language characteristics.

13 The African-American portion of Democratic
14 voters within the Ausman district is
15 61 percent. In Martinez the Florida court --
16 the Federal Court found that black voters are
17 afforded a reasonable opportunity to elect a
18 candidate of their choice when, quote, "The
19 black candidate of choice is likely to win a
20 contested Democratic primary and the Democratic
21 nominees is likely to win the general
22 election", close quote.

23 Barack Obama in 2012, carried the Ausman
24 district with more than 63 percent of the vote
25 and Bill Nelson carried it with more than

1 67 percent of the vote. The Democratic
2 nominees in this district is very likely to win
3 the general election, and so the question of
4 reasonable opportunity to elect a candidate of
5 their choice has been met. The proposed Ausman
6 district is fair and balanced.

7 Imagine this district being a barbell. On
8 the eastern side of the district would be Duval
9 County with 42 percent of the Democratic
10 registered voters and 38 percent of all of the
11 voters. On the western side would be Leon
12 County with 38 percent of the Democratic voters
13 and 43 percent of the total voters.

14 Such a district would be roughly balanced
15 between Duval and Leon. The western side of
16 the district, Gadsden, Jefferson, Leon and
17 Liberty Counties would have 50 percent of the
18 Democratic voters and 52 percent of the total
19 voters. The eastern side of the district,
20 Baker and Duval, would have 42 percent of the
21 Democratic voters and 40 percent of the total
22 votes.

23 It is a rough balance. The middle
24 counties of Columbia, Hamilton and Madison
25 would have eight percent of the Democratic

1 voters and eight percent of the total votes.
2 This gives the western side of the district an
3 equal chance of electing a member of Congress
4 which will represent its interest in full.

5 We just elected for the first time ever
6 someone from Leon County and here we are a year
7 later about to take that district away. We can
8 keep Leon County intact. I will answer any
9 questions if you have them.

10 SENATOR GALVANO: Yes, Representative
11 Trujillo.

12 REPRESENTATIVE TRUJILLO: Thank you, Mr.
13 Chair. Seeing as you are the Executive
14 Democratic member, was this map prepared with
15 any partisan intent?

16 MR. AUSMAN: No, sir. I spoke to no
17 member of Congress, no public officials, no
18 staff with the State or National Party
19 Headquarters or the local party. I took
20 basically the Plaintiffs, staff's map and put
21 all of Leon County in it.

22 SENATOR GALVANO: Follow up,
23 Representative Trujillo.

24 REPRESENTATIVE TRUJILLO: Thank you, Mr.
25 Chair. Did you take into account political

1 party affiliation in drawing your map?

2 MR. AUSMAN: Not in drawing the map, sir,
3 but in meeting the U.S. Supreme Court case we
4 are saying that if you can win the -- a
5 contested Democratic primary, that you are most
6 likely going to win the general election. You
7 can look at that in addition to just the BVAP
8 numbers that exist.

9 SENATOR GALVANO: Representative McBurney.
10 He is to your left.

11 REPRESENTATIVE MCBURNEY: Thank you, Mr.
12 Chairman. Has staff had an opportunity to
13 compare and contrast your map with the base
14 map, particularly in terms of the test such as
15 compactness that they have utilized during
16 their presentation?

17 SENATOR GALVANO: And I can answer that.
18 They have not, not yet, they have not gone
19 through the submissions yet.

20 MR. AUSMAN: However I did it for the
21 staff. There is your numbers of compactness
22 based on the criteria they have used in the
23 report of the north/south, the Plaintiffs' map
24 and also the district that I am presenting, the
25 drawing to you.

1 Remember, their numbers are much higher
2 statewide, but if you look at the configuration
3 of this district it is roughly the same.

4 SENATOR GALVANO: Further questions of
5 Mr. Ausman? You couldn't see that last
6 exhibit?

7 A VOICE: The Plaintiffs or the first one.

8 SENATOR GALVANO: And he has, he has,
9 excuse me, sir, he is, he is committed to
10 submit these materials, too.

11 Yes, Leader Young for a question.

12 REPRESENTATIVE YOUNG: Thank you. I just
13 want to clarify. So who prepared this map?

14 MR. AUSMAN: Matt Isbell and myself.

15 REPRESENTATIVE YOUNG: Okay, because I
16 just did see on Twitter Matt Isbell said Jon
17 Ausman presenting our map. So I just wanted to
18 confirm who our is, who MCI maps, whoever that
19 is. Who is MCI maps?

20 MR. AUSMAN: That is Matt Isbell and
21 middle initial, clearly stated on --

22 SENATOR GALVANO: If you can come back to
23 the microphone so we can clarify that. Leader
24 Young was asking who Matt Isbell is.

25 MR. AUSMAN: Isbell.

1 SENATOR GALVANO: Isbell. Who is that and
2 what is the organization?

3 MR. AUSMAN: He is a GIS mapping
4 specialist, sir. I hired him to help me draw a
5 map.

6 SENATOR GALVANO: Senator Montford.

7 SENATOR MONTFORD: Thank you, Mr. Chair.
8 Mr. Ausman, obviously and I haven't a chance to
9 compare this to the other one, but you added,
10 when you add Leon County you add a lot of
11 population. Where did you take -- what did you
12 take out of the proposed 5?

13 MR. AUSMAN: Just parts of Duval and Baker
14 County that aren't in there anymore, Senator.

15 SENATOR MONTFORD: You took out part of
16 Duval and Baker?

17 MR. AUSMAN: Baker, yes, sir.

18 SENATOR MONTFORD: Thank you, Mr. Chair.

19 SENATOR GALVANO: Further questions?
20 Senator Gibson?

21 SENATOR GIBSON: Thank you, Mr. Chair. I
22 wanted to see your Reock and Convex Hull and
23 the BVAP that you have. So now I have a --

24 SENATOR GALVANO: Mr. Ausman, if you can
25 -- it is only because it catches the words

1 directly.

2 MR. AUSMAN: Yes, sir.

3 SENATOR GALVANO: Go ahead, Senator
4 Gibson.

5 SENATOR GIBSON: Thank you, Mr. Chair. So
6 your, I guess presumption is that with a BVAP
7 of 42.2 percent gives a minority community the
8 opportunity to elect a candidate of their
9 choice?

10 SENATOR GALVANO: You are recognized.

11 MR. AUSMAN: In the Democratic primary it
12 will be over 61 percent of the voters in the
13 primary will be African-American dissent,
14 ma'am. That means it is highly likely that the
15 Democratic nominee will be an African-American,
16 and in the general election with Obama carrying
17 63 percent and Nelson carrying 67 percent, that
18 means that person is highly likely to be
19 elected.

20 What this district does do is it gives an
21 opportunity for perhaps Mayor Andrew Gillum or
22 City Commissioner Curtis Richardson or Former
23 State Senator Al Lawson or County Commissioner
24 Nick Maddox to be elected in this district.
25 Otherwise what you are having is 58 percent in

1 the Plaintiffs' map with the vote coming out of
2 Duval County alone.

3 SENATOR GALVANO: Yes, follow up.

4 SENATOR GIBSON: Thank you, Mr. Chair. So
5 in terms of the percentage that you have, the
6 42 -- 42.2 percent.

7 MR. AUSMAN: Yes, ma'am.

8 SENATOR GIBSON: You disagree with the
9 Court then that the 45 percent should be the
10 threshold for the election of a candidate of
11 choice to include any of the counties
12 represented in the district and not just Leon?

13 SENATOR GALVANO: You are recognized.

14 MR. AUSMAN: I remind you that on page 82
15 of the Supreme Court decision, which I have a
16 copy of right over here, the number being
17 recommended by the Court is 42.7 percent as
18 being acceptable in the Martinez case. So I am
19 not sure that 45.1 is the threshold,
20 particularly when you got 61 percent of the
21 Democratic voters in the Democratic primary
22 being of African-American dissent.

23 SENATOR GALVANO: Okay, well, thank you
24 for your --

25 SENATOR BRADLEY: Can I ask a question?

1 SENATOR GALVANO: Yes, Chairman Bradley.

2 SENATOR BRADLEY: Thank you for your
3 presentation, sir.

4 MR. AUSMAN: Yes, sir.

5 SENATOR BRADLEY: Does this map include
6 the entire state or just this one district?

7 MR. AUSMAN: Unfortunately, sir, we drew
8 just one district, sir.

9 SENATOR BRADLEY: Well, I say that because
10 every time you move one line it affects another
11 line.

12 MR. AUSMAN: Yes, sir.

13 SENATOR BRADLEY: And so you mentioned
14 Matt Isbell and I was looking at his Twitter
15 feed, it says he is a freelance voter travel
16 consultant, liberal facts and data and several
17 things. So am I to assume that you and he are
18 probably Democrats?

19 MR. AUSMAN: Yes, we are Democratic, yes,
20 sir.

21 SENATOR BRADLEY: Okay, so am I to assume
22 that as you prepare this map you are coming
23 from the perspective of producing a map that
24 favors that political spectrum rather than
25 another?

1 MR. AUSMAN: Senator, I think you would be
2 incorrect on that. My prime interest is Leon
3 County being intact, the city of Tallahassee
4 being intact. If we are in one congressional
5 district we will have 42 percent of the vote
6 within that congressional district. You want
7 to draw any other district, fine with me, just
8 keep Leon County intact. That is my primary
9 goal, it is not a partisan goal. I want my
10 county to have power and I want to help my
11 county and city.

12 SENATOR BRADLEY: And so you, so you, sir,
13 haven't had any discussion with Mr. Isbell or
14 anyone else regarding how by drawing the map in
15 the manner that you did it would have a ripple
16 effect on performance in other areas of the
17 state?

18 MR. AUSMAN: Senator, if I had unlimited
19 staff and unlimited money I would be happy to
20 draw you a map for the entire state but I
21 don't, so --

22 SENATOR BRADLEY: Well, neither does the
23 district that could allow one to do that.

24 MR. AUSMAN: Yes, well, that is why we are
25 presenting the map for their consideration,

1 sir.

2 SENATOR GALVANO: No more questions? Did
3 you get your entire answer out, sir?

4 MR. AUSMAN: Yes, sir.

5 SENATOR GALVANO: Okay.

6 MR. AUSMAN: Thank you, Senator.

7 SENATOR GALVANO: Senator Clemens had a
8 question of you, sir, and then I think Vice
9 Chair Braynon, you had a, Senator Clemens and
10 Senator Simmons.

11 SENATOR CLEMENS: Thank you, Mr. Chair.

12 SENATOR GALVANO: Clemens is directly
13 behind me, Simmons is to your left.

14 SENATOR CLEMENS: Actually, Mr. Chair, my
15 question wasn't for the gentleman but for some
16 staff related to the things that he has
17 presented.

18 SENATOR GALVANO: Can we wait then? Why
19 don't we let him finish.

20 SENATOR CLEMENS: We will do that.

21 SENATOR GALVANO: His testimony and then
22 we will take some further questions for staff.

23 Senator Simmons, are you for the
24 presenter?

25 SENATOR SIMMONS: Yes, Mr. Chairman.

1 SENATOR GALVANO: You are recognized.

2 SENATOR SIMMONS: Thank you. I heard you
3 just say that what you wanted was to have your
4 county, Leon County and your city to have the
5 power to in fact elect someone, is that right?

6 MR. AUSMAN: Yes, sir, to have 42 percent
7 of the vote doesn't give us the power but gives
8 you a tremendous amount of influence, yes, sir.

9 SENATOR SIMMONS: I am looking at it from
10 a different perspective because we have to ask
11 these questions about the person who is the
12 presenter or at least it seems appropriate to
13 ask this in light of the Florida Supreme
14 Court's decision.

15 Your having said that leads to the
16 conclusion that in fact your intent is to
17 disfavor an incumbent, because the fact of it
18 is is that the incumbent as I understand it is
19 from the Jacksonville area. So therefore you
20 have just stated to us that your intent is to
21 disfavor an incumbent.

22 MR. AUSMAN: No, sir. There are many
23 friends that the incumbent has in this town
24 including County Commissioner Bill Proctor,
25 City Commissioner Curtis Richardson and other

1 people, the intent is to make sure the interest
2 of Leon County, the State Capitol, are met at
3 the Federal halls in Congress, sir.

4 SENATOR GALVANO: Okay, seeing no further
5 questions we appreciate your testimony here
6 today and the input that you have shared with
7 us and we look forward to getting your
8 supporting documentation.

9 MR. AUSMAN: Thank you, sir.

10 SENATOR GALVANO: Thank you. Senator
11 Clemens followed by Senator Braynon, Vice Chair
12 Braynon.

13 SENATOR CLEMENS: Thank you, Mr. Chair. I
14 am not sure who the appropriate person to
15 answer this would be, but I would be interested
16 in hearing from either the map drawers or the
17 attorneys.

18 What was just presented to us I thought
19 was a pretty clear indication that BVAP may not
20 be the best way to measure whether or not an
21 African-American population has the ability to
22 elect a representative of their choice.

23 We have gone down in the map that was just
24 shown to us to 42 percent BVAP and yet very
25 clearly it was indicated that in a Democratic

1 primary, the overwhelming number of voters
2 would be African-American and that once that
3 primary was over the overwhelming number of
4 voters were Democratic.

5 Can someone speak to that number because
6 it seems like we continue getting that kind of
7 shifting answer on this and it seems absolutely
8 logical to me that BVAP is not the correct
9 number to be using in this particular case?

10 SENATOR GALVANO: Mr. Meros, you are
11 recognized.

12 MR. MEROS: I will be happy to try to
13 answer that. First of all, what we haven't
14 heard had is a -- is a full functional analysis
15 of the election related to election results,
16 and until you do that you can't tell, but there
17 is no question that black VAP is an element of
18 the assessment, both the VAP and the electoral,
19 the VAP in the primary, and so that has to be
20 assessed, and I am sure the staff will be
21 looking at that.

22 I also note a couple of things that what
23 hasn't been assessed is the relative
24 polarization, racial polarization and
25 populations in an east/west configuration of

1 District 5 versus a north/south configuration
2 of polarization in a north/south District 5.

3 I can tell you in the trial,
4 Dr. Ansolabehere the expert for the Plaintiffs
5 testified that racial polarization in northern
6 Florida was much more pronounced than it was in
7 central Florida, and what that means is the
8 greater the racial polarization the higher the
9 population number of minorities must be in
10 order to defeat white block voting.

11 And certainly in Orange County it is clear
12 that the racial polarization in that area is
13 likely substantially less than north Florida,
14 and until one looks at that very carefully you
15 can't really tell whether the primary will be
16 won by an African-American or by a white
17 Democrat. You also have to look at the
18 incumbent and the strength of the incumbent in
19 that area and how that might impact the
20 election, and certainly the incumbent is a
21 white Democrat at least from the Tallahassee
22 area.

23 There would be a battle between in theory
24 the white incumbent in Jacksonville and the
25 black incumbent in, I am sorry, a white

1 incumbent in the Tallahassee area and a black
2 incumbent in Jacksonville.

3 The other thing that has to be considered
4 is the unity of the population or the
5 communities of interest within the black
6 population in an east/west configuration versus
7 a north/south, and as I was alluding to before
8 at the trial there was unrebutted testimony
9 about the fact that the north/south
10 configuration combined African-American
11 populations that migrated south after
12 reconstruction and that with -- and that
13 populated in a railroad corridor and river sort
14 of corridor down to Orlando and all the way to
15 down to Ft. Lauderdale and Miami because of
16 discriminatory housing patterns. And the
17 evidence is very substantial about the
18 communities of interest and the connections
19 between Eatonville in Orlando and Jacksonville
20 as opposed to the absence of that sort of
21 communal interest between Gadsden county and
22 Duval County.

23 I also note here that in looking at it
24 they, in order to keep Leon County whole they
25 split Liberty county and they split Baker

1 County. So they split two counties in order to
2 keep one county whole. And one thing that a
3 map drawer would have to look at in terms of
4 drawing another map, District 2 has to be drawn
5 underneath that district. And so if you look
6 just south of Tallahassee right at the bend in
7 the panhandle you see where the district comes
8 down and has a bump that almost goes all the
9 way to the coast.

10 And so in order to draw District 2 you
11 would have this fairly substantial bit of
12 geography in Liberty County coming down almost
13 to a highway and then blossoming out to the
14 east in a district that would look incredibly
15 non-compact. And so all of those things have
16 to be considered in looking at this and
17 certainly I am sure staff will take a very
18 careful look at it.

19 SENATOR GALVANO: Senator Clemens.

20 SENATOR CLEMENS: Thank you, Mr. Chair,
21 and I wasn't necessarily defending in any way
22 any map that I haven't had a chance to analyze.
23 What I was really trying to get at is it seems
24 that we continue and I know that our map makers
25 that are here today have referenced it on many

1 occasions, we continue using the one metric and
2 I just heard you saying and I would love for
3 them to be able to clarify maybe some of the
4 other metrics that they are really looking at
5 when they are drawing these maps because just
6 the voting age population is, from what you
7 just said not at all a clear indicator of
8 performance.

9 SENATOR GALVANO: Mr. Poreda.

10 MR. POREDA: Thank you, Chairman. As I
11 indicated earlier, the functional analysis that
12 the Supreme Court did for this district
13 outlines the other factors that are considered,
14 including registered voters, percentage and
15 everything else, and before any -- any of us
16 would opine on this particular district we
17 would want a chance to do our own more thorough
18 functional analysis just to verify the numbers
19 that Jon Ausman or Mr. Ausman has previously
20 said.

21 I am not saying that his numbers are
22 inaccurate, but we would just want a chance to
23 verify that and go over that before we make any
24 judgment calls about what the district may or
25 may not do in regards to performance.

1 SENATOR GALVANO: Mr. Takacs.

2 MR. TAKACS: Thank you very much, Mr.
3 Chairman. Senator Clemens, to kind of dovetail
4 on to what Mr. Poreda just said. As we made
5 our presentation and walked through the other
6 areas of the map thinking about Districts 26
7 and 27, 25 and 20, as well as District 10, you
8 may recall that we had a series of charts there
9 that were on the screen.

10 That was the data that was used to perform
11 that functional analysis for those districts.
12 For Congressional District 5 in the base map we
13 relied on the Supreme Court's analysis that
14 they outlined in detail in their opinion. So I
15 just wanted to expound on that.

16 JUSTICE CANTERO: If I --

17 SENATOR GALVANO: Yes, Justice Cantero.

18 JUSTICE CANTERO: To further answer
19 Senator Clemens' question, the Florida Supreme
20 Court also pointed out in the Martinez opinion
21 that that was a black VAP of 42.7, which is
22 apparently the threshold, at least the Martinez
23 court considered the minimum for that
24 particular stretch of state, and it all depends
25 on what stretch you are looking because the

1 racial, racially polarized voting differ
2 depending on which part of the state you are
3 talking about. And what would concern me in
4 this proposed map the black VAP is even lower
5 than that minimum. It is at 42.1.

6 SENATOR GALVANO: Okay, members, where we
7 are we had some follow up questions with regard
8 to BVAP based on the presentation that just
9 took place. I know Vice Chair Braynon during
10 the presentation you asked me if you could make
11 an inquiry of staff as well.

12 You are recognized, sir.

13 SENATOR BRAYNON: Thank you, Mr. Chair. I
14 am going to fall back a little bit to Senator
15 Bradley's line of questioning. First of all,
16 can I ask Justice Cantero, you are the counsel
17 for us, right, for the Senate, is that correct?

18 JUSTICE CANTERO: Yes, I am, Senator.

19 SENATOR BRAYNON: Okay, when developing.

20 JUSTICE CANTERO: At least until today.

21 SENATOR BRAYNON: In developing your plan
22 and talking and doing your research, you spoke
23 to Senators or to Senators about the maps and
24 what we did during that time, is that correct?

25 SENATOR GALVANO: Why don't you clarify

1 your question because --

2 SENATOR BRAYNON: Okay, I will just ask
3 outright, and if you don't mind, Mr. Chair, I
4 can just tell you what I am trying to say or I
5 can ask the question.

6 SENATOR GALVANO: Would you like to make a
7 comment?

8 SENATOR BRAYNON: Yes, I will make a
9 statement. I will make a statement and make it
10 easy. There was a question about the intent of
11 Mr. Ausman and Mr., the guy from Twitter, and
12 that his descriptions, he was a Liberal and he
13 wrote a map and because of his descriptive, the
14 description of the person, and Mr. Ausman is a
15 Democratic National Committeeman and he
16 describes himself as a Liberal that maybe his
17 intent was to help the Democrats, right?

18 Well, I -- I have to push back on that,
19 and I push back on that by saying that the
20 people who have drawn this map have no
21 relationship at all to the Democrats and as a
22 matter of fact have a pretty strong
23 relationship to the leaderships of the two
24 houses, the Senate and the House which is not
25 the Democrats. So if we are questioning their,

1 you know, a person that comes up because of
2 their background or because of something in
3 their name, then we have to question anybody
4 that writes it.

5 I mean, I am sure I do not, I do not and
6 Senator Joyner does not hire nor fire nor
7 acquire any of the people that are sitting in
8 front of us that have done a wonderful job and
9 proven how they did it and that there was no
10 might came intent and are professionals in
11 their service, but yet they have some sort of
12 relation to the Republicans that lead the
13 Senate and the House.

14 So I would -- I would -- I would hasten to
15 question someone about whether they have had an
16 intent because they happen to have a D or an R
17 behind their name, because if that is the case
18 then I question everyone else and that is what
19 I wanted to say.

20 SENATOR GALVANO: And so your point is we
21 should not question the staff nor should we
22 question anybody else simply because of their
23 relationship they have.

24 SENATOR BRAYNON: Or with the letter
25 behind their name.

1 SENATOR GALVANO: Okay. Senator Montford,
2 do you have a question related to the last
3 presentation?

4 SENATOR MONTFORD: Yes.

5 SENATOR GALVANO: Okay. You are
6 recognized.

7 SENATOR MONTFORD: Well, actually, Mr.
8 Chair, it is a question about BVAP.

9 SENATOR GALVANO: And that is exactly what
10 we are talking about in the last presentation.

11 SENATOR MONTFORD: It sounds like and we
12 may have thrown another factor in here and I
13 didn't understand exactly what it was. But
14 what I took away from your comment was that the
15 minority voting patterns in north Florida
16 differ than central Florida.

17 Help me understand what you said there and
18 how that would have an impact and is that
19 something, is that another factor already now
20 that we are considering here?

21 MR. MEROS: Anytime you are dealing with a
22 minority population to determine whether that
23 population might be perfected by the Federal
24 Voting Rights Act or the State corollary to the
25 Voting Rights Act one of the things you have to

1 look at is whether or not voting is polarized
2 in the specific geographic area and racial
3 polarized voting really has two components.

4 One, that the minority population
5 typically prefers and votes for a minority
6 candidate. And two, on the other side, whether
7 or not the white population tends to vote as a
8 block to defeat the election of a minority
9 candidate, okay, so that is racial
10 polarization.

11 SENATOR MONTFORD: May I, Mr. Chair?
12 Okay, I understand that part. Now, tell me
13 where we are north Florida versus central
14 Florida.

15 MR. MEROS: Okay.

16 SENATOR MONTFORD: I mean, are white
17 people stick together and vote against a
18 minority or central Florida, or what, I don't
19 know whether to be offended or not.

20 MR. MEROS: Well, I will keep talking a
21 little bit and then you tell me if you are
22 offended.

23 SENATOR MONTFORD: Wait a minute, are you
24 one of my constituents? Go ahead.

25 MR. MEROS: The testimony at trial in this

1 case really by both experts, the ones for the
2 NAACP and the one for the Plaintiffs testified
3 that racial block voting, that racially
4 polarized voting was more prevalent in north
5 Florida in this area than it is in central
6 Florida.

7 Dr. Ansolabehere said that he found much
8 less racially polarized voting in the central
9 Florida area than in north Florida. So that
10 does, and I apologize if you are offended,
11 blame it on the experts, but that is, that is
12 what the testimony was.

13 SENATOR MONTFORD: Mr. Chair, at some
14 point.

15 SENATOR GALVANO: Yes, follow up.

16 SENATOR MONTFORD: I would like to see
17 that.

18 SENATOR GALVANO: Certainly. Okay, public
19 testimony. Dario Moreno, Professor of
20 Political Science. Speaking in favor of the
21 discussion map, I would assume.

22 PROFESSOR MORENO: I am Dario Moreno, I
23 teach Political Science at Florida
24 International University, and in 1992 I was
25 hired by the Cuban American Caucus on the 1992

1 redistricting. 2002 I was hired by the Florida
2 House on the 2002 redistricting, and this year
3 I have been hired by both the House and the
4 Senate on this redistricting. So I am part of
5 the cottage industry on redistricting
6 presently.

7 And I was asked by the lawyers, by the
8 counsel to analyze, to do a functional analysis
9 of the three south Florida Hispanic districts,
10 Districts 25, 26 and 27, and I, and in doing
11 that analysis I found that they will perform to
12 elect a candidate of choice of the Hispanic
13 population in those areas.

14 Now, let me say a couple of things that
15 are important to say. First is that south
16 Florida is very different from central Florida
17 and north Florida. In central Florida in the
18 Tampa Bay area, in the Orlando area you can
19 have coalitions of African-Americans and
20 Hispanic.

21 In south Florida those coalitions are much
22 more problematic. In south Florida Hispanics
23 tend to be more Republican than they are
24 Democrat. And so those kinds of coalitions
25 don't work.

1 Second, candidate of choice is important
2 to remember, it doesn't necessarily mean an
3 African-American or a Hispanic. One of your
4 colleagues, Michael Balocca represents a
5 Hispanic district and is the candidate of
6 choice of Hispanic voters in his district, even
7 though he happens not to be a Hispanic. So
8 those are two important points that I think are
9 important to be made about the Voting Rights
10 Act and what candidates of choice really means.

11 But anyways, I looked at the three
12 districts and I looked at Hispanic VAP. All
13 three of the districts have Hispanic VAP of
14 over 70 percent, so on that status they should
15 perform. I looked at Hispanic registration.
16 In all three of the districts Hispanic
17 registration was over 50 percent. In fact, in
18 all three of the districts they were over
19 55 percent so they should perform.

20 I looked at Hispanic voter turnout in both
21 2012, which was the Presidential year and 2010,
22 which was a gubernatorial election and in all
23 three of the Hispanic majority districts
24 Hispanic turnout, Hispanic voter was 50 percent
25 of the electorate in 2012, and in 2010, in only

1 District 40 -- 25 where they under 50 percent
2 and they were at 49 percent. Moreover, since
3 south Florida is changing, it is becoming
4 increasingly Democratic, I looked at the
5 ability of Democratic Hispanics as not only in
6 the Republican primary but in the Democratic
7 primary, are they significantly registered
8 Democrats and registered Republicans to elect
9 candidates of choice in their primaries. And
10 in all, in all -- while the numbers are better
11 for the Hispanics for the Republicans, on the
12 Republican side in the percentage of the
13 Republicans, some as high as 75 percent of the
14 percentage of Hispanic Republicans, on the
15 Democratic side the numbers were also high
16 enough to elect candidates of choice for
17 Democratic Hispanics.

18 So the reason I am speaking in favor of
19 this plan for the purposes of my analysis, just
20 looking at these three districts, I believe the
21 three, these three districts more than meet the
22 requirements of being able to -- of giving
23 Hispanic voters the opportunity to elect
24 candidates of their choice. Thank you.

25 SENATOR GALVANO: Any questions? Any

1 questions? Okay, thank you. Thank you for
2 your testimony here today.

3 MR. MEROS: If I may I just want to make
4 sure this is understood that Dr. Moreno is
5 retained by the House of Representatives to do
6 the functional analysis for those three
7 Hispanic districts after they were published,
8 but that we asked him to confirm the functional
9 analysis if he could of the staff and that is
10 what he did.

11 SENATOR GALVANO: Understood.

12 PROFESSOR MORENO: I got him after the
13 press got them.

14 SENATOR GALVANO: And that testimony is on
15 the record and we are very clear about that.
16 Thank you. Justice Cantero.

17 JUSTICE CANTERO: Mr. Chair, and just, I
18 think this goes to a further response to
19 Senator Clemens, Senator Montford about relying
20 only on black VAP when we talk about a
21 functional analysis.

22 It is really a statistical analysis, bless
23 you, that drills down beyond black voting age
24 population to determine whether as closely as
25 we can determine whether the minority will be

1 able to elect a candidate of its choice in a
2 particular district configured a different -- a
3 particular way.

4 And so you start with black voting age
5 population or Hispanic voting age population
6 but then you drill down into voter registration
7 for a particular party, registration of a
8 primary, turnout for the primary, turnout for
9 the general election, and you go through that
10 progression, and I think Jason Poreda went
11 through that progression earlier today as to
12 some of these districts to determine whether in
13 fact a particular voting age population of a
14 minority will elect a candidate of its choice.

15 So that is what it means when we talk
16 about functional analysis.

17 SENATOR GALVANO: Thank you. Senator
18 Sobel you had a technical question for the
19 committee?

20 SENATOR SOBEL: Thank you, Mr. Chair.
21 Help me understand. I thought that any public
22 map that is submitted would have to cover the
23 entire state. Do we have certain ground rules
24 that we have established so that a future
25 public input abides by all the same rules?

1 SENATOR GALVANO: To answer your question,
2 if a submission from the public is to be
3 considered it has to be carried by a member and
4 I am speaking for the Senate, but I believe it
5 is the same in the House and Chairman Oliva can
6 correct me, if a member is filing an amendment
7 or alternative it has to be a complete and
8 contiguous map. Okay.

9 SENATOR SOBEL: Follow up. So this
10 applies to Mr. Ausman, he would need to present
11 an entire state revision.

12 SENATOR GALVANO: It doesn't apply to him,
13 but if a member were to pick up and file an
14 Ausman CD 5 it would have to be part of a
15 moment and contiguous map.

16 SENATOR SOBEL: Thank you.

17 SENATOR GALVANO: Okay, our next presenter
18 is Richard Pinsky, representing Rybovich
19 Marine. You sure this isn't left over from
20 session? No, he is here to talk about
21 districts, he is here to talk about District 21
22 and 22, and I don't know how that plays into
23 your presumption of intent argument there.

24 You are recognized.

25 MR. PINSKY: Mr. Chairman, thank you very

1 much. And members, thank you. I commend you
2 all for hanging in here all day long. I do
3 represent Rybovich Marine, we are a large boat
4 marine facility in south Florida. We have a
5 facility in Broward County as well as Palm
6 Beach County. We employ about 2,500 people.

7 The reason that we are here today is when
8 the maps were published there was a concern in
9 Palm Beach County and particular for the marine
10 industry and the coastal communities of what
11 the proposed base map that we are here for
12 discussion purposes how it was opposed to the
13 currents enacted map. And by that and this
14 touches on what I think Senator Montford and I
15 know President Lee touched on which are
16 communities of interest, and we understand the
17 burden does not apply to Tier 1, but can be
18 applied in Tier 2 if it is in the context of
19 compactness, and I certainly can't speak to
20 Tier 1. That is something for the incumbents
21 or anybody else who wants to in Districts 21
22 and 22.

23 However, in Tier 2 when it came to
24 Districts 21 and 22, the Supreme Court from
25 with what I understand, did not throw out that

1 configuration. They merely asked, can you
2 justify it and I think they showed a previous
3 map that had been done in drafting to say this
4 was one of the things, how did you end up here.
5 And the natural question to me and to my client
6 is why was that not justified.

7 Was there an attempt by staff and it is
8 not for me to ask the question, but was that
9 justified of why they could not reach that
10 burden to say the enacted districts were
11 justifiable the way they are, because I don't
12 think the intent when you have communities of
13 interest, of like interest, like coastal
14 communities, and we all know there is two
15 Florida's. There is coastal Florida and inland
16 Florida, and when you are in the coastal
17 community there are a lot -- there are a lot of
18 synergies that are identical, particularly in
19 Palm Beach and Broward county. We have
20 parallel railroads, I-95, the Turnpike, we have
21 all of the intercoastal waterway, we have
22 bridges, everything is common interest.

23 And so it is almost the reverse that is
24 taking place. If you have and if you look at
25 the enacted map that we are currently under

1 right now, it is District 20 that really
2 frustrates it because in the middle of Broward
3 it is sort of District 20 just takes up the
4 central part of Broward County, but
5 nonetheless, 22 in its current configuration
6 still has the hook at the bottom of the
7 district. That does not change.

8 And so I think what the intent was, was to
9 say okay, maybe we can make it important
10 compact. I would submit that any district you
11 could make more compact, but what was done was
12 they lopped off the current District 21 which
13 is an inland district and took for the purpose
14 of saying that way we don't have to have two
15 districts going into another county and took
16 the 22 and moved it further west.

17 Nonetheless, you still have District 20
18 smack dab in the middle and you really have not
19 changed the southern end of the District of 22.
20 It still looks exactly the same. So all you
21 have done was basically, and I mean that in the
22 vernacular, was the plan, the discussion map
23 was to take a community, a coastal community
24 and you have sacrificed communities of like
25 interest for compactness, whereas you already

1 had if you look at the configuration, you
2 already had two compact districts. They just
3 happened to be vertical, but you had a very
4 compact vertical district in 22 and you have a
5 very compact vertical district in 21, which is
6 the inland district, I am sorry, you have not
7 changed the southern tier which is the weird
8 looking hook, you didn't lose that.

9 So you still have something that would one
10 could argue is almost gerrymandered and you
11 actually impacted the compact districts which
12 was done at the expense of communities of like
13 interest. And I know we have minority access
14 districts, I know we have Fair Districts, I
15 wish we had common sense districts.

16 And so with that, Mr. Chairman, I just
17 wanted to put that on the record and I don't
18 know if anything can be done with it, but it is
19 for discussion, I just wanted to throw that
20 out.

21 SENATOR GALVANO: We appreciate your
22 comments and your contribution to our record as
23 we deliberate.

24 Next we have Ion Sancho, Leon County, Ion,
25 Leon County Supervisor of Elections.

1 MR. SANCHO: Yes, sir, committee, Joint
2 Committee.

3 SENATOR GALVANO: Welcome.

4 MR. SANCHO: Welcome to Tallahassee and
5 Leon County. And let me compliment you, I am
6 the Supervisor of Elections for Leon County,
7 have been so elected for 27 years, and this
8 will probably be my last reapportionment
9 session. I started in '82, I guess I am going
10 to be leaving now.

11 This is my third crew of reapportionment
12 staff that I have served or watched served,
13 great former members, and I assume these
14 members are just as qualified as good as your
15 predecessor employees that I worked with in the
16 past.

17 But I will tell you that I think that
18 there are many ways to skin a cat, and I, as
19 the Supervisor of Elections, would support an
20 entire Leon County being in a district. I
21 think Leon county is a very, very unique
22 county. It is probably in my opinion the least
23 polarized county in the state of Florida.

24 As you heard from the description from
25 Mr. Ausman, we have multiple minority

1 candidates elected here and none of them come
2 from a majority/minority community. We elect
3 citizens here because we get to see the best
4 and the brightest of the entire state,
5 yourselves, you come here, and we want to elect
6 people that meet your standards, i.e., we want
7 to be the best that we can be, and that is why
8 I am here because I would like to suggest there
9 is one thing that has sort of been overlooked
10 in this entire discussion and that is the
11 impact of your maps on the 67 Supervisor of
12 Elections that are elected to put the plan
13 together that you eventually come together to
14 put together, I have to make real. And given
15 past decisions by this Florida Legislature,
16 such as every discreet ballot style has to be
17 separately printed so that the Legislature can,
18 I don't know if I want to use the word,
19 gerrymander, but can properly put all the
20 pieces together so that they can get what they
21 need.

22 When I look at a map that I get from the
23 Reapportionment Committee and I notice that
24 there are tiny little areas here, just tiny
25 little areas, the larger precincts right off

1 the bat I see that no precinct lines are
2 necessarily followed in any of these maps, and
3 I have little discreet spots all over my map
4 that I am going to try to ascertain what County
5 Commission district is this person in, what
6 School Board district these people are in, they
7 are all single member districts and of course
8 none of that plays any attention really with
9 reapportionment and redistricting but it does
10 have a huge impact on Supervisor of Elections
11 and every citizens that cast a vote.

12 I have five single members, County
13 Commission districts in this community. I have
14 five single member School Board districts, and
15 what this map has done has not really connected
16 with those lines, because, see, my district
17 lines and precinct and County Commission lines
18 and legislative lines all fall within precinct
19 boundaries which these lines do not necessarily
20 follow.

21 And when I look at the map in Leon County
22 I see that there is not a whole lot of
23 ugliness, but there is some. And what I would
24 like to know is can we look at making
25 trade-offs. You might have seven voters in

1 that spot, can I trade them for seven voters
2 over here so that they are all in the same
3 County Commission district or do I have to
4 split them up? There are a number of things
5 and I know that Supervisor of Elections in Polk
6 County, in Lake county and all of the urban
7 counties particularly, this is a costly thing
8 that we are going to have to do, because we
9 have a limited amount of time to do this.

10 I have a March 15th, Presidential election
11 to prepare for which means by Christmas I need
12 to have all of this stuff done. It needs to be
13 done so that the actual elections that we are
14 going to conduct in 2016, actually are
15 conducted.

16 So what I would like to address is I am
17 going to have my staff contact these
18 individuals, not for any partisan reasons, but
19 where you have taken six people from this side
20 of the street, can we pull maybe six people
21 from that adjacent side so that the actual
22 precinct line all stays the same and now these
23 individuals do not have to have their election
24 world destroyed?

25 I mean, I am going to have to work. You

1 are going to have to work, but if we can
2 minimize the disruption to citizens, not for
3 partisan purposes, because I think this is just
4 to get numbers equal, but I would like precinct
5 lines followed where it is possible so this is
6 not a huge disruption on the rest of us who
7 actually have to administer this process and
8 take those fine maps and break it down into
9 streets and houses and individual voters, that
10 I am going to have to mail an individual voter
11 registration card, not a problem. My county
12 will have to pay for it out of their property
13 taxes as elections are done in this state every
14 time, because we don't get paid for you to fix
15 this. The County pays for this, and now that
16 we are going to have to do this I would just
17 like to know that it is possible for my staff
18 to call in and say this eighth of an inch spot
19 right here, could we like move that in there
20 and switch with this spot over here so that
21 that precinct is left whole and that precinct
22 is left whole?

23 That needs to be done if we are going to
24 make this thing work seamlessly from the top to
25 the bottom and that is what I would like to

1 present to you today.

2 SENATOR GALVANO: Okay, yes, you are
3 welcome to have submissions to both the Senate
4 and the House committee.

5 MR. SANCHO: Thank you.

6 SENATOR GALVANO: Thank you. We have, it
7 doesn't necessarily have to be a map, we have
8 letters and some are praised, some scorned.

9 Members, that concludes the public
10 testimony, and I think we have had a good bit
11 of Q and A today. I will offer up one last
12 opportunity for any final question.

13 Chairman Oliva is about to strangle me for
14 doing that, but if we don't have anything
15 further I do want to say it has been a pleasure
16 to have this joint committee meeting. I
17 appreciate President Gardiner and Speaker
18 Crisafulli setting this up and their leadership
19 on this issue.

20 And Chairman, before I turn it over to you
21 to close I again say I look forward to working
22 with you and all of your esteemed House
23 members.

24 REPRESENTATIVE OLIVA: Thank you,
25 Chairman, and the pleasure has been mine, as I

1 said earlier again to the staff that put
2 together this map, we commend you on your work
3 and thank you for your so very thorough
4 explanation of everything and being able to
5 answer every question that we have, as well as
6 with the legal staff.

7 Thank you for your guidance throughout
8 this process as well and thank you to all of
9 the membership for all of your questions. It
10 certainly helped bring certain other things to
11 light and considerations that I think will
12 continue to move us through this process for
13 the next week. So thank you all for your
14 participation.

15 SENATOR GALVANO: With that on behalf of
16 the Senate, Senator Montford moves we adjourn.

17 (Whereupon, the proceedings were
18 adjourned.)

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CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 160 through 349, is a true and correct record of my stenographic notes.

Dated this 20th day of August, 2015, at Tallahassee, Leon County, Florida.

CLARA C. ROTRUCK

Court Reporter

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