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HOUSE SELECT COMMITTEE ON REDISTRICTING

AUGUST 13, 2015

9:00 A.M. - 12:35 P.M.

Reported by:

CLARA C. ROTRUCK

Court Reporter

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

2 CHAIR OLIVA: The House Select Committee on  
3 Redistricting will come to order. Please call the  
4 roll.

5 THE CLERK: Chair Oliva?

6 CHAIR OLIVA: Here.

7 THE CLERK: Vice Chair McBurney?

8 VICE CHAIR McBURNEY: Here.

9 THE CLERK: Representative Cummings?

10 REPRESENTATIVE CUMMINGS: Here.

11 THE CLERK: Representative Fullwood?

12 REPRESENTATIVE FULLWOOD: Here.

13 THE CLERK: Representative Metz?

14 REPRESENTATIVE METZ: Here.

15 THE CLERK: Representative Moskowitz?

16 REPRESENTATIVE MOSKOWITZ: Here.

17 THE CLERK: Representative O'Toole?

18 REPRESENTATIVE O'TOOLE: Here.

19 THE CLERK: Representative Santiago?

20 REPRESENTATIVE SANTIAGO: Here.

21 THE CLERK: Representative Slosberg?

22 REPRESENTATIVE SLOSBERG: Here.

23 THE CLERK: Representative Sullivan?

24 REPRESENTATIVE SULLIVAN: Here.

25 THE CLERK: Representative Trujillo?

1 REPRESENTATIVE TRUJILLO: Here.

2 THE CLERK: Representative Watson?

3 REPRESENTATIVE WATSON: Here.

4 THE CLERK: Representative Young?

5 REPRESENTATIVE YOUNG: Here.

6 THE CLERK: We have a quorum.

7 CHAIR OLIVA: Thank you.

8 Members, we are here under a special session, but  
9 truly under extraordinary circumstances. The  
10 amendments that were adopted to our constitution in  
11 2010, have sought to address partisan as well as  
12 geographic concerns regarding the development of the  
13 district maps. This new area of law for our state has  
14 already proven to create legal and legislative  
15 precedence, precedence that will occupy this  
16 Legislature for years to come, I'm certain.

17 In doing so, the amendments have sent us into  
18 uncharted territory. They've given the courts a  
19 greater standard of review. Chief among this is the  
20 burden of intent, which the court has found that has  
21 shifted to the Legislature rather than its traditional  
22 place resting solely with the Plaintiff.

23 The court has gone further and has concluded that  
24 some of our districts were drawn unconstitutionally and  
25 has given very direct direction on how to draw those

1 districts. And so the Speaker of the House and the  
2 President of the Senate have called this special  
3 session, and in that narrow call, we have been charged  
4 with remedying these specific districts with the  
5 specific instruction of the Supreme Court. And so that  
6 is why we are here today.

7 So I would like to turn the gavel over to my Vice  
8 Chair McBurney so that I could present the Bill.

9 VICE CHAIR MCBURNEY: Thank you, Mr. Chairman.  
10 Chair Oliva, you are recognized to explain the Bill  
11 pursuant to the procedure for Special Session 2015B on  
12 Congressional Reapportionment. We'd ask -- and this  
13 would also be applicable to those who are presenting  
14 amendments today, and they will be asked the same.

15 Be prepared to explain in committee the identity  
16 of each person involved in drawing, reviewing,  
17 directing or approving the proposal, the criteria used  
18 by the map drawers, the sources of any data used in  
19 creation of the map other than the data contained in My  
20 District Builder. The members should also be able to  
21 provide a nonpartisan and incumbent-neutral  
22 justification for the proposed configuration of each  
23 district to explain in detail the results of any  
24 functional analysis performed to ensure that the  
25 ability of minorities to elect the candidates of their

1 choice is not diminished and to explain how the  
2 proposal satisfies all of the constitutional and  
3 statutory criteria applicable to a congressional  
4 redistricting plan.

5 And with that, Chair Oliva, you are recognized to  
6 explain the Bill.

7 CHAIR OLIVA: Thank you, Mr. Chair.

8 This Bill establishes the congressional districts  
9 for the State of Florida. In regard to those specific  
10 questions, all e-mails and other documents relating to  
11 the drawing of the Bill have been submitted to the  
12 House General Counsel. The Bill was created using My  
13 District Builder.

14 The identity of every person involved in drawing,  
15 reviewing, directing or approving the maps are included  
16 here, and they are Jason Poreda, Jeff Takacs, Jay  
17 Ferrin. The legal counsel consist of George Meros,  
18 Andy Bartos, Raoul Cantero, Jason Zaccia, Matt Carson  
19 and George Lubeck.

20 The criteria that has been used by the map drawers  
21 is the criteria complying with the Supreme Court's  
22 order, federal law and relevant legal standards.

23 In regards to the nonpartisan, neutral --  
24 incumbent-neutral justification, as well as the  
25 functional analysis that ensure the ability of

1 minorities to elect candidates of their choice and  
2 making sure that this proposal satisfies constitutional  
3 and statutory criteria, I will defer to Mr. Poreda, who  
4 was involved in the development of these maps.

5 VICE CHAIR McBURNEY: Mr. Poreda, you are  
6 recognized.

7 MR. POREDA: Thank you, Mr. Chairman. I will now  
8 do a much more brief presentation than we did on  
9 Tuesday. If any member has a more detailed question,  
10 I'd be happy to answer it to the best of my ability.

11 VICE CHAIR McBURNEY: Your mike.

12 MR. POREDA: Is it not on?

13 VICE CHAIR McBURNEY: Apparently not.

14 MR. POREDA: Is that better?

15 VICE CHAIR McBURNEY: Yes, that is, if you'll just  
16 start from the beginning.

17 MR. POREDA: No problem. I will be giving a much  
18 more brief, kind of a more high level overview  
19 presentation of the map that staff gave on Tuesday to  
20 the concurrent meeting of both the House and the  
21 Senate. If a member has a more detailed question I  
22 will be happy to answer it to the best of my ability.

23 This is the base map that became map 9065 in the  
24 end. You can see it there in its full. All of this is  
25 in your packet as well. I am going to start by going

1 through the specific direction that the Supreme Court  
2 gave us and how we fix those specific districts and  
3 then I will briefly review the other districts.

4 The first direction that we started with when we  
5 drew the base map was to avoid splitting Homestead. So  
6 we started with Districts 26 and 27. This is, this is  
7 how the city of Homestead was split in the enacted map.  
8 We had two choices to put Homestead entirely within  
9 District 26 or entirely within District 27. We tried  
10 both of those as we detailed on Tuesday. The option  
11 that we ended up going up with was putting all of  
12 Homestead into District 26 as we see here.

13 Sorry, I am having a little technical difficulties  
14 with our clicker. We will deal with that as best we  
15 can. So this is the district that we ended up going  
16 with. All of Homestead is in District 26. It was a  
17 population shift of approximately 30,000 people that  
18 moved from District 27 into District 26. The  
19 corresponding population shift was just up north. The  
20 dividing line was the Dixie Highway. We went up as far  
21 as the Florida Turnpike and went up the Florida  
22 Turnpike and then over to the other border of the  
23 district, kind of encompassing approximately 30,000,  
24 slightly more than 30,000 people that we needed to fill  
25 that population shift.

1           Staff completed a functional analysis on both of  
2 these districts, including the other option that we  
3 drew or we put Homestead in 7 and we determined based  
4 on those functional analysis that both districts would  
5 perform. We ended up choosing the option that had  
6 slightly better compactness scores. Specifically in  
7 this instance the Convex Hull score was slightly better  
8 for District 27 in the version of the drafts that we  
9 drew where Homestead was kept whole in District 26. So  
10 that is the option that we picked there. You can see  
11 briefly here is the other option that we did where  
12 Homestead was kept whole in District 27.

13           The next district that we turn to is District 25  
14 where the Supreme Court directed that we must not split  
15 Hendry County. The two options for that, the two  
16 options for that was putting Hendry County entirely  
17 within District 20 or entirely within District 25. We  
18 again tried both of those options because they were  
19 very clear options that we could choose, and we decided  
20 to put, ended up going with the option again based on  
21 compactness scores after having completed a functional  
22 analysis on both of the districts after our revisions  
23 and determined that both districts would still be able  
24 to elect candidates of their choice.

25           District 20 specifically was a majority/minority



1 black district whose voting age population in the  
2 enacted map was just barely over 50 percent, it was at  
3 50.06. So we have a very narrow margin of error for  
4 that particular district. We managed to keep the  
5 district entirely out of Hendry County and keep the  
6 voting age population, the black voting age population  
7 at 50.01. Most of the additional population shifts  
8 were made in Broward County. District 25 came out of  
9 Pembroke Pines, the city of Pembroke Pines more than it  
10 had before, about 17,000 people difference. District  
11 20 got, the most of its extra population that it needed  
12 to gain, about 17,000 people in the southern end of  
13 Broward County where you see the district there. This  
14 is the other option that we tried briefly where we put  
15 Hendry County in District 20 with a compactness scores  
16 ultimately made us go in the other direction.

17 Districts 21 and 22 are the next districts that we  
18 touched upon. The Supreme Court directed that we  
19 redraw the maps, not specifically in a stacked  
20 horizontal configuration that was in a House draft that  
21 they referenced where we did that exact thing, but they  
22 did say that we needed to redraw them and better  
23 justify our decisions for why we drew them in the manner  
24 that we did.

25 This is how they were in the enacted map. You can

1 see a more vertical orientation of the two districts,  
2 and we ended up going with a version of the two  
3 districts where they are stacked, one on top of the  
4 other more so. This is very similar, but not exactly  
5 how it was done in the House draft that the Supreme  
6 Court referenced.

7 What this orientation of these two districts did  
8 is it allowed us to draw the districts in a manner that  
9 scored much, much better in both Reock an Convex Hull  
10 compactness scores. We also managed to keep District  
11 21 entirely within Palm Beach County, which is a  
12 consistent methodology that we have used throughout the  
13 redistricting process going back to 2012. You can see  
14 examples of that where we can keep a district entirely  
15 within the county. We tried to do that in the state  
16 House map and state Senate map as well as the  
17 congressional map.

18 Districts 13 and 14, the Supreme Court  
19 specifically ordered us not to cross Tampa Bay with  
20 District 14. We had done that previously to put a  
21 predominantly black voting, high black voting age  
22 population in South St. Petersburg of about 92,000  
23 people into District 14, which at the time was a  
24 performing, what we believed was a performing coalition  
25 district. The Supreme Court did not agree with that

1 justification for why we crossed Tampa Bay and  
2 specifically ordered us not to do that.

3 So this is how the districted looked in t he  
4 enacted map and you see us cross in Tampa Bay into  
5 South St. Petersburg. This is the orientation of the  
6 districts as they are today.

7 We took a much more Tier 2 compliant approach to  
8 drawing District 14, having not been allowed to cross  
9 Tampa Bay and referencing the Supreme Court's opinion  
10 where they referenced that Kathy Castor, a white  
11 Democrat has been elected to Congressional District 14,  
12 not believing that District 14 was a performing  
13 coalition district. So we took a much more Tier 2  
14 approach to that district and we were actually able to  
15 keep the entire city of Tampa whole within District 14,  
16 which mostly gives it its shape.

17 The part of the District 12 that you see in  
18 Hillsborough that is what is left over after District  
19 12 gets its population mostly from Pasco County and  
20 then north of Pinellas County, whatever is left that  
21 cannot be put into District 13. District 13 we started  
22 from the south end of the peninsula and worked our way  
23 north until we achieved the exact population for a  
24 district. Because of the way the municipalities are  
25 aligned in Pinellas County there is no real

1 unincorporated space for us to work with in between the  
2 cities. So we were forced by mathematics to split the  
3 city of Clearwater, but that is the only city split  
4 within Pinellas County.

5 You can see here on this slide District 14  
6 encompasses the entire city of Tampa and red outline  
7 that you see on the map is the city of Tampa. So that  
8 is really what gives District 14 its basic shape. You  
9 can also see that we avoided splitting the city of  
10 Temple Terrace kind of in this little notch there right  
11 above I-4.

12 District 5 is the next district that we redrew,  
13 and this was much discussed on Tuesday. The Supreme  
14 Court ordered that District 5 be drawn in an east/west  
15 manner. This is what the district previously looked  
16 like in the enacted map that we passed last year, the  
17 remedial map that we passed last year in 2014. This is  
18 what the district looks like today in the base map that  
19 you have before you.

20 This is an exact copy of what is called the Romo A  
21 remedial map that was submitted during litigation. On  
22 advise from counsel and the map drawers we agreed this  
23 was the best alternative to drawing our east/west  
24 configuration of District 5. And the functional  
25 analysis performed on this district because this is a

1 performing majority, or not majority but a performing  
2 black minority district is provided in the Supreme  
3 Court's opinion in great detail.

4 The next district that we started to draw was  
5 Congressional District 10. This is the first district  
6 that we attempted to draw that wasn't specifically  
7 identified in the Supreme Court's Order. We tried many  
8 different variations of this district, again, as we  
9 outlined on Tuesday we ended up going with this version  
10 of this district which is drawn in an extremely compact  
11 manner entirely within Orange County. We also happened  
12 to believe as an added benefit that this district is  
13 now a performing coalition district within Orange  
14 County where the black and Hispanic communities in  
15 Orange County that are in this district will perform so  
16 they can elect a candidate of their choice now, but the  
17 district was drawn primarily as a Tier 2 compliant  
18 district with the population vacated from Orange County  
19 that previously was in Congressional District 5, there  
20 was a large black population left in Orange County.  
21 Specifically it was about 283,000 people that was in  
22 Congressional District 5 in Orange County previously  
23 that are now entirely or most entirely within  
24 Congressional District 10 here. So the remaining  
25 population of Orange County is being split between

1 District 7 and District 9. I will get to that when we  
2 get to those particular districts.

3 The next district that we turn to is Congressional  
4 District 2. We went from central Florida after having  
5 done Congressional District 10 up to District 2 because  
6 we needed to try to figure out how the rest of the  
7 population from the north was going to flow south and  
8 determined what we might be able to do in keeping  
9 certain county lines whole or not, depending on the  
10 populations of the districts.

11 It is difficult to determine if we can keep a  
12 county whole if we don't know what the populations of  
13 the districts to the north are going to be coming down.  
14 So we went immediately to the north. This district was  
15 relatively easy to fill out because it is just all the  
16 remaining territory to the west and south of  
17 Congressional District 5 and we filled out until we  
18 attained the ideal population of the district. We  
19 ended up splitting Marion County very slightly in  
20 Congressional District 2, but we avoid splitting the  
21 city of Ocala.

22 Congressional District 4 is the next district that  
23 we turn to, again, because we didn't want to be trapped  
24 up in Nassau County with 10,000 extra people that  
25 didn't have a district. So we started with Nassau

1 County and worked our way down. We then had a choice  
2 of going into St. Johns County or Clay County to attain  
3 the extra 160,000 approximately population that we  
4 needed to fill out Congressional District 4.

5 We ended up choosing the version of the district  
6 that goes to St. Johns County mostly, primarily because  
7 it allowed us to draw the remaining districts  
8 throughout the map as I will outline in a much more  
9 compact manner and in a way that was just as compact as  
10 any other version that we drew, but also allowed us to  
11 keep an extra county whole in Volusia County.

12 Congressional District 3 that you see here before  
13 you is made up of five entire counties, Union,  
14 Bradford, Clay, Putnam and Alachua and it contains the  
15 remaining population of Marion County with the entirety  
16 of the city of Ocala. We use a lot of major roadways  
17 there in Marion County to split Marion County, but that  
18 is where it attains the rest of its population. This  
19 is now the most compact district that we have drawn in  
20 any map to date with a Reock score of .71 which is a  
21 Reock score just as Cantero outlined on Tuesday is the  
22 ratio of the area of the district by the area of the  
23 smallest circle that can fit around the district. So  
24 you can think of it as a percentage of a score .71  
25 meaning this district takes up 71 percent of the area

1 of the circle that can fit around it.

2 Going up to a more regional view I will talk about  
3 Congressional District 6 and 11. Those districts after  
4 having drawn 2, 3 and 4 we filled out the remaining  
5 population to the south and to the east keeping as many  
6 counties whole as could along the way and picking up  
7 whatever remaining portions of Marion County that were  
8 available ending both districts in Lake County after  
9 having kept Flagler and Volusia whole in District 6  
10 with getting a little extra population with what was  
11 left over in St. Johns. Then in District 11, Citrus,  
12 Hernando and Sumter Counties were kept whole. The  
13 remaining portion of Marion and it had to go into Lake  
14 to attain its equal population.

15 Congressional District 7 as I talked about before,  
16 that keeps the entire county of Seminole whole. It is  
17 about 420,000 people or so, I think slightly over that  
18 amount and then it needs its remaining population from  
19 the south. If we are going to keep the Volusia,  
20 Seminole County line whole the only place it can go is  
21 south. So it goes in and gets its remaining 190,000  
22 approximately people it needs in Orange County, and you  
23 can see we kind of tried to stay on the north side of  
24 the county to give that district as compact a shape as  
25 possible.



1           District 8 which encompasses all of Brevard and  
2 Indian River County needs only 14,940 people, I think  
3 that is the number. It is approximately 15,000 people  
4 it needs from either Orange County, Volusia County or  
5 Osceola County, the other counties that that district  
6 orders. In the enacted map as you see here it goes  
7 into Orange County. Going into Volusia County or  
8 Osceola County adding an extra county split that would  
9 have otherwise have been kept whole was not a good  
10 trade off in our opinion and because Osceola County to  
11 the east is to sparsely populated we would have to come  
12 extremely far west to fill out that remaining  
13 population either though it is only about 15,000  
14 people, and in Volusia County we would have to go up  
15 and split an additional city as well as the additional  
16 county split.

17           So we felt the best way to go is the way that we  
18 did it in the enacted map and come into Orange County  
19 as you see there. That left a portion of Orange County  
20 in a relatively box like shape that remained unassigned  
21 to a district. We then combined that population with  
22 all of Osceola County and we are about 240 to 250,000  
23 people short of a district. The only place that we  
24 could go at that point was into Polk County.

25           So you can see the district here drawn into Polk

1 County keeping as many cities whole as we could in Polk  
2 County and filling out its remaining population.

3 We then turn to District 15 which takes up some  
4 portion remaining in Hillsborough County, Polk County  
5 and the remaining population left over in Lake County  
6 which is about 77,000 people. The reason why we  
7 decided to fill out the district like this is because  
8 there are a number of whole cities, including Plant  
9 City, Lakeland, Clermont and some other cities, Temple  
10 Terrace along that I-4 corridor that we could keep  
11 whole within that district. But also because we  
12 didn't, the other options for filling out Lake County  
13 would have been wrapping District 9 around District 10  
14 and up, or trying to get District 17 somehow more to  
15 the north to fill out that population, but we were  
16 trying to draw this district in the most compact way we  
17 can. So combining that area of southern Lake, northern  
18 Polk and eastern Hillsborough ended up being the best  
19 way to fill out that district to keep as many  
20 municipalities whole as we could.

21 That left us with District 16 and 17, and as you  
22 can see here our first way of drawing, we attempted to  
23 keep District 16 as it is in the enacted map, because  
24 it is a very compact district as it is currently drawn,  
25 but because of how we drew District 14 and what we

1           decided to do with District 15, District 17 would have  
2           to come into Hillsborough as it does now, but instead  
3           of stopping at I-75 it has to go all the way to the bay  
4           and then all the way out to where Hillsborough County  
5           actually has its county borders going to the entrance  
6           of Tampa Bay. As you can see there on the map it is a  
7           very thin section of the county that sticks out.

8           This impacted the compactness score of District 17  
9           greatly and we tried to figure out a way, is there  
10          another way we could draw this region that would  
11          improve the compactness scores of both districts. So  
12          what we did as you can see here, as you can see here,  
13          we just moved District 16 to the north. To take that  
14          area in southern Hillsborough we included all of  
15          Manatee County into the areas of Sarasota County. So  
16          previously we had split Manatee County and kept  
17          Sarasota County whole, this just flipped that. So we  
18          didn't lose a county, we just swapped Manatee for  
19          Sarasota, and as a result the compactness scores  
20          compared to this version of the map for both Districts  
21          16 and 17 both improved dramatically. I think I have a  
22          slide here in a second to show that right there.

23          You can see the draft 19 or 20 or the drafts that  
24          we explored that opportunity in, you can see the  
25          compactness scores of both 16 and 17 in draft 17 are

1 higher across the board including their two district  
2 average. So that is why we decided to go with that.

3 Once we combined those 17 districts with the 10  
4 districts we drew in south Florida which we were able  
5 to section off so we didn't have to change any of south  
6 Florida when we were changing central and north  
7 Florida, we combined them into what is the base map.  
8 But this compactness comparison as well as several  
9 others, including a four district average of some of  
10 our drafts to make sure we were going down the right  
11 direction. Almost at every turn we would compare  
12 compactness scores of the drafts that we were drawing  
13 and we always moved forward with the drafts that scored  
14 in aggregate higher than our other drafts.

15 So as you can see draft 17 is the draft that we  
16 move forward here. Draft 21 was a version of District  
17 3 that went from St. Johns County, instead of St. Johns  
18 County to Clay County and that version we were able to  
19 not keep the aggregate compactness as high. So we  
20 moved draft 17 forward.

21 Here is a regional compactness average of the six  
22 districts that make up the Tampa Bay region. This is  
23 the same six district average that was done by the  
24 Supreme Court in their opinion when they were comparing  
25 the draft, the draft at the Tampa Bay region with

1 District 14 did not cross Tampa Bay, and they said that  
2 not crossing Tampa Bay was ideal and you should do  
3 that, but we understand that it may affect the  
4 compactness of the region.

5 Well, we were able to draw District 14 in there  
6 that did not cross Tampa Bay, but also maintained the  
7 compactness of the surrounding districts and this  
8 average demonstrates that.

9 This is District 1 through 17 so that kind of  
10 north and central part of the part of the map that we  
11 were working on. These were the last four drafts that  
12 we kind of came down to that had different versions of  
13 those 17 districts that we talked about on Tuesday, and  
14 this is really the kind of final aggregate compactness  
15 of all four of those drafts.

16 You can see the compactness scores were very  
17 similar, essentially the same, one 100th different,  
18 difference in some of the scores slightly, but why we  
19 decided to push draft 24 forward into our later drafts  
20 is because although it maintained the same aggregate  
21 compactness, it kept fewer counties split than the  
22 other drafts and that was very important to us. With  
23 all things being equal with compactness, we decided to  
24 go with the maps that let us split fewer counties.

25 And then here is the, that draft 24 I just talked

1 about. And we put in the end the last 10 districts to  
2 be completed in south Florida and this was the draft  
3 that eventually became 9065 that you see before you  
4 after we did some technical corrections after we ran  
5 our final data report.

6 And to wrap it up here is kind of a compactness  
7 and city and county split comparison to the other  
8 drafts, the other maps that we had previously enacted.  
9 9047 is the map that we enacted in 2012. 9057 is the  
10 map that we enacted as a remedial map in 2014, and 9065  
11 is the base map that you see before you.

12 Romo A is one of the maps that the Plaintiffs  
13 submitted in litigation and the League of Women Voters'  
14 2014 map that you see there is a remedial map that they  
15 submitted to the Legislature during the 2014 remedial  
16 section. And you can see that the base map that you  
17 have before you under the constraints that the Supreme  
18 Court gave us we were able to achieve a higher level of  
19 compactness than many of those other maps and splits  
20 fewer cities and fewer counties than we had previously,  
21 given the constraints that the Supreme Court put on us  
22 in their ruling.

23 And that, Mr. Chairman, was the explanation of the  
24 map. I will be happy to take any questions if any  
25 members have any.

1           VICE CHAIR McBURNEY: Thank you, Mr. Poreda. Are  
2 there questions of the sponsor? Questions of the  
3 sponsor? All right, seeing no questions we will go to  
4 our amendments.

5           The first amendment is, Representative Kerner,  
6 Representative Kerner has requested that his amendment  
7 be taken second as I understand it. I don't where  
8 Representative Kerner is. Yes, as I understand it you  
9 have got some folks who are on their way here who are  
10 traveling that you want to have testify. So we will  
11 take you second at your request.

12           So we will go to the second amendment,  
13 Representative Hill. Representative Hill as with the  
14 Bill sponsor you should be prepared to explain in  
15 committee, in committee the identity of each person  
16 involved in the drawing, reviewing, directing or  
17 approving the proposal, the criteria used by the map  
18 drawers and the sources of any data used in the  
19 creation of the map other than the data contained in My  
20 District Builder.

21           You should also be able to provide a nonpartisan  
22 and incumbent-neutral justification for the proposed  
23 configuration of each district, to explain in detail  
24 the results of any functional analysis performed to  
25 ensure that the ability of minorities to elect the

1 candidates of their choice is not diminished, and to  
2 explain how the proposal satisfies all the  
3 constitutional and the statutory criteria applicable to  
4 a congressional redistricting plan.

5 Representative Hill, you are recognized to explain  
6 your amendment.

7 REPRESENTATIVE HILL: Thank you, Mr. Chairman. I  
8 had the distinct honor of being appointed or nominated  
9 by President Gerald R. Ford to attend the Air Force  
10 Academy. Upon graduation from the Air Force Academy I  
11 said an oath that I do solemnly swear to protect and  
12 defend the constitution of the United States against  
13 all enemies foreign and domestic and that they are true  
14 faith allegiance to the same, and I took that oath  
15 without any mental reservation or purpose of evasion  
16 and I repeated that oath upon being promoted to First  
17 Lieutenant and then again to Captain.

18 Then after serving honorably I was discharged from  
19 the Air Force to go into civilian practice. However,  
20 that oath that I took and any veteran who is within ear  
21 shot will recognize that is a lifetime commitment. I  
22 am still bound by that oath to protect and defend the  
23 Constitution of the United States. And then being  
24 elected to this body, again, a great honor I repeated  
25 another oath and this oath said, I do solemnly swear to



1 support, protect and defend the Constitution of the  
2 United States and its government and of the State of  
3 Florida.

4 That being said I take my oath seriously. When we  
5 all here took that same oath that put us at the same  
6 position of those who are serving in our military who  
7 are at harm's way around the world who are willing to  
8 sacrifice their life for taking that oath to protect  
9 and defend the Constitution.

10 I have a 19-year-old son, my youngest, who  
11 volunteered to be a marine infantry and he is right now  
12 in training to be possibly deployed somewhere around  
13 this world. Again, putting his life on the line to  
14 protect and defend this Constitution, and it is  
15 because --

16 VICE CHAIR McBURNEY: Representative Hill.

17 REPRESENTATIVE HILL: Yes, sir.

18 VICE CHAIR McBURNEY: You have been recognized to  
19 explain the amendment. If we could begin your  
20 explanation of the amendment.

21 REPRESENTATIVE HILL: Yes, sir. Thank you,  
22 Mr. Chairman. In fact, what I was going to say is  
23 because of taking those oaths so seriously is why I do  
24 present this amendment.

25 Whereas Section IV, Article I of the Constitution  
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1 of the United States provides that the times, places  
2 and manner of holding elections for Senators and  
3 Representatives shall be prescribed in each state by a  
4 legislator thereof and whereas Section I, Article III  
5 of the State Constitution vest all legislative power in  
6 the Legislature, and whereas in 2012, the Legislature  
7 established the state's congressional districts  
8 pursuant to its authority under the Constitution of the  
9 United States and the State Constitution. And whereas  
10 it is right and just that the Legislature assume its  
11 proper role pursuant to the separation of powers  
12 granted under Section III, Article II of the State  
13 Constitution to deny the request of the Supreme Court  
14 of Florida that the Legislature redraw the state's  
15 congressional districts established in Chapter 2012-2  
16 laws of Florida.

17 Now, therefore, be it resolved that we should  
18 strike all that has been done to redraw these districts  
19 and go back to the map of 2012, of which we had our  
20 constitutional authority to do.

21 VICE CHAIR McBURNEY: Thank you, Representative.

22 CHAIR OLIVA: Mr. Chairman.

23 VICE CHAIR McBURNEY: For what purpose does  
24 Representative Oliva rise?

25 CHAIR OLIVA: Mr. Chair, for a point of order.

1           VICE CHAIR McBURNEY: Representative Chair Oliva,  
2 please state the point.

3           CHAIR OLIVA: Mr. Chair, this amendment is not  
4 within the call, and therefore, out of order. And  
5 while I understand the motivation behind the amendment,  
6 any measure outside the purview of the purpose stated  
7 in the proclamation issued by the presiding officers  
8 requires introduction by a two-thirds vote of the  
9 membership of each House.

10          VICE CHAIR McBURNEY: Rule, members, rule 11.3,  
11 procedural questions of order are not debatable. The  
12 point of order is that the amendment is outside the  
13 call. The Joint Proclamation issued by the residing  
14 officers convene Special Session B for the sole and  
15 exclusive purpose of considering revisions to Chapter 8  
16 Florida Statutes as amended by Chapter 2012-2 and  
17 2014-255 laws of Florida which establishes the  
18 congressional districts of the state, to amend  
19 Congressional Districts 5, 13, 14, 21, 22, 25, 26 and  
20 27 consistent with the Florida Supreme Court opinion in  
21 League of Women Voters of Florida et al. versus Detzner  
22 et al., SC14-1905 Florida, July 9, 2015, and to make  
23 conforming changes to districts that are a direct  
24 result of the changes to the referenced congressional  
25 districts.

1           Amendment to reenact the congressional districts  
2           adopted by the Legislature in 2012, asserts the  
3           Legislature's constitutional authority to establish  
4           congressional districts and asserts that the  
5           Legislature is authorized to deny the request of the  
6           Florida Supreme Court to redraw the 2012 congressional  
7           maps.

8           Because the amendment doesn't amend the specified  
9           congressional districts consistent with the most recent  
10          order of the Florida Supreme Court it is outside the  
11          purview of the call. The point of order is well taken  
12          and the amendment is out of order.

13          At this time we will go to the first amendment.

14          REPRESENTATIVE HILL: Mr. Chairman, may I make a  
15          statement, please?

16          VICE CHAIR McBURNEY: No, Representative, the  
17          point of order is not debatable and we are going to go  
18          on to the first amendment.

19          REPRESENTATIVE WATSON: Thank you, Mr. Chair.

20          VICE CHAIR McBURNEY: Representative Kerner, you  
21          are recognized to explain your amendment.

22          REPRESENTATIVE KERNER: Thank you, Mr. Chair,  
23          thank you members of the committee. I appreciate this  
24          opportunity to be before you today. We have a very --  
25          well, you have a very difficult task ahead of you.

1 Obviously there has been some discussion about the  
2 Florida Supreme Court opinion and some of the mandates  
3 that have filtered down through that opinion. My  
4 amendment and regardless of our personal feelings on  
5 the Supreme Court's opinion and in recognition of the  
6 separation of powers we have to redraw those specified  
7 districts.

8 And I will start by noting that several of the  
9 districts that were invalidated were invalidated  
10 because of Tier 1, Tier 2 concerns. I know that you  
11 probably heard a lot about those two analyses, but my  
12 amendment specifically and only amends or rearranges  
13 the configuration of two districts, and that is  
14 Congressional Districts 21 and 22. So 25 out of the 27  
15 congressional districts from the base map remain  
16 consistent only two co-located in Palm Beach and  
17 Broward Counties are amended by my amendment.

18 Essentially my amendment reverts the configuration  
19 of those two districts from a horizontal configuration  
20 to the original vertical configuration. It takes up  
21 exactly the same amount of area, the exact same amount  
22 of people live in those districts, there are no changes  
23 to those metrics. It simply reorganizes them into a  
24 vertical fashion which is how they existed in the 2012  
25 maps. That essentially, members of the committee, is

1 the amendment.

2 VICE CHAIR McBURNEY: At this time we will  
3 recognize staff and legal counsel for any technical  
4 analysis. Mr. Meros, you are recognized.

5 MR. MEROS: Thank you, Mr. Chair, members of the  
6 committee. We have looked at this amendment as it  
7 relates to the Supreme Court decision and the  
8 instructions of the Supreme Court. And first of all,  
9 the Supreme Court did say that the Legislature was  
10 not -- that the Supreme Court was not dictating the  
11 exact configuration of these two districts.

12 However, it did say that the boundary between  
13 Districts 21 and 22 needed to be changed and  
14 specifically said that Tier 2 compliance could be  
15 improved. And as we look at this amendment it -- it  
16 reinstates the very same boundary between Districts 21  
17 and 22 that prompted the court to say that the  
18 Legislature must redraw the map.

19 So unfortunately I believe it is contrary to the  
20 expressed direction of the Florida Supreme Court. And  
21 in looking at the comparative Reock and Convex Hull  
22 scores in Districts 21 and 22, this amendment reduces  
23 the compactness of Districts 21 and 22 by all  
24 measurements as compared to the base map. So it is my  
25 opinion that this does not comply with the Supreme

1 Court direction.

2 VICE CHAIR McBURNEY: Thank you, Mr. Meros. And  
3 at this time we will take -- I recognize Mr. Poreda for  
4 his technical analysis.

5 MR. POREDA: Thank you, Mr. Chairman. Mr. Meros  
6 just mentioned the compactness scores, both the Reock  
7 and Convex Hull scores for the amendment are lower than  
8 that in the base map. In the base map the Reock score  
9 for District 21 is a .37 and for District 22 it is a  
10 .38.

11 In the amendment the Reock score for District 21  
12 is a .28 and the Reock score of 22 is a .18. For  
13 Convex Hull in the base map the Convex Hull scores of  
14 21 is .64 and for 22 is .67. The Convex Hull scores  
15 for the enacted or the amendment is .60 and a .57.  
16 Additionally the base map keeps the entire district of  
17 21 within Palm Beach County. That is it. Thank you,  
18 Mr. Chairman.

19 VICE CHAIR McBURNEY: Thank you, Mr. Poreda.  
20 Representative Kerner, I was remiss before you got up  
21 to give you the same language and the procedure for  
22 Special Session 2015 on Congressional Reapportionment.

23 To the extent that you did not do so in your  
24 explanation you can do so now and then I will recognize  
25 questions from the members that you should explain in

1 committee the identity of each person involved in the  
2 drawing, reviewing, directing or approving the  
3 proposal. The criteria used by the map drawers and the  
4 sources of any data used in the creation of the map  
5 other than the data contained in My District Builder.

6 You should also provide a nonpartisan  
7 incumbent-neutral justification for the proposed  
8 configuration of each district to explain in detail the  
9 results of any functional analysis performed to ensure  
10 that the ability of minorities to elect the candidates  
11 of their choice is not diminished, and to explain how  
12 the proposal satisfies all the constitutional and  
13 statutory criteria applicable to a congressional  
14 redistricting plan. Representative Kerner, you are  
15 recognized.

16 REPRESENTATIVE KERNER: Thank you, Mr. Chair. I  
17 have consulted with four people as it relates  
18 specifically to the drawing of this map. Those people  
19 are Jeff Tackacs, Jason Poreda, David Chang,  
20 legislative assistant and former Congressman Ron Klein.

21 I am going to try to remember each issue that you  
22 wanted me to go over. I don't have my sheet with me,  
23 but I know that one of the issues is why is this map,  
24 this amendment constitutional, how does it comply with  
25 Tier 1 and Tier 2 and all those compactness scores.



1           As we sit here today the operative map, the 2012  
2 map, and in fact the amendment that I am offering are  
3 very, very similar. And so the Supreme Court has  
4 already evaluated and vetted the metrics, the Tier 1  
5 and Tier 2 concerns that are required by amendments  
6 that are explained to you.

7           The analysis of this district or these two  
8 districts are in the opinion and the Supreme Court did  
9 not declare these -- these districts and the  
10 configuration of these two districts to be  
11 unconstitutional based upon Tier 1 or Tier 2 concerns.  
12 The reason that we have been tasked with redrawing 21  
13 and 22, is only because the unlawful and partisan taint  
14 of the process that occurred in redistricting, the only  
15 reason that we are having to redraw these two districts  
16 is because of the imputation of the partisan intent.

17           The Supreme Court specifically said, yes, and  
18 outside counsel mentioned this. There could be greater  
19 compactness in 21 and 22 if it were arranged  
20 horizontal, but they didn't say that it has to be more  
21 compact. The Supreme Court did not invalidate these  
22 districts based upon Tier 1 or Tier 2 concerns or  
23 metrics.

24           So we know that as they exist right now, but for  
25 that partisan intent that has been imputed to each and

1 every challenged district, these districts would have  
2 passed the constitutional muster. So we know as we sit  
3 here, yes, anything could be more compact, but it is  
4 compliant with Amendment 6 as we sit here today.

5 Could it be more compact? Maybe. Could it have  
6 been arranged differently, maybe, but the only reason  
7 that the Supreme Court invalidated it was because of  
8 the partisan intent that was found in the process.

9 Turning to the next point, the Supreme Court  
10 didn't say that it is unconstitutional. It said that  
11 the Legislature, our body failed to substantiate why we  
12 chose the vertical district configuration, and part of  
13 that process, part of that democratic process is being  
14 here today to substantiate to this committee why we  
15 would prefer and why we would choose a vertical  
16 configuration.

17 Have all e-mails and documents related to the  
18 drawing of the Bill been submitted to House General  
19 Counsel? Yes, that was my direction to my staff and I  
20 ensured that that occurred. Was the Bill or amendment  
21 created using My District Builder? I didn't design the  
22 district. This is the original district from the 2012  
23 maps. So my assumption is, and that was my instruction  
24 to staff who actually submitted the amendment on my  
25 behalf is to mirror the original 2012 configuration of

1 CD 21 and 22.

2 I have covered the identity of those that I have  
3 discussed the amendment with. I don't know what the  
4 criteria was that was used by the map drawers, except  
5 for my input that it should mirror CD 21 and 22 in the  
6 2012 map, except for the Hendry County part needed to  
7 be out of the district, which it is.

8 The nonpartisan and incumbent-neutral  
9 justification for the proposed configuration of each  
10 district. I don't know how the districts perform, I  
11 don't want to know, I haven't researched it. I know  
12 nothing of the metrics on the districts, except that it  
13 is in Palm Beach and Broward County. I don't care and  
14 I don't want to know what the performance of the  
15 districts are on a partisan basis. I don't know how it  
16 performs.

17 The incumbent-neutral justification for the  
18 districts is, A, both districts are compliant with Tier  
19 1 and Tier 2 concerns, Amendment 6 in our constitution  
20 overall. We know that from reading the Supreme Court  
21 opinion. There was nothing explicit that the Supreme  
22 Court said was unconstitutional about this  
23 configuration.

24 I haven't spoken with any member of Congress about  
25 these amendments. I haven't spoken really with anyone,

1 at least substantially aside from those members or  
2 those people that I have listed previously. It is hard  
3 to disapprove or prove a negative, but I can assure you  
4 that without speaking to members of Congress, without  
5 having that partisan influence, without knowing how the  
6 district performs on a partisan basis, and in fact,  
7 adopting the configuration that was submitted by staff  
8 in the Florida Legislature previously, I have had very  
9 little role in designing these districts.

10 And in that I would suggest and submit to you that  
11 there is an incumbent-neutral and partisan-neutral  
12 configuration of the districts. What were the results  
13 of any functional analysis? I don't know. It is not  
14 relevant. It can't be relevant under Amendment 6  
15 analysis at least from a partisan perspective.

16 How the proposal satisfies all the constitution  
17 and statutory criteria applicable to the congressional  
18 redistricting plan, I went over that, but very briefly.  
19 The Supreme Court has vetted this configuration. They  
20 have not said that it is unconstitutional, but for the  
21 partisan taint that occurred in the 2010 redistricting  
22 process.

23 And that would conclude this portion of the  
24 presentation, Mr. Chair.

25 VICE CHAIR McBURNEY: Are there questions of the

1 amendment sponsor? Questions of the amendment sponsor?  
2 All right. Seeing none, we do not have any cards on  
3 the amendment.

4 Is there any public testimony on just this  
5 amendment? All right, seeing none, is there any  
6 debate? Oh, I didn't see you. Come on up. Sir, would  
7 you state your name?

8 MR. ABRAMS: Thank you, Mr. Chairman, committee  
9 members. Steven Abrams.

10 VICE CHAIR McBURNEY: Mr. Abrams, we will need you  
11 to fill out --

12 MR. ABRAMS: I did.

13 VICE CHAIR McBURNEY: -- a card.

14 MR. ABRAMS: I did. They should have it.

15 VICE CHAIR McBURNEY: Okay. Let's do this. Out  
16 of courtesy, let's back up just a moment. There is a  
17 question of the Bill sponsor. So we will do that.

18 Representative Watson, you are recognized for a  
19 question.

20 REPRESENTATIVE WATSON: Thank you, Mr. Chair. The  
21 question is directed to you, not to the Bill sponsor.  
22 Will we have an opportunity to have a question period  
23 of all of these maps at some point? I have withheld a  
24 little bit of my questions so that at the end at some  
25 point I can kind of do a comparison between one and two

1 and three maps, the base maps and the two amendments,  
2 because they are really to me almost needed to be  
3 joined together.

4 VICE CHAIR McBURNEY: We gave an opportunity for  
5 questions of the main Bill. We are now on questions of  
6 the amendment. If you want to ask questions of the  
7 amendment, vis-a-vis, the main Bill, you are welcome to  
8 do so and how it compares and that type of thing.

9 REPRESENTATIVE WATSON: Okay.

10 VICE CHAIR McBURNEY: And I think that is what you  
11 are getting at.

12 REPRESENTATIVE WATSON: Yes, that is what I  
13 saying. Yes, I want to do a comparison, because in a  
14 sense to kind of just decipher each one by one may not  
15 give us a full picture, if we can put them all in one  
16 basket we can do a side by side comparison.

17 VICE CHAIR McBURNEY: Representative Watson, this  
18 is your opportunity to ask questions. Okay. Do you  
19 have a question?

20 REPRESENTATIVE WATSON: Well, I kind of have a  
21 question in reference to the strange configuration on  
22 the base map.

23 VICE CHAIR McBURNEY: Representative Watson, you  
24 are recognized for a question.

25 REPRESENTATIVE WATSON: Thank you. There are some

1 strange anomalies on the base map, and when I look at  
2 them there is a section in District Number 2 where  
3 there were eight trailer houses included into District  
4 2, and I would like to know why that is, it could have  
5 been configured a little bit differently.

6 VICE CHAIR McBURNEY: Representative Watson, who  
7 is your question directed to? Is it directed to the  
8 amendment sponsor?

9 REPRESENTATIVE WATSON: No, that is not what I  
10 said to you. I need to ask questions in regard to all  
11 three maps. There is some anomalies occurring in all  
12 three maps.

13 VICE CHAIR McBURNEY: Okay.

14 REPRESENTATIVE WATSON: Okay, the base map and  
15 there is some questions that I need to ask as it  
16 relates to the various amendments, okay. So I did not  
17 want to separate them because they kind of flow  
18 together if you will.

19 VICE CHAIR McBURNEY: Representative, somebody has  
20 got to answer the question. Who would you like to have  
21 answer your question?

22 REPRESENTATIVE WATSON: I would like to have staff  
23 answer it.

24 VICE CHAIR McBURNEY: Staff?

25 REPRESENTATIVE WATSON: Uh-huh.

1           VICE CHAIR McBURNEY: Mr. Poreda, you are  
2 recognized to answer the question.

3           MR. POREDA: Representative, can you be more  
4 specific about where you are referring to?

5           REPRESENTATIVE WATSON: Okay, we are talking in  
6 reference --

7           VICE CHAIR McBURNEY: Representative Watson, you  
8 are recognized.

9           REPRESENTATIVE WATSON: Thank you, Mr. Chair, I am  
10 sorry. We are looking at District Number 2. There is  
11 an anomaly on the northeast part of that district.

12          VICE CHAIR McBURNEY: Mr. Poreda, you are  
13 recognized.

14          MR. POREDA: If you are referring to the portion  
15 of the district that goes into Marion County there at  
16 the end of the district, District 2 like all  
17 congressional districts need to attain equal population  
18 in that they all have to be 696,000, 696,344 or 45  
19 people.

20                So it is always necessary in a congressional map  
21 to equalize that population and some of those anomalies  
22 that you might be referring to could be those. It also  
23 could be that we were following the municipal  
24 boundaries which are sometimes very erratic and we  
25 followed those boundaries as closely as we could.



1 REPRESENTATIVE WATSON: Mr. Chair.

2 VICE CHAIR McBURNEY: You are recognized,  
3 representative.

4 REPRESENTATIVE WATSON: Thank you very much. The  
5 anomaly that I make reference to, sir, happens to be  
6 near the Osceola area. It is not in my opinion -- you  
7 are utilizing natural divisions of roads or counties or  
8 cities. It seems to go into a community and pick up  
9 eight trailer homes and whereby it just has somewhat  
10 appendage or a finger pointing into that area where it  
11 could have been consolidated and been part of an  
12 overall process.

13 VICE CHAIR McBURNEY: Mr. Poreda, you are  
14 recognized.

15 MR. POREDA: Representative, that is sort of what  
16 I was referring to really earlier with equal  
17 population. Sometimes when we get down to the end we  
18 have to deviate from main roads and other features like  
19 that so we can pick up as little as one voter  
20 sometimes. Not voter, one person sometimes or 10  
21 people sometimes depending on what the number is.

22 We have to attain such equality in the numbers.

23 We are sometimes forced to do some of those things.

24 And I will be happy to look over the area that you are  
25 referring to in more detail with you after the

1 committee meeting and we can go over that in great  
2 amount of detail. I can show you in My District  
3 Builder precisely which boundary lines we followed. It  
4 might be difficult sometimes to see it in a PDF. So if  
5 you would like to do that staff would be more than  
6 willing to do that afterwards.

7 REPRESENTATIVE WATSON: Thank you, Mr. Chair.  
8 Would you please allow me to ask another question?

9 VICE CHAIR McBURNEY: Representative Watson for a  
10 follow up.

11 REPRESENTATIVE WATSON: Thank you. When we look  
12 at District 17 and 16, we are going to utilize and you  
13 have utilized in this drawing of the map, 441 is to be  
14 your dividing line. There is again a sort of finger  
15 pointing through to District 17 from 16, which picks up  
16 a church and three houses.

17 Can you tell me why that getting into another  
18 district was necessary? It really says to me there is  
19 a church that is not voting, why is it captured? There  
20 is only three homes. It just doesn't make sense to me  
21 that only three homes were captured and included into  
22 District 16.

23 VICE CHAIR McBURNEY: Mr. Poreda, you are  
24 recognized.

25 MR. POREDA: Representative, I can tell you, that

1 boundary I remember specifically, and that is to attain  
2 equal population. You say you don't understand why  
3 three homes. I can show you the census blocks and the  
4 exact population breakdown, but those kind of  
5 deviations are necessary to achieve exact population,  
6 and that would be one of those examples.

7 REPRESENTATIVE WATSON: And one more, Mr. Chair.

8 VICE CHAIR McBURNEY: I will allow one more.

9 REPRESENTATIVE WATSON: Thank you. We also have  
10 another anomaly occurring when we look at District 9  
11 and we are looking at, it is abutting to district, I  
12 believe it is 8. But it again presents -- it does not  
13 make sense, it is not following the East West  
14 Expressway where it could have captured a community,  
15 kept it whole.

16 And sometimes I think we have a neighbor on one  
17 side of the street in one district and a neighbor in  
18 another district. If we had utilized the natural  
19 boundaries which would have been four, State Road 436  
20 versus the East West Expressway, I think it would have  
21 given some real sense of community awareness to people  
22 in feeling, in electing a person of their choice would  
23 be that of a community issue.

24 VICE CHAIR McBURNEY: Mr. Poreda, you are  
25 recognized.

1           MR. POREDA: Thank you, Mr. Chairman. That again  
2 with District 8 we needed to -- with District 9 we  
3 needed to achieve equal population and those sort of  
4 deviations are unfortunately necessary.

5           Another issue that specifically addresses this  
6 area and addresses several other areas of the state, we  
7 detail a slide of what the census blocks actually look  
8 like. Sometimes, and we are bound by those census  
9 geographies and regrettably there are areas of the  
10 state where the census geographies are not as easy to  
11 work with because the population is rather sparse. And  
12 in those cases we are forced to pick up census blocks,  
13 to pick up very small amounts of people and they are  
14 very irregular in shape.

15           And occasionally depending on where we are in the  
16 state when we need to equalize population, those sorts  
17 of deviations are necessary. We tried to stay on major  
18 roads and other political and geographical boundaries  
19 as much as we were able. We took great care in  
20 following as many main roads as we could along the  
21 border, but because of the strict adherence to one man,  
22 one vote that is applied to congressional districts,  
23 whereas in the legislative district we are allowed the  
24 flexibility, the U.S. Supreme Court allows the  
25 flexibility for legislative districts where we are able

1 to have a more, a greater deviation so we are able to  
2 stay on main roads more.

3 Unfortunately with congressional districts because  
4 of that Federal mandate we have to achieve equal  
5 population. So all of these deviations that you are  
6 referring to all seem to be related to that. And I  
7 would be happy to go over each one of them with you in  
8 a great amount of detail.

9 We can zoom in with My District Builder and we can  
10 show you specifically what those populations are that  
11 we picked up and I can explain why. We would be happy  
12 to do that for you if that is what you want.

13 REPRESENTATIVE WATSON: Thank you, Mr. Chairman.  
14 I would appreciate that opportunity to satisfy the fact  
15 that we have done the best we can to make these compact  
16 and make it make sense to the community at large why  
17 people in the middle of a community, eight trailer  
18 homes are included into a separate district, not to the  
19 north or the south, but in the middle of the trailer  
20 home. To me it makes those individuals feel isolated  
21 or it makes them feel special.

22 VICE CHAIR McBURNEY: Are there any additional  
23 questions on the amendment? We are on the amendment.  
24 Are there any additional questions on the amendment?

25 All right, seeing no questions on the amendment,

1 we will now go back to public testimony. And  
2 Mr. Steven Abrams, and this is testimony on the  
3 amendment. Mr. Abrams, you are recognized.

4 MR. ABRAMS: Thank you. This is Steven Abrams,  
5 Palm Beach County Commissioner. I appreciate the  
6 committee's indulgence. I was supposed to be here with  
7 a bipartisan delegation from Palm Beach and Broward  
8 Counties. Unfortunately my understanding is that some  
9 of them are on the tarmac in Palm Beach. You know,  
10 they rented or they were able to, it being Palm Beach,  
11 have a private plane at their disposal. I took Silver  
12 Airways, I am here, they are stuck, go figure.

13 But anyway. And also I kind of relish the fact if  
14 you know the politics of the area, one of the very few  
15 Republican elected officials, that I get to speak for  
16 all of my Democratic colleagues, because really we are  
17 in agreement on a bipartisan basis with respect to the  
18 concerns we have with the base map that are now being  
19 addressed by Representative Kerner's amendment.

20 The first is that needless to say our position in  
21 Palm Beach County is that we want as many Palm Beach  
22 County based congressional districts as position. We  
23 are the third largest county in the state of Florida  
24 and we are now under the base map reduced to one,  
25 whereas what is created in Broward County to our south,

1 they now will have three Broward County based seats.  
2 So that is a disparity that we would hope to address.

3 The second concern relates to those north/south  
4 districts. We are in full support of the amendment  
5 that will reconfigure the stacked districts in the  
6 north/south districts. The history, the development  
7 patterns of our area down there in Palm Beach and  
8 Broward Counties is as a coastal region with coastal  
9 communities that then many years later in the '70s and  
10 '80s, marched westward with westward sprawl. So all  
11 of the geographical features run north/south, the  
12 infrastructure runs north/south.

13 So for example I-95, Tri Rail which is a  
14 transportation backbones of our area, are north/south,  
15 the intercoastal waterway, the beaches, the urban areas  
16 all run north/south. So this amendment would much  
17 better serve the residents of our two counties as it  
18 has in the past. We have had a good tradition of both  
19 Republican and Democratic members of Congress who have  
20 well represented Broward and Palm Beach Counties.

21 And then my final issue is a smaller issue  
22 relating to the City of Boca Raton. It is the largest  
23 city in my County Commission district. I also happen  
24 to be a former Mayor of Boca Raton, and for some reason  
25 on the base map it appears as this sort of odd

1           appendage to a Broward County district.

2           I don't think that the residents of Boca Raton are  
3 well served. As the second largest city in Palm Beach  
4 County, being attached to a Broward County district, I  
5 think we have a letter in the record from the current  
6 Mayor and City Council of Boca Raton also addressing  
7 that. I think the reality of the situation would be  
8 that Boca Raton would be an afterthought of a Broward  
9 based district by a Broward, a member of Congress or  
10 probably the reality would be that it would be  
11 represented as a courtsey by a Palm Beach County  
12 member of Congress who would be representing the rest  
13 of Palm Beach County in its entirety.

14           In Boca Raton I am sure they don't want courtesy  
15 representation, they want congressional representation  
16 and that would be corrected under the current  
17 amendment.

18           I think just in closing that as Representative  
19 Kerner mentioned and the court decision itself states,  
20 you have the most flexibility in revising the map when  
21 it comes to Districts 21 and 22. So I would urge the  
22 committee to consider those factors in their  
23 deliberations.

24           Thank you, Mr. Chairman. And I am glad to answer  
25 any questions.



1           VICE CHAIR McBURNEY: Is there any additional  
2 public testimony?

3           Seeing none, we will go -- yes, come on up. I did  
4 not see you. Would you please state your name? And  
5 also we will need an appearance card.

6           MR. MARTELL: Good morning. Yes, there is an  
7 appearance card, I apologize. My name is Daniel  
8 Martell. I am the President of the Economic Council of  
9 Palm Beach County.

10           I echo many of the same issues that Commissioner  
11 Abrams has brought to your attention today. Also, on  
12 behalf of Mayor Coniglio, Mayor of Town of Palm Beach,  
13 and also former Congressman Ron Klein, who Mayor  
14 Abrams -- or Commissioner Abrams had mentioned, are  
15 stuck in Palm Beach County, but like they -- they also  
16 follow our same line of logic as it relates to  
17 Districts 21, 22.

18           The Economic council is a private business  
19 advocacy group representing the top business leaders in  
20 Palm Beach County, and today we very much support the  
21 -- Representative Kerner's amendment. We respectfully  
22 disagree with the current base maps as it relates to  
23 Districts 21 and 22.

24           We also wrote a letter to the Legislature  
25 outlining our concerns, but very briefly tell you what

1 we included in those -- in that letter. We provided  
2 justification to -- for keeping these two districts  
3 intact primarily because of the fact that our coastal  
4 areas of Palm Beach County really have not much in  
5 common with our western areas of the county.

6 What happens along the coast and along our urban  
7 core is not exactly what occurs in the western or along  
8 the turnpike. Also, the coastal area has to deal with  
9 beach re-nourishment, major infrastructures such as  
10 ports, rail, major highway, property insurance issues,  
11 flooding, salt water intrusion, all issues that our  
12 western communities do not necessarily face.

13 These issues also affect our industries of most  
14 importance, which are tourism, marine, logistics and  
15 many more. All these issues reside within District 22.  
16 One voice for our coastal issues has been very helpful  
17 for 30 years for business growth and consistency and  
18 for our citizens in Palm Beach County. And for these  
19 reasons and more, we would appreciate your  
20 consideration and we urge you to accept this amendment.  
21 Thank you.

22 VICE CHAIR McBURNEY: All right. Thank you, sir.  
23 We do have another appearance card on the amendment.  
24 Gail Coniglio, Mayor, Town of Palm Beach. Okay, not  
25 here.

1           Is there any other public testimony on the  
2 amendment? Would you state your name and have you  
3 done -- I guess we just got an appearance card.

4           MR. RYAN: Good morning, Chairman.

5           VICE CHAIR McBURNEY: You are recognized.

6           MR. RYAN: Thank you, Mr. Chairman. My name is  
7 Tim Ryan, I am the Mayor of Broward County.

8           I don't know if I am speaking to the correct  
9 issue. My testimony was anticipated to be with respect  
10 to the entire Redistricting Bill and the map, and you  
11 are now considering the amendment.

12           So, Mr. Chairman, I don't know if it is in order  
13 for me to currently speak or whether you want me to  
14 speak on the main Bill.

15           VICE CHAIR McBURNEY: At this time, you will just  
16 confine your remarks to the amendment.

17           MR. RYAN: All right. Regrettably, I am not  
18 familiar with the amendment. So I think I'd best  
19 reserve my comments because I wish to speak to -- to  
20 the present configuration of Congressional District 21  
21 and 22 and the proposed changes that we would speak --  
22 we would be in opposition to. That is the amendment?  
23 Okay. Well, let's give it a shot.

24           All right. Thank you for having me here this  
25 morning. In addition to being the Mayor of Broward

1 County, I am also a Broward County Commissioner. I  
2 have for eight years served in the House. I was born  
3 in Ft. Lauderdale, I am a life-long resident of Broward  
4 County. So, hopefully, I speak with some personal  
5 knowledge with respect to District 22 and 21.

6 The Florida Supreme Court, in its opinion, that  
7 173-page opinion that kept me up a little bit late last  
8 night, had reference on pages 97 to 100 with respect to  
9 Congressional Districts 21 and 22, and I am going to  
10 limit my remarks to those two districts.

11 The court did not declare that those districts  
12 were unconstitutional, but rather said that the  
13 Legislature needed to be able to justify why they were  
14 drawn in a vertical configuration as opposed to  
15 horizontal. Now, for me, I would rather be seen  
16 vertical than horizontal just about any day. And I  
17 won't try another joke.

18 And -- but what -- what the court does talk about,  
19 and especially spoke about in its 2012 opinion, was  
20 with respect to political and natural boundaries. That  
21 is a key point here because the political and natural  
22 boundaries are defined in part as rivers, railroads and  
23 roadways, and that's really what we are looking at with  
24 the coastal district of 22 and the inland district of  
25 21, and they are separated.

1           The most obvious natural boundary is the ocean.  
2           The other natural boundary is the intercoastal  
3           roadway -- intercoastal waterway. You also have the  
4           natural boundary of the railroad, which came down 120  
5           years ago, and it really did foster all of the  
6           development in south Florida. And I know I am going to  
7           ancient history, but at the same time, that is very  
8           important.

9           What we see in the needs of the residents in south  
10          Florida, and south Florida should not be considered by  
11          Broward County, Miami-Dade County and Palm Beach  
12          County. If you speak to anybody outside of the state  
13          of Florida, whether it is internationally or  
14          nationally, when you talk about economic development,  
15          what they want to know about is tell me about Miami,  
16          Ft. Lauderdale and Palm Beach. It is one community.  
17          And it also is considered that way at the Federal  
18          level. Since we are talking about congressional  
19          districts, that is an important point to keep in mind.

20          So if you will consider as a justification those  
21          natural boundaries and remember that the vertical --  
22          you have two choices. You have the vertical district  
23          and the horizontal district, and if you will  
24          consider -- I mean, a lot of people get up there and  
25          they talk about beach re-nourishment, they talk about

1 coastal protection. But it is much more than that. It  
2 is about the entire economic development.

3 It is all of the issues of density that we deal  
4 with in Broward County, and the residents and the  
5 vitality of our region, and what allows us to bring  
6 forward the amount of sales tax that we are able to  
7 generate out of south Florida is important because of  
8 our partners at the Federal level.

9 So what you will do for us in preserving this  
10 district in its vertical configuration will assist us  
11 in working with our Federal partners as they deal with  
12 agencies to ensure that we get our fair share out of  
13 Washington, D.C., that it comes through Tallahassee and  
14 it gets down to south Florida to meet the needs of our  
15 residents and to give us the opportunity to grow our  
16 economy.

17 So I thank you so much. I think I ran over my  
18 time. Am I still good?

19 VICE CHAIR McBURNEY: You're good.

20 MR. RYAN: You got anything else you want me to  
21 add?

22 UNIDENTIFIED SPEAKER: No, sir.

23 MR. RYAN: Okay. All right. Well, members, I  
24 thank you so much, and I know that you have difficult  
25 deliberations because in reading that opinion, you have

1 some districts that do need some change and that you've  
2 got quite a task before you. So you don't need to make  
3 your job more difficult with respect to District 21 and  
4 22.

5 They basically are justified as they are based  
6 upon the natural boundaries and based upon the  
7 issues, the commonality of issues that we see in the  
8 coastal district of 22, which is so much different than  
9 the bedroom communities that you have in District 21.

10 So, thank you, Mr. Chairman and members, so much  
11 for allowing me to speak.

12 VICE CHAIR McBURNEY: Thank you, Mayor.

13 Is there any other public testimony solely on the  
14 amendment?

15 All right. Seeing none, we are in debate. Is  
16 there any debate on the amendment? Representative  
17 Slosberg, you are recognized in debate.

18 REPRESENTATIVE SLOSBERG: Thank you, Mr. Chair.

19 UNIDENTIFIED SPEAKER: Point of order?

20 REPRESENTATIVE KERNER: Point of order. Do I get  
21 an opportunity to close on the amendment?

22 VICE CHAIR McBURNEY: Yes, after debate, you will  
23 have an opportunity to close.

24 Representative Slosberg, you are recognized in  
25 debate.

1           REPRESENTATIVE SLOSBERG: Thank you, Mr. Chairman.

2           I am for this amendment. And the reason I am for  
3 this amendment -- there's a couple of reasons I am for  
4 this amendment.

5           Number one, this is supposed to be a map of the  
6 people, and what really happened in this process is we  
7 as a Legislature did not take the time to go around and  
8 have public testimony on the new map that the  
9 Legislature is crafting. And, you know, I really don't  
10 understand, you know, someone could say, hey, we were  
11 rushed by the Supreme Court. On the other hand, if we  
12 would have taken a couple of weeks and asked for an  
13 extension by the Supreme Court or moved our timetables  
14 in a little closer, we could have gotten a lot of  
15 testimony from all of the districts throughout the  
16 state. I think that it is paramount that we should  
17 have gone out with public testimony to let the people  
18 craft this map. I mean, that is why the Supreme Court  
19 threw it out in the first place is because of the fact  
20 that the Legislature, we didn't do it right.

21           However, at least in -- at least when we tried to  
22 do it right, we went out around the districts and we  
23 found out public testimony. So what we have in front  
24 of us today is basically Representative Kerner  
25 presenting an amendment. And it is not like we have



1 basically a lot of Democrats or all Democrats on one  
2 side, all Republicans on another side.

3 I heard from the Commissioner over in Palm Beach  
4 County, Commissioner Abrams, and we heard the -- who is  
5 a Republican, and we heard from the Mayor over in  
6 Broward County, and we heard examples about how the  
7 City of Boca Raton, and I assume that the City of Boca  
8 Raton's Mayor is for this, I am not positive  
9 though, she is for this amendment. So I think we have  
10 a lot of people who are for this amendment, and if we  
11 would have gone out and we would have had public  
12 testimony, which I do think we should have done, I  
13 think the map would have been drawn a little  
14 differently.

15 And for these reasons, I think that we should  
16 adopt Representative Kerner's amendment.

17 VICE CHAIR McBURNEY: Representative Santiago, you  
18 are recognized in debate.

19 REPRESENTATIVE SANTIAGO: Thank you, Mr. Chairman.  
20 Members, I am against this amendment, and mainly  
21 for the reasons that I have not heard any compelling  
22 evidence or testimony to show why we should change it.  
23 The arguments that were presented today were merely  
24 regarding differences in communities on one side of a  
25 railroad versus another side of the railroad, and it is

1 just pertaining to that, which is not really in  
2 consideration for us.

3 And we have to go back and focus on we are doing  
4 congressional maps for members of Congress. And the  
5 argument that -- that I think was portrayed that a  
6 member of Congress or a candidate for Congress can't  
7 represent interests of more than one community, then I  
8 would say we need to find better candidates. And maybe  
9 that is part of the vetting process of a person that is  
10 running for Congress and the questions that you would  
11 ask of these particular candidates is here are the  
12 interests of this particular district, how do you feel  
13 that you best can represent them.

14 So I think what staff has done with the map is  
15 they have improved the compactness and the clear  
16 direction that we are supposed to follow to create  
17 districts, not necessarily where power resides and how  
18 someone can vote for them in Congress.

19 So not enough compelling evidence to make the  
20 change. Staff has clearly stood out of the political  
21 process regarding partisanship. I don't even know the  
22 makeup of this particular district, and I don't want to  
23 know. But I think the clear message, whether you like  
24 it or not, when the congressional -- constitutional  
25 amendment was approved by our voting population, they

1 made it clear they wanted maps based on certain  
2 criteria, and I think staff has done that and nothing  
3 has shown for us to change it.

4 So at this point, I can't support it. Thank you,  
5 Mr. Chairman.

6 VICE CHAIR McBURNEY: Chair Oliva, you are  
7 recognized in debate.

8 CHAIR OLIVA: Thank you, Mr. Chairman.

9 Representative Kerner, of the many odd situations  
10 that I have been put into as a result of this court's  
11 findings, this is up there with them.

12 I support your amendment. I have proof of that.  
13 I voted for it last year when it looked that way. And  
14 to the concerns of Representative Slosberg, I also  
15 believe that public testimony is paramount. I also  
16 believe that it would yield a result that would be  
17 constitutional. In fact, so much so, that it did, it  
18 did yield that result.

19 Unfortunately, the court in its findings said that  
20 this -- these districts had to be redrawn, and the only  
21 specific direction that they gave was that they had to  
22 be more compact. And the only way to make those more  
23 compact and to stick to all of the other restrictions  
24 and constraints that are put within us was to draw them  
25 the way that they are in this base map.

1           I think that those districts were constitutional  
2           the way they were drawn, as you do. I think that they  
3           held those communities of interest together, as you do.  
4           And I will go further. Perhaps we can work together  
5           before this comes to the floor, but having seen your  
6           amendment with the short period of time that I had, and  
7           knowing what I know about the court ruling and knowing  
8           what I know about the numbers that are used in that  
9           ruling, I can tell you it will be very difficult to  
10          have a map that complies with the court and that  
11          resolves these issues. But I commit to working with  
12          you because I, like you, supported that configuration.

13                 So I thank you, but, unfortunately, I cannot  
14                 support it at this very moment in this committee.

15                 VICE CHAIR McBURNEY: Representative Moskowitz,  
16                 you are recognized in debate.

17                 REPRESENTATIVE MOSKOWITZ: Thank you, Mr. Chair.  
18                 You know, I mean, I just want to echo a couple of  
19                 things.

20                 First of all, obviously, I understand  
21                 Representative Slosberg's comments, you know. If you  
22                 do look at the map, obviously, you know, Palm Beach  
23                 right now, just by voting population, you know, has  
24                 representatives in 21, 22, and they have some influence  
25                 in 18, but really 21 and 22 are majority Palm Beach

1           representatives, and the map -- the new map does make  
2           that switch.

3                       Someone from Broward could argue that it makes  
4           that switch because Broward has 40 percent more  
5           population than Palm Beach and that's why it was drawn  
6           that way. But the truth of the matter is the arguments  
7           that were made about communities of interest or number  
8           of representatives are relevant, and the reason they  
9           are relevant is page 97 and 98 is pretty clear.

10                      And so, you know, the court specifically says that  
11           the maps could be drawn in a more constitutional way,  
12           and it doesn't say they may be redrawn. It says they  
13           must be redrawn. Now, it didn't say how. It didn't  
14           say that they must be stacked. They could have been  
15           vertical. But they had to be new lines.

16                      And so the reason why I agree with counsel's  
17           earlier answer is that the amendment being presented is  
18           the identical lines. So I agree with Chair Oliva's  
19           comments that between now and the floor, if there is  
20           another suggestion where there is a redrawing where the  
21           Supreme Court's clear direction of they need to be  
22           redrawn, they need to be redrawn in a more  
23           constitutional manner, they need to be drawn in a more  
24           compact manner, if those maps could be presented, then  
25           maybe we could be in compliance with what the Supreme

1 Court has suggested.

2 But it is clear from the reading of those two  
3 pages that the last line, which says, "The Legislature  
4 must be able to justify the redrawing of the  
5 configuration," we will not be able to justify because  
6 they are not redrawn. And so it fails that test,  
7 Mr. Chairman. Thank you.

8 VICE CHAIR McBURNEY: Any additional debate on the  
9 amendment?

10 All right. Seeing none, Representative Kerner,  
11 you are recognized to close on your amendment.

12 REPRESENTATIVE KERNER: Thank you, Mr. Chairman,  
13 and I will attempt to be brief, but there are a series  
14 of points that I feel compelled to cover in this  
15 closing. I held back because I was expecting a lot of  
16 difficult questions, and I would have slept better last  
17 night had I known that you weren't going to ask me any  
18 questions.

19 But with that said, let me start specifically with  
20 the Florida Supreme Court language, and I am going to  
21 read short portions of it just to frame the context  
22 here. The Supreme Court did not reject these districts  
23 in the proposed configuration because of Tier 1 or 2  
24 violations, but, quote, "Based upon the  
25 unconstitutional intent, the trial court should not

1 have deferred to the Legislature's enacted  
2 configuration of the districts, but should have  
3 insisted -- instead shifted the burden to the  
4 Legislature to justify its decision to draw the  
5 districts in this matter."

6 So they have shifted the burden to us. We are  
7 here today in probably the only public hearing that  
8 will occur where a vote will also occur before these  
9 maps are approved and made into law.

10 I have covered that the two district  
11 configurations, the proposed and the operative ones,  
12 are identical in area and population that they cover.  
13 The municipal boundaries, the splits in the municipal  
14 boundaries, which is a Tier 2 concern, are identical.  
15 In the amended version, in the version that I put  
16 forward, Military Trail and municipal lines only are  
17 used as a geographical dividing line between the two  
18 districts.

19 Anyone from south Florida knows that Military  
20 Trail is an important geographic area in Palm Beach  
21 County. I can't say for sure whether it is in Broward  
22 County. But it kind of separates the municipal,  
23 coastal regions from the more suburban, unincorporated  
24 areas of the region.

25 There are five cities by my count and staff's

1 count in District 21 in my amended map. So that's more  
2 of the unincorporated, more suburban, more  
3 agricultural-based districts versus in the amended map,  
4 in District 22, there are 11. So that's more of a  
5 municipal-based coastal region.

6 The Convex Hull scores for the overall maps, both  
7 between the amended version and the version on the base  
8 map, the overall state Convex Hull scores with my  
9 amendment is .76. As they exist right now in the base  
10 map, they are .76. They are the same. That is not  
11 specific to the districts, but that is the effect that  
12 it has on the entire state. To the extent that you  
13 think that is relevant or not is for you to decide.

14 The statewide Reock scores in the amended version  
15 are .42; in the base map, it is .43. Very minor  
16 changes felt throughout the state.

17 Going back to the opinion itself, page 97,  
18 specific to these districts, the court said, "Finally,  
19 the challengers individually attacked the validity of  
20 Districts 21 and 22, contending that these districts  
21 could have been drawn in a more constitutional  
22 compliant manner by stacking them on top of each other  
23 rather than having them run vertically."

24 Folks, there is not in the law something that is  
25 constitutional-ish. It is either constitutional or it



1 is not. And the Supreme Court has said it can be drawn  
2 in a more compact manner, but that it is not  
3 unconstitutional in its configuration as it exists  
4 right now.

5 Page 99: "Because the Legislature has not  
6 justified its enacted configuration of these districts,  
7 we conclude that the districts must be redrawn." A  
8 point that Representative Moskowitz, a good friend of  
9 mine, has made, I would submit to you that these  
10 districts have been redrawn. There is a base map that  
11 has been submitted. It will have been rejected as to  
12 these two districts based upon your vote today. There  
13 are minor differences in the lines themselves. The  
14 districts have been rejuggled.

15 We do not, however, instruct the Legislature must  
16 necessarily redraw the districts in a stacked,  
17 horizontal configuration. Indeed, the challengers, the  
18 very people that have attacked these two districts and  
19 the other ones who I commend their efforts, by the way.  
20 That is an important point of democracy and it is the  
21 essential theme of Amendments 5 and 6, and I commend  
22 the challengers for the work that they have done, but  
23 that is not an issue that I am here to discuss today.

24 The challengers have conceded that a vertical  
25 configuration, the one that I am suggesting, could

1 perhaps pass constitutional muster. That is from the  
2 challengers themselves. And even their alternative  
3 maps introduced at trial did, in fact, configure  
4 districts in a vertical manner. Accordingly, we leave  
5 it for the Legislature to determine how to redraw these  
6 two districts, with the understanding that the Tier 2  
7 compliance, the compactness, could be improved.

8 Courts are not in the business of adding language  
9 without giving that language effect. The court could  
10 have easily said must be improved, that the compactness  
11 score must be better. They said it could be, and that  
12 is a point that is well-taken. And in some respects,  
13 by my analysis, in this amended version, I think there  
14 are some Tier 2 improvements over the base map.

15 The legislature must be able to justify its  
16 redrawn configuration of these districts, and that's  
17 why we are here today. Folks, Amendment 5 and  
18 Amendment 6, specifically as it pertains to the  
19 congressional districts, are powerful amendments to our  
20 constitution, and they are one that I personally  
21 support. But we still have a role to play as  
22 lawmakers, as the redistricting committee, and I would  
23 point the committee's attention to page 105 of the  
24 opinion, and it is a very short piece, and I am almost  
25 done:

1           "The Legislature should provide a mechanism for  
2 the challengers and others to submit alternative maps  
3 and any testimony regarding those maps for  
4 consideration, and the Legislature should allow debate  
5 on the merits of the alternative maps. The Legislature  
6 should also offer an opportunity for citizens to review  
7 and offer feedback regarding any proposed legislative  
8 maps before they are finalized."

9           Going back to the point that the Supreme Court and  
10 lawmakers do not insert language when it is not meant  
11 to be given in effect, the Supreme Court would not have  
12 commanded us and mandated us to take citizen and  
13 representative testimony if you are not supposed to  
14 give effect to it.

15           So what we have here are two districts that can be  
16 shaped horizontally or vertically. The community -- I  
17 was supposed to have some more folks here, and I  
18 apologize. I drove up, by the way, I didn't take any  
19 private jets. But their voice would have been unified,  
20 not by partisan intent, but by regional concerns. We  
21 have seen Republicans and Democrats talk about that  
22 they support my amendment, and I don't want you to  
23 focus on the partisan/bipartisan nature of that. What  
24 I want you to focus on is we get one chance to amend  
25 these maps. We have communities coming out and saying,

1 we want our areas regardless of the partisan  
2 participation, to be shaped vertically because now that  
3 we have met the Tier 1 and Tier 2 concerns, we ought to  
4 have, and the Supreme Court has mandated, input from  
5 our constituencies. And that's why I am here today.

6 There needs to be attention between the mandates  
7 of Amendment 6 as a mandate and attention between what  
8 our communities want once those requirements have been  
9 met. And that is a delicate balance. I sense  
10 hesitation, you know, I sensed before I got here today  
11 that my amendment would probably fail. But there has  
12 to be room in this process for our constituents to have  
13 input and for you to make a policy decision once Tier 1  
14 and 2 are met, which way we go. And today, it's do we  
15 go horizontal or do we go vertical.

16 I would submit to you that we have met those  
17 requirements. The court did not strike down these  
18 districts based upon constitutional concerns, but  
19 rather, the partisan intent that was discovered through  
20 trial. And when those two items are met, when Tier 1  
21 and Tier 2 are met, we ought to err on the side of the  
22 input from our constituents. We ought to honor what  
23 our constituents want.

24 I am a representative from that area. I was born  
25 there, I was raised there, I will have a family there,

1 I work there, I represent the area, I was elected  
2 there, and I am coming to you to substantiate, do  
3 exactly what the Supreme Court asked us to do in  
4 configuring these districts vertically. And that was  
5 the only mandate that the Supreme Court gave us as it  
6 pertains to CD 21 and CD 22.

7 And I understand outside counsel's position. I am  
8 a lawyer myself, and I always err on the side of  
9 caution. That's what we get paid to do. But we have  
10 one opportunity, and it's probably today, to honor the  
11 intent and will of the region that I am from, and I  
12 would ask that you consider that before we timidly shy  
13 away from taking action because of what the Supreme  
14 Court has said we have done wrong. I am a big  
15 proponent of the separation of powers. I respect the  
16 Supreme Court and their authority. They have been very  
17 specific about why they have invalidated every other  
18 district except for these two. These two were  
19 invalidated because partisan intent.

20 I have come today to substantiate why they should  
21 be run in a vertical fashion, and I hope you will join  
22 me in passing this amendment, and if not, I appreciate  
23 the Chairman's comments about working together to maybe  
24 find a compromise. Thank you.

25 VICE CHAIR McBURNEY: The amendment sponsor having  
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1 closed on his amendment, we will proceed to a vote.

2 All those in favor of the amendment, signify by  
3 saying "aye."

4 (Chorus of ayes.)

5 VICE CHAIR McBURNEY: All those opposed, signify  
6 by saying "nay."

7 (Chorus of nays.)

8 VICE CHAIR McBURNEY: The amendment fails.

9 We are now back on the Bill. We will take public  
10 testimony on the Bill itself. First is Congresswoman  
11 Corrine Brown. She moved to the other body. Okay. We  
12 will put that aside for now.

13 Jon Ausman. Mr. Ausman, you are recognized.

14 MR. AUSMAN: The configuration we used was to be  
15 compliant with the Florida Supreme Court in a neutral  
16 fashion. Our primary goal is to create a district that  
17 Leon County and the City of Tallahassee was intact, and  
18 we were successful in eliminating splits in Lake City,  
19 Tallahassee and the -- Leon County.

20 Before you last Tuesday, a couple of days ago, I  
21 made a presentation to you all. You have all the  
22 evidence, the 10 pages of evidence that was read into  
23 the record. I apologize to you if I drone through it,  
24 but I wanted to get it into the record for your  
25 consideration. We have provided electronic copies of

1 all the exhibits that were used then and are being used  
2 today, and we also provided an electronic copy of the  
3 testimony we gave.

4 I am here today basically to rebut a few comments  
5 that were made after I sat down that were made by staff  
6 which were very concerning to me. I want to emphasize  
7 that the goal of this map is to make sure that the  
8 entire City of Tallahassee and Leon County is in the  
9 district. If the members of this body wish to create a  
10 district in another configuration, I would be happy to  
11 support that district. But whatever district you would  
12 create, if you have Leon County intact and the City of  
13 Tallahassee intact, 42 percent of the voters would be  
14 from the City of Tallahassee and Leon County. That is  
15 my primary goal, and the Constitution requires that  
16 where it is feasible to do so, that you respect  
17 political boundaries and you keep cities and counties  
18 intact.

19 To start my comments, I wish to talk about the  
20 illegal map which was presented to you in the form of  
21 Congressional District 5. Why do I say that that map  
22 is illegal? Because George Meros, your attorney for  
23 the House, described it as such in July of 2014. I  
24 concur with him, that the map presented by the League  
25 of Women Voters in common cause, and specifically the

1 map for Congressional District 5 is indeed illegal. He  
2 said it was illegal for a number of reasons.

3 One, it did not correct any of the vi- -- the two  
4 violations, specifically he said, found by Judge  
5 Terry Lewis. That is what your attorney said.

6 Now, I would note to you that the attorney then  
7 after describing the congressional district as illegal,  
8 then went and instructed, heavily advised your  
9 professional map-making staff not to change it an iota.  
10 There is not a hexagon difference between what -- the  
11 map he described as illegal presented by the League of  
12 Women Voters in Romo A and common cause and what they  
13 presented to you today. I am concerned about that.

14 I am also concerned by the fact that the  
15 map-making staff did not present any alternatives  
16 whatsoever to Congressional District 5 as they did for  
17 every other congressional district. Why did your  
18 attorney say the map was illegal, change 26 districts,  
19 but leave the one district he described as illegal in  
20 the map? Where are the other draft alternatives, sir?

21 Every other congressional district, you have had  
22 evidence presented. Look at draft 1, 2, 3. Let's look  
23 at draft A, B, C. Where is that analysis for  
24 Congressional District 5? It was not presented. Why  
25 not?



1           The Supreme Court stated on page 79 of their  
2           decision that Congressional District 5 must be redrawn  
3           in an east/west manner. They did not say you must  
4           adopt what the Plaintiffs put into their case. But  
5           here we are. We have a straight adoption of that  
6           particular map. I am very concerned about that  
7           particular situation. It is an illegal map. That's  
8           what your person said, not me, and it is in the  
9           July 2014, testimony or evidence or comments that your  
10          attorney made.

11           Mr. Meros on Tuesday stated that he directed,  
12          heavily advised the professional staff to use this map,  
13          to use the exact copy of the map, not to change it.  
14          Frankly, your map-maker should have ignored that  
15          advice. They should have provided other alternatives  
16          for Congressional District 5 and done all the analysis  
17          on compactness, black voting age population and other  
18          considerations as you have done in every other district  
19          in the state of Florida except for this particular  
20          district.

21           I appreciate Mr. Meros and I remember him from the  
22          year 2000, because as you may recall, we had the old  
23          Gore/Bush fight. And I remember Mr. Meros making a  
24          mistake back then, too. He argued vociferously against  
25          the opening of 12 ballots because Leon County won 60/40

1 for Gore. And he fought hard. In the canvassing board  
2 then consisting of Judge Timothy Harley, County  
3 Commissioner Bob Ratcliffe and Supervisor of Elections  
4 Ion Sancho overruled him, and so they opened the 12  
5 ballots. And what happened? Do you remember, George?  
6 Ten of them were for Bush and two of them for Gore.  
7 You made a mistake back there. You made an assumption  
8 back there. You made another mistake today, sir, when  
9 you advised the staff not to consider any other  
10 alternative.

11 The district I propose, this district, using the  
12 staff data, not my own data, has a 42 percent black  
13 voting age population. It has a strong history of  
14 electing Americans of African descent to public office.  
15 The United States Supreme Court, the U.S. Supreme  
16 Court, not the Florida Supreme Court, this year and how  
17 about the Legislative Black Caucus versus The State Of  
18 Alabama stated that the pertinent standard, quote, "is  
19 the ability to elect a preferred candidate of choice,"  
20 close quote. They specifically stated that black voter  
21 age population should not be used in a vacuum. It is  
22 the wrong tool to use.

23 Now, the federal courts in Martinez said a black  
24 voting age population of 42.7 percent is acceptable.

25 That's in the Florida Supreme Court -- let me find my

1 notes so I can get you the specific page.

2 The illegal map proposed at the sole discretion of  
3 Meros does not need a 45 percent plus black voting age  
4 population to elect an American of African descent. In  
5 Martinez, the court ruled if you are in a district  
6 where if you win the contested Democratic primary and  
7 you are likely to win the general election, that that  
8 is the standard to use.

9 Now, this particular district that I draw has  
10 61 percent Democratic voter registration. Now, the  
11 only reason I am going into this particular information  
12 for you is because in Martinez, they raised the issue  
13 of Democratic/Republican political performance. I use  
14 a syllogism when I run candidates for public office.  
15 You have to get nominated in order to be elected. You  
16 have to be elected in order to govern.

17 In this particular case, with 61 percent of the  
18 Democratic voters here in the district being  
19 African-American, it is extremely likely, highly  
20 likely, that the Democratic party would put forth an  
21 African-American nominee.

22 Now, that gets us through the primary, which  
23 brings us to the general election. This particular  
24 district went 61 percent for Barack Obama in the year  
25 2012, and 67 percent for Bill Nelson. Not a big

1 difference between the two candidates, which will be  
2 raised in a moment. But the bottom line is, it is an  
3 extremely high-performing Democratic district and the  
4 nominee is most likely to win.

5 After I sat down and my testimony before this  
6 committee on Tuesday, comments were made that I  
7 unfortunately because I ended my presentation, did not  
8 have the opportunity to respond to. I want to respond  
9 to them now.

10 The comment was made by the attorney that they had  
11 a study that show in north Florida there is more  
12 racial-polarized voting than in south Florida. Now,  
13 north Florida, as you know goes north of Palatka and  
14 Gainesville, up to Jacksonville and over to Pensacola.  
15 I was unhappy about that characteristic of my county to  
16 suggest in my county of Leon, we are racist voters,  
17 racial-polarized voters.

18 The attorney took a broad breadth, a broad stroke  
19 of a professor's report and used it for political  
20 poppycock as far as I am concerned, because when you  
21 look at black voting age population or black  
22 registration in Leon County, and it is a relevant  
23 factor to consider under the Martinez case and also in  
24 the U.S. Supreme Court case of the Alabama Black Caucus  
25 versus Alabama, let's take a look at our performance.

1           Now, remember, if Leon County and the City of  
2 Tallahassee is intact in this district, 42 percent of  
3 the vote will come out of Leon County. So how do we  
4 perform? Twenty-eight percent county wide  
5 African-American voters, these are -- these are just  
6 the current Commissioners and public officials, not the  
7 immediate past ones for the last 10 or 15 years. We  
8 have got County Commissioner Nick Maddox, Tax Collector  
9 Doris Moore, County Judge Augustus Aikens and County  
10 Judge Nina Richardson. Twenty-eight percent, not  
11 45 percent, 28 percent.

12           In the City of Tallahassee itself, where the  
13 percent of registered voters to all voters is  
14 33 percent, we have Mayor Andrew Gillum who fouled  
15 Mayor John Marks. We have City Commissioner Curtis  
16 Richardson. In a single number school district with  
17 only 34 percent of the vote being Americans of African  
18 descent, we elected School Board member Joy Bowen. We  
19 have also elected seven times Ion Sancho as Supervisor  
20 of Elections when the Hispanic/Latino population of our  
21 county is in single digits.

22           Now, the attorney after I left brought up this  
23 professor's Pollyanna poppycock that tarnished my  
24 county, and I am not happy about it because they took a  
25 broad brush and condemned my county with it, which

1 personally, I am willing to discuss further if need be.  
2 And let's get down to data crunching to see what  
3 actually happens.

4 Leon County does not need a high black voting age  
5 population to elect a member of Congress. In addition,  
6 State Senator Al Lawson who lived -- also represented  
7 parts of Liberty and Gadsden County that are in this  
8 particular congressional district, as well as other  
9 counties to the west, got repeatedly elected to the  
10 State Senate in a 29 percent black voting age  
11 population. We don't need 45.

12 The 42.2 that is in this proposed map -- and  
13 remember, the Supreme Court said you can go down at  
14 least as low as the 42.7, is all that is necessary, and  
15 that is only if you use black voting age population as  
16 the sole standard, and the U.S. Supreme Court said you  
17 are not to do that.

18 The misuse of that study and the failure to have  
19 court -- or the staff to put up other alternatives and  
20 to evaluate other things means that there's been a  
21 misinterpretation of data and a manipulation of this  
22 map.

23 I agree with the attorney on one point. When he  
24 said this district was illegal, the east/west district  
25 being proposed before you, I agree with that. And why

1 is it illegal? Because the feasibility question gets  
2 down to this: You are not supposed to split cities if  
3 you don't have to. You don't have to. You split Lake  
4 City and you split the City of Tallahassee. You don't  
5 have to split counties if you don't have to. You have  
6 split Jefferson County in that map, you split Leon  
7 County, you split other counties as well. We can  
8 minimize the splits.

9 The reason why I went on about the black voting  
10 age population and the issue of minority representation  
11 is that if Leon County joins with Duval County, we can  
12 elect an African-American member to Congress. We meet  
13 the Tier 1 test. We meet the United States Supreme  
14 Court's criteria. We meet the Florida Supreme Court's  
15 criteria. So that allows us to drop into Tier 2. And  
16 Tier 2 says, where feasible, you don't split county and  
17 city boundaries. And you did. You did.

18 The attorney told the staff, don't consider any  
19 other district than what was drawn by the Plaintiffs,  
20 don't look at it any other way. I don't chastise the  
21 staff for that because, you know, I bet you they could  
22 make a better map than I drew and keep Leon County and  
23 the City of Tallahassee intact and keep Lake City  
24 intact.

25 Now, the other thing when I sat down is they said,

1           hey, it is going to balloon out through the bottom of  
2           Jefferson County. Well, what they didn't tell you is  
3           their map does it, too. They made it sound like, hey,  
4           I am creating a map where it is going to slide under  
5           Jefferson County and go east and it is going to look  
6           bad. What your map proposed for Congressional District  
7           2 goes into Taylor, Suwannee, Lafayette, Dixie,  
8           Columbia, Gilchrist, Levy and down into Marion County.  
9           You slide underneath there, too. So that should not be  
10          a criticism of the map that was drawn.

11                 I am not saying this is the best map. I am not  
12                 saying, hey, adopt this particular map. But I am  
13                 telling you, you are adopting an illegal map described  
14                 by your attorney, you could do a lot better and you  
15                 should allow have allowed the staff to come up with  
16                 alternatives. But the failure to do that means you put  
17                 a stinky, rotten apple into the barrel and it tainted  
18                 the entire thing.

19                 I am able to take questions at your time, sir.

20                 VICE CHAIR McBURNEY: Mr. Ausman, since you've  
21                 prepared a map, we have asked anyone who is proposing a  
22                 map to answer sort of the same questions that were  
23                 submitted by the members, and, in fact, I believe those  
24                 set of questions are there at the podium. That is be  
25                 prepared to explain, to the extent you have not already



1 done so, to explain in committee the identity of every  
2 person involved in the drawing, reviewing, directing or  
3 approving the proposal --

4 MR. AUSMAN: Representative --

5 VICE CHAIR McBURNEY: Let me go ahead and go  
6 through it.

7 MR. AUSMAN: Okay.

8 VICE CHAIR McBURNEY: The criteria used by the map  
9 drawers, the sources of any data used in the creation  
10 of the map other than the data contained in My District  
11 Builder, providing nonpartisan, incumbent-neutral  
12 justification for the proposed configuration of each  
13 district to explain in detail the results of any  
14 functional analysis performed to ensure that the  
15 ability of minorities to elect candidates of their  
16 choice is not diminished, and to explain how the  
17 proposal satisfies all the constitutional and statutory  
18 criteria applicable to a congressional redistricting  
19 plan.

20 I know you've covered that some in your  
21 presentation. To the extent that you have not covered  
22 it, we would request that you respond to that, and like  
23 I said, I believe that those set of questions are there  
24 with you at the podium.

25 MR. AUSMAN: All right. Number one, regarding all

1 e-mails and documents relating to the drawing of this  
2 particular map, they have all been submitted to Jeff  
3 and Jay. I have not submitted them to the House  
4 General Counsel's office, but I assume they have access  
5 to it since it's now in the public record.

6 Question two, the map drawing using Map District  
7 Builder? Yes.

8 Question three, what is the identity of every  
9 person involved in the drawing? Matt Esvel and myself.  
10 I've also presented to Jeff and Jay. I am sure they  
11 must have taken a look at it. I had nothing to do with  
12 the construction of it. We were just transmitting it  
13 to them.

14 What were the criteria used by the map drawers?  
15 Where feasible, using existing political and  
16 geographical boundaries, making sure it is nearly in  
17 size, making it as contiguous as is possible, making  
18 sure that we do not diminish racial or language  
19 minorities' abilities to elect representatives of their  
20 choice, to protect the equal opportunity of racial or  
21 language minorities to participate in the political  
22 process and we didn't draw it to favor or disfavor any  
23 political party or incumbent at all. In fact, this  
24 district may well hurt my side as a practical one.

25 What are the results of the functional analysis

1 performed to ensure that the ability of minorities to  
2 select candidates of their choice is not diminished?  
3 We not only looked at -- we went beyond what the United  
4 States Supreme Court said about looking solely at black  
5 voting age population, which should not be the sole  
6 criteria. We did look at performance.

7 And in the syllogism that I used, I looked at the  
8 fact that 61 percent of the voters plus in the district  
9 would be -- as proposed, would be Americans of African  
10 descent and the Democratic side, which would probably  
11 assure a Democratic nominee who is of African-American  
12 descent. But we also looked at, hey, so you get the  
13 nomination. What difference does it make? In the  
14 syllogism, you have to be nominated to be elected, you  
15 have to be elected to govern.

16 When you look the at the elections you look at the  
17 performance there, and Barack Obama got 63 percent or  
18 61 percent and Bill Nelson did four percentage points  
19 more than he did, but that was it. So we did look at  
20 that and we did look at previous elections to that as  
21 well. As your poll would satisfy both the constitution  
22 and statutory criteria, I believe that we have met all  
23 six of the Florida Constitution criteria, as well as  
24 paying attention to Federal Court rulings in this area.  
25 So --

1 VICE CHAIR McBURNEY: Thank you, Mr. Ausman.

2 All right. Next is Bill McClure.

3 MR. AUSMAN: No questions, I presume?

4 VICE CHAIR McBURNEY: No questions.

5 Mr. McClure, you are recognized.

6 MR. MCCLURE: Thank you very much. Okay, there we  
7 go. Thank you very much. I appreciate your time this  
8 morning, and let's see if we have a copy of the map.

9 I come here, my name is Bill McClure. I am a  
10 County Commissioner in St. Johns County, which is St.  
11 Augustine. I am sure everybody's been to St.  
12 Augustine. This September 8th, we celebrate our 450th  
13 anniversary, so the oldest city in the nation.

14 I come with a few letters to read to you on our  
15 concerns with the base map, and then further that with  
16 a commendation for your staff on the base map, but with  
17 a few changes per the St. Johns County delegation.

18 So with that in mind, thank you for the important  
19 work that you are conducting pertaining to  
20 congressional districts. I am authorized by the St.  
21 Johns County Board of Commissioners to express our  
22 concern that congressional reapportionment or  
23 redistrict not fragment the representation of St. Johns  
24 County community.

25 As you know, currently St. Johns County is

1 encompassed within a single congressional district.  
2 The proposed version proposed congressional district  
3 lines that divide St. Johns County into two separate  
4 districts using my district lines as well.

5 We understand and appreciate all the restraints of  
6 the committee and the Legislature as a whole, but must  
7 consider to satisfy all the constitutional and  
8 statutory criteria applicable to a redistricting plan.

9 I also have with me a letter of concern from  
10 Senator Travis Hutson, which basically by dividing St.  
11 Johns County population center, Congressional District  
12 6 becomes a central Florida seat and northeast Florida  
13 loses a congressional delegate, a reduction from four  
14 to three delegates, effectively undermining the  
15 rapidly-growing region's ability to gain -- to bargain  
16 at the Federal level.

17 I also have with me letters from both the  
18 Republican Executive Committee and the Democratic  
19 Executive Committee that I won't go into.

20 So the concern here is the -- is the separation of  
21 the -- St. Johns County into two districts. And rather  
22 than come here and present a problem, I figured I would  
23 go ahead and potentially look at the base map and maybe  
24 provide a possible solution.

25 First of all, taking a look at the base map, it

1 is -- I think it is excellent. It was -- it was done  
2 in a manner that I think was consistent. However, I  
3 think there may be a few tweaks that we could add.

4 If you look at the map, 192 right in front of you  
5 there, this map was submitted by Phillip Smith, Sheamus  
6 McNeeley and myself. Those are the three people.  
7 Phillip Smith is a 23-year-old med student who is our  
8 statistician, loves numbers. Sheamus McNeeley is with  
9 me, he's Army National Guard and an FSU poli sci grad  
10 student and I am a St. Johns County Commissioner. We  
11 were all involved in the map.

12 And ironically, when I started doing the map from  
13 scratch using the My District Builder, I kept looking  
14 at public comment and kept looking to see what were the  
15 other maps out there, and I saw one that started to  
16 shape just the same way as mine was, and that was  
17 actually a Phillip Smith. And so I called him on the  
18 phone and said, hey, you know, what's your affiliation?  
19 How do you -- you know, your -- are you looking for  
20 any -- he said, look, I am just a 23-year-old med  
21 student. I love doing this. I have read the court's  
22 opinion and I am a statistician and I'd love to work  
23 with you. So we -- we began on that endeavor.

24 So what you see before you is a map that we  
25 believe that is compliant with the court ruling. In

1 using My District Builder, we have also used the Dave's  
2 Redistricting app, which you can download, and the  
3 reason for that is because we wanted to go actually  
4 into the precinct level. So one of the interesting  
5 things that the map has before you is that there's no  
6 divide of the precincts. So we actually go down to the  
7 precinct level.

8 We believe that it actually is more compact than  
9 the base map. It actually contains less county splits  
10 than the base map, and by that I mean sometimes the  
11 county was split into three versus two. This keeps  
12 Orlando, Kissimmee, Tampa, wholly represented.  
13 Ironically, it keeps Sarasota much closer to being  
14 whole as well. It ties Charlotte Harbor more to the  
15 17th, which is very close to the county line.

16 There's only two districts that are crossing the  
17 Dade and Broward County line. It does not double-cross  
18 a single county, which is -- could be alluded to as  
19 carving out, and so we wanted to make sure we didn't --  
20 there was no carving as well.

21 Other than District 20, it only splits eight  
22 cities, and unfortunately, Tallahassee is one of those,  
23 similar to the base map. It is kind of like Jenga.  
24 When you move one little thing, everything moves and in  
25 trying to be compliant. Tallahassee was to attain a

1 42 percent BVAP; Miami, Pembroke Pines, Miramar, all to  
2 satisfy the minority requirements; Clearwater to  
3 satisfy the population equality; same for Apopka and  
4 Jacksonville as well, and then Fanning Springs, the  
5 City of Fanning Springs, because that sits on the  
6 county line as well. Broward and Palm Beach in  
7 District 20, in order for us to attain what we believe  
8 that was compliance, had to be split to meet the  
9 greater than 50 percent rule.

10 District 2 is east/west with a 42.8 percent BVAP  
11 as required, a very small increase there. District 13  
12 and 14 actually do not cross Tampa Bay per the court  
13 order. District 21 and 22 are actually slightly more  
14 compact than the base map. Homestead and Hendry County  
15 are not split, so you have an Everglades  
16 representation, and that, I believe, is the intent of  
17 the court order.

18 You have 27 total compliant congressional  
19 districts. Again, no precinct boundaries were crossed.  
20 We believe this actually keeps people in their current  
21 districts, as a percentage of population in their  
22 current district if you just use population as opposed  
23 in the base map.

24 It also is compliant with the 2010 amendment that  
25 Representative Oliva started this meeting off with. It



1 uses contiguous, compact regions, not crossing  
2 jurisdictional boundaries, and such as county -- we try  
3 to maintain county jurisdictional boundaries.

4 It also -- I took a look at all the public  
5 comments. It, again, seems to address most of the  
6 comments, even taking into effect Hillsborough, Palm  
7 Beach on their north/south and east/west. You know,  
8 ironically, the Gold Coast, I guess, ends up with more  
9 congressional representation, so I don't think that  
10 that could be a bad thing for anybody.

11 It also takes in District 9 and 10 compliance.  
12 And, again, except for what we think might be any  
13 concerns from Leon County which, you know, we tried a  
14 hundred different ways to try to keep Leon County  
15 intact. We couldn't find a way to do that, but let's  
16 see.

17 Keep as many counties within the state agencies as  
18 well. That was a concern that we wanted to take a look  
19 at. For example, in northeast Florida, we wanted to  
20 look at the DOT or any of your TPOs, your  
21 transportation planning organizations, that were in a  
22 region. We took a look at the DOT. We took a look at  
23 all the TPOs. We took at the northeast -- as an  
24 example, the northeast Florida Regional Councils. I  
25 know the Regional Councils that you had 10, you just

1 went down to -- you had 11, sorry, you just abolished  
2 one and went down to 10. This keeps intact many of  
3 those Regional Councils as well.

4 And the reason for that is because many of those  
5 could actually be competing for Federal grants. I know  
6 in St. Johns County, we now qualify for urban  
7 transportation grants, so we will be competing with  
8 Duval County in Jacksonville just to the north, and  
9 there could be some competing there. And so we have  
10 taken that into account.

11 And so I believe we have a sponsor on the Senate  
12 side, as you heard earlier from the letter, and I am  
13 just presenting this as another possible alternative,  
14 again, commending staff. The base -- using the base  
15 map was -- the majority of part of the work was  
16 actually done for you, and I believe this actually  
17 makes it a little bit more compact, it makes it  
18 compliant and it keeps the well wishes of, I think,  
19 most of the public comments that you have received to  
20 date, other than Leon County's comments, into  
21 compliance.

22 And with that, do you want me to read your  
23 disclaimer?

24 VICE CHAIR McBURNEY: Yes, Mr. McClure, since you  
25 did present a map and I know the sense that I'm always

1           trying to get this into the record, you should explain  
2           in committee the identity of each person involved in  
3           drawing, reviewing, directing or approving the  
4           proposal, criteria used by the map drawers, the sources  
5           of any data used in the creation of the map, other than  
6           the data contained in My District Builder, to be able  
7           to provide a nonpartisan, incumbent-neutral  
8           justification for the proposed configuration of each  
9           district.

10           To explain in detail the results of any functional  
11           analysis performed to ensure that the ability of  
12           minorities to elect the candidates of their choice is  
13           not diminished, and explain how the proposal satisfies  
14           all the constitutional and statutory criteria  
15           applicable to a congressional redistricting plan.

16           And, again, I believe that you have the questions  
17           before you, criteria, and I know that you have already  
18           covered those. So to the extent that you have not  
19           covered them, if you will do so at this time.

20           MR. MCCLURE: Yes. In the last one, how the  
21           proposal satisfies all the constitutional statutory  
22           criteria, I think I have outlined those particular in  
23           the districts, highlighting those districts.

24           Particularly, again, Phillip Smith, Sheamus  
25           McNeeley and myself, Bill McClure. I am a little

1           older, I guess longer in the tooth than the two  
2           gentlemen who helped me, but there was no -- there was  
3           no political divide. There was no looking at  
4           partisanship. This was -- this is a -- this is a  
5           statistical -- this is an advanced stats course. So  
6           this is basically math and spread-sheeting and using  
7           the one voice, one vote, 696,344 or five. This is a --  
8           nothing more than a statistics, try to keep into  
9           account all the constitutional provisions brought up.

10                   We did use My District Builder and the Dave's  
11           Districting Map, and those were -- I believe I have  
12           satisfied all your -- your requirements in the  
13           presentation.

14                   VICE CHAIR McBURNEY: Thank you, Mr. McClure.

15                   Representative Santiago, you wanted to ask a  
16           question? You are recognized for a question.

17                   REPRESENTATIVE SANTIAGO: Thank you, Mr. Chairman,  
18           and thank you for coming, Commissioner. I just had to  
19           follow up on some of your statements that you said that  
20           you kept referencing with the exception of Leon County  
21           or some changes there in Tallahassee.

22                   Just by looking at the map, I believe there are  
23           more exceptions on the surrounding districts that you  
24           are wanting to improve, and how I can just visually see  
25           how it -- it makes certain areas less compact.

1           My question to you is, part of staff's direction  
2           is they use formulas that are the Reock and the Convex  
3           Hull formulas. Did you apply that to yours and to the  
4           surrounding districts, and what were those numbers?

5           VICE CHAIR McBURNEY: Mr. McClure, you are  
6           recognized.

7           MR. MCCLURE: Thank you.

8           I did submit those. I didn't study those. Our  
9           statistician could not be here, Phillip Smith, he is a  
10          med student and -- but we did submit those to the  
11          e-mail at myredistricting.org e-mail. And so there is  
12          backup documentation specific to the compactness of  
13          each and every region, and that has been submitted. So  
14          I don't have the specifics for each and every one with  
15          me today.

16          VICE CHAIR McBURNEY: Okay. Thank you, sir.

17          Next is Sheamus McNeeley. Mr. McNeeley, you are  
18          recognized.

19          MR. MCNEELEY: Thank you, Mr. Chairman,  
20          distinguished members. I want to thank you for giving  
21          me the opportunity to speak here today.

22          I want to just add on to Commissioner McClure's  
23          testimony with regards to compactness. Mathematically  
24          speaking, our -- our proposal actually has one district  
25          more than the base map that is more compact. I

1 would -- I would like to draw your attention  
2 specifically to CDs 4, 2 and 9. If you look at those,  
3 so you can see CD 2, which in the base map is the  
4 largest district, and the map has actually been  
5 shrunken by land mass.

6 If you look at CD 4, obviously that -- those  
7 boundaries have been altered so that St. Johns County  
8 is contiguous within one congressional district, and  
9 that is also more compact.

10 The ninth is central Orlando, so that is  
11 significantly compact, and that is also a minority  
12 access district, which meets the requirements with  
13 regards to a central Florida minority access district.

14 Also, with regards to county splits, this map  
15 actually has the same number of county splits, but I  
16 would like to note that when it comes to three-way or  
17 more county splits, our map actually has three fewer.  
18 The original base proposal has eight counties that are  
19 split more than two ways. Ours have five. Most of  
20 those are in south Florida naturally, where population  
21 density is much greater.

22 I would also like to reiterate again that, you  
23 know, there was no partisan intent with this map. We  
24 were looking to create something that kind of satisfied  
25 ours and a lot of other concerns as far as, you know,

1 the unfortunate circumstances of the ruling passed down  
2 by the court and the concerns of the communities and  
3 the limited timeframe that we've had. So we tried to  
4 work as best we could within those confines. We feel  
5 that, constitutionally speaking, it meets all the  
6 requirements.

7 I would add the caveat that with regards to  
8 Districts 20 through 27 in south Florida, I do believe  
9 if the Chair is wanting to redo some of those  
10 districts, specifically 21 or 22, there is an ability  
11 to do that with this map without affecting 1 through  
12 19. So if at some point you want to pursue some  
13 amendment to the base map or to this map within that  
14 context, that could be easily achieved.

15 And if you have any questions, I am happy to  
16 answer them.

17 VICE CHAIR McBURNEY: Thank you, Mr. McNeeley.

18 Next we have George Meros. Mr. Meros, you are  
19 recognized.

20 MR. MEROS: Thank you, Mr. Chair, members. I will  
21 be brief. I wanted to talk a little bit about the --  
22 the racial polarization and also the statistics  
23 relating to the Ausman map.

24 First of all, I commend to you the review of the  
25 letter of the NAACP that was submitted that

1 specifically mentioned the Ausman map and their concern  
2 that that map would substantially diminish the  
3 opportunity of an African-American to -- or the  
4 community to elect a candidate of choice. It is -- it  
5 goes into great detail.

6 And far from just using voting age population,  
7 throughout this process we have used voting age  
8 population and many other statistics, and let me just  
9 go through some of those, comparing the base map to the  
10 Ausman map.

11 And to be clear, as I have said many times, the  
12 base map CD 5, we believed when we argued it, when we  
13 drew -- when we drew a north/south configuration, when  
14 we responded to the Plaintiff's drawing of CD 5 that  
15 that -- that district violates the Constitution. We  
16 believe it today. We will believe it in the future.  
17 The problem is the Supreme Court disagreed with us.  
18 And so to the extent that my opinion is that it is  
19 illegal, the Supreme Court's decision is more  
20 persuasive than my opinion unfortunately for me.

21 In any event, the base map, CD 5, has a black  
22 voting age population of 45.1 percent. The Ausman CD 5  
23 reduces that to 42.2 percent, and I should note that  
24 the Supreme Court cited as a floor, a deci- -- a map  
25 that was created in 1996, that had a black VAP of 42.7



1 percent, not 42.2 percent, and that was in an area of  
2 substantial racial polarization. The single white VAP  
3 in the base map is 45.8 percent. The Ausman map, that  
4 goes up to just under 50 percent, 49.9 percent.

5 The percentage, if you go down to -- well, if you  
6 look at the percentage of registered Democrats who are  
7 black in 2012, in the base map, that's 66.1 percent; in  
8 the Ausman map, that goes down to 60.9 percent.

9 And extremely important is the last statistic, the  
10 percentage of actual voters who are black in the  
11 primary. And you heard substantial comments about one  
12 of the key factors in trying to decide whether a  
13 district will perform for a minority candidate is  
14 whether they can win the primary, and in areas of  
15 racial polarization, if you can -- if the minority  
16 candidate cannot win the primary, then they cannot be  
17 elected. And in the base map, again, a map which we  
18 believed diminished and violated the Tier 2 standards,  
19 the percentage of actual voters who are black in the  
20 primary is 57.1 percent.

21 In the Ausman map, that goes down to 49.9 percent.  
22 It goes below the 50 percent threshold and is over  
23 seven percentage points lower than the map which we  
24 believed then and now to diminish the opportunity to  
25 elect a candidate of choice.

1           The last thing with regard to the statistics, it  
2           is notable that in an off year election the percentage  
3           of actual voters who are black in the general again  
4           went down from the base map of 41.6 percent to the  
5           Ausman map of all the way down to 37.2 percent. And so  
6           these, in our view, are significant reductions that  
7           make it that much less likely that the minority  
8           candidate will be able to elect his or her candidate of  
9           choice.

10           The -- in addition, it is notable that the Ausman  
11           map splits two counties, Baker and Liberty, to preserve  
12           one, Leon County. And so it is a net reduction in the  
13           compliance with county splits.

14           And let me just give you an example of how this  
15           could be a real concern with regard to minority  
16           representation. We first have to note that contrary to  
17           our recommendations, contrary to what this Legislature  
18           did and contrary to what a Federal Court required in  
19           1992 and 1996, the Supreme Court has prevented us from  
20           having a north/south configuration of CD 5 that would  
21           elect a minority candidate, and instead is directing an  
22           east/west configuration, which the paradigm for which  
23           has been the Romo A, which is in this -- in this map.

24           If you take the Ausman map and you keep Leon  
25           County whole, then you have a very real possibility

1 with these reduced numbers that if you have  
2 African-Americans in a primary with the incumbent, that  
3 the African-Americans, one presumably based in Leon  
4 County and one based in Duval County, would split the  
5 African-American vote, leading to the election of a  
6 white Democrat.

7 The problem there is -- is extraordinary because  
8 now instead having a north/south configuration, you  
9 don't have a north/south configuration at all. You  
10 might not have an African-American in an east/west  
11 configuration. And so you have tens of thousands of  
12 African-Americans who have been taken out of districts  
13 where they've -- where they could have elected an  
14 African-American and who no longer will be able to.

15 We cannot forget that Tier 1, the fundamental  
16 requirement is that we not diminish the opportunity of  
17 African-Americans to elect their candidate of choice.  
18 The Ausman map and the -- the direction that we have to  
19 go east/west poses significant problems with that.

20 That's all I have unless anyone has any questions.

21 VICE CHAIR McBURNEY: Thank you, Mr. Meros.

22 We do have a question. Representative Moskowitz,  
23 you are recognized for a question.

24 REPRESENTATIVE MOSKOWITZ: Thank you,  
25 Mr. Chairman.

1           At Tuesday's presentation, you talked about that  
2           there was a limited waiver of the attorney-client  
3           privilege. I wanted to hear a little more about that.  
4           What is still the limitations and what limitations no  
5           longer apply?

6           VICE CHAIR McBURNEY: Mr. Meros, you are  
7           recognized.

8           MR. MEROS: Thank you, Chair.

9           We agreed that -- both Houses agreed that any  
10          communications between the map drawers and counsel in  
11          the map-drawing process, the attorney-client privilege  
12          would not -- would be waived and would not be asserted.  
13          And so that to the extent that anyone wants to ask  
14          staff or counsel about what communications were had  
15          there, I am perfectly willing to answer them.

16          VICE CHAIR McBURNEY: Representative Moskowitz for  
17          a follow-up.

18          REPRESENTATIVE MOSKOWITZ: Yes. Thank you, Mr.  
19          Chairman.

20          So then the communications between House counsel  
21          and staff, you know, what was discussed, what was  
22          recommended? Are those communications? Is that record  
23          kept anywhere? Were those recorded or are they in  
24          e-mails? What was discussed?

25          MR. MEROS: They were not --

1           VICE CHAIR McBURNEY: Mr. Meros, you are  
2 recognized.

3           MR. MEROS: I apologize to the Chair.

4           They were not recorded to the extent that there  
5 are any e-mails, and I don't believe there are, but to  
6 the extent there are, they would be subject to -- to  
7 review. I can tell you that -- and it wasn't just  
8 House counsel and House staff, it was House staff,  
9 Senate staff, Senate counsel, House counsel, both  
10 in-house and outhouse and -- outside, I should say.

11           And they -- there were decision points at which  
12 staff would come to us and say, okay, we have -- we  
13 have thoughts about alternatives and we would like your  
14 thoughts on what might best comply. And so all of us  
15 would talk about compactness scores, Tier 1 issues.

16           We would look at the functional analysis of areas  
17 where there are minority population, and try to  
18 determine whether, if it was an area with a minority  
19 candidate, whether it would perform or not, and all  
20 sorts of discussions about how does -- how does  
21 something look visually compact and how does that  
22 compare with the numerical scores, because visual  
23 compactness is the first evaluation of compactness, but  
24 it can often conflict with numerical scores.

25           And so the only direction that I recall that was

1 not based on that sort of back-and-forth judgment was  
2 with CD 5, and that was not just my recommendation,  
3 though it was and is, but the recommendation of Senate  
4 counsel, because the Supreme Court not only spent two  
5 pages talking about that district and  
6 rejecting, specifically rejecting our claims that that  
7 was a function of clearly a democratically drawn and a  
8 district with pure Democratic intent, rejecting those  
9 claims, we said that it is our advice as counsel that  
10 you put that CD 5 in because it gives the greatest  
11 opportunity for the court to approve it, no matter how  
12 much we hated it.

13 And with all others, they were judgment calls, and  
14 frankly, in every instance that I can recall, and  
15 others may disagree, the map drawers essentially  
16 prevailed in what those ultimate decisions were subject  
17 to our comments about how we think the Supreme Court  
18 opinion directs us.

19 VICE CHAIR McBURNEY: Representative Moskowitz for  
20 a follow-up.

21 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.  
22 Chairman.

23 That all makes a hundred percent sense to me, and  
24 that is a great explanation of understanding the role  
25 of counsel. What I am asking is since there was a

1 waiver of this privilege, are there any records to the  
2 communications?

3 VICE CHAIR McBURNEY: Mr. Meros, you are  
4 recognized.

5 MR. MEROS: There are certainly no recordings, and  
6 again, I don't believe there are any e-mails. If they  
7 are, they would be available, they have not been  
8 destroyed. And I certainly did not take any notes.

9 We made it very clear that we were going in there  
10 without ideas about maps and we were not leaving that  
11 room with any draft maps. That was all going to be in  
12 there until all of that was published to the public.

13 VICE CHAIR McBURNEY: One more follow-up,  
14 Representative Moskowitz?

15 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.  
16 Chairman. One and a half maybe.

17 Outside counsel on this case, has that been the  
18 same outside counsel for the previous drawings of these  
19 congressional maps, as well as the Senate maps, or is  
20 this new outside counsel?

21 VICE CHAIR McBURNEY: Mr. Meros?

22 MR. MEROS: You're talking me and my firm, Gray  
23 Robinson?

24 REPRESENTATIVE MOSKOWITZ: Yes.

25 MR. MEROS: And are you talking about 2012?

1 REPRESENTATIVE MOSKOWITZ: Correct.

2 MR. MEROS: Yes, yes, Gray Robinson has  
3 represented the House of Representatives in 2012, up to  
4 today.

5 VICE CHAIR McBURNEY: Representative Moskowitz?

6 REPRESENTATIVE MOSKOWITZ: Does that also include  
7 the -- thank you, Mr. Chairman.

8 Does that also include the drawing of the Senate  
9 maps? Were you also involved in the drawing on the  
10 Senate maps?

11 MR. MEROS: No.

12 REPRESENTATIVE MOSKOWITZ: Okay. That is it, Mr.  
13 Chair.

14 VICE CHAIR McBURNEY: Representative Watson, you  
15 are recognized for a question.

16 REPRESENTATIVE WATSON: Thank you, Mr. Chair, and  
17 once again, I would like to thank you for giving me  
18 that latitude earlier. I certainly appreciate it. And  
19 I am right on point at this point.

20 My question, sir, has to do with on Monday, we  
21 heard that the 2010 census was a basis for the  
22 distribution of a population into various districts,  
23 and as you know, that the population of this state has  
24 grown approximately 1.5, thereabouts.

25 I would like to know why were these statistic data



1 or information was not utilized in drawing these new  
2 maps? There is enough precedent in the past that lets  
3 us and gives us the opportunity to use more updated  
4 information or population numbers to make a more  
5 current map. These particular numbers that we are  
6 using from 2010, as you can figure out, is  
7 approximately six years old.

8 The State of Florida, through its taxation  
9 distribution to its counties and its cities, relied on  
10 Florida estimate population rendered by the Bureau of  
11 Economics and Business Research through the University  
12 of Florida, as well as the EDR. We utilize those  
13 statistics, those updated statistics, to disburse  
14 revenue through the state.

15 Why could we not and as the Supreme Court as well  
16 as the Fifth District has stated that we could actually  
17 use those numbers to do a more current kind of  
18 distribution of districts?

19 VICE CHAIR McBURNEY: Mr. Meros, you are  
20 recognized.

21 MR. MEROS: Thank you, Chair.

22 Representative, I am unaware of any decisions, any  
23 statute, any rule whatsoever that would permit or  
24 require the Legislature to use anything other than 2010  
25 census numbers for purposes of drawing congressional

1 districts.

2 I certainly understand that updated statistics are  
3 used in any number of other ways, but again, I am  
4 unaware of any direction that would require or even  
5 permit us to do that with regard to congressional  
6 redistricting.

7 And let me -- let me just explain one thing  
8 further. One has to understand that every -- every set  
9 of numbers are estimates that change every second of  
10 our lives. And so there has to be a -- one set of data  
11 at which all can do the same sort of analysis because  
12 none of them are perfect or real. People die every day  
13 and they are born every day. They move out of town,  
14 they come into town.

15 And so updated statistics, I believe are no -- are  
16 no more accurate than 2010 data, with the exception of  
17 perhaps whether the population generally has increased  
18 or decreased.

19 But what these folks have to do is to take a set  
20 of data and create districts that are over 600,000  
21 people and with a difference of one person. And one  
22 cannot do that either using 2010, and updated data or  
23 what -- what is the updated data that is regularly or  
24 mandated by the Constitution to use? That is -- that  
25 is the census numbers.

1           It is never perfect, but it is our understanding  
2           that the law requires us to do that.

3           VICE CHAIR McBURNEY: Follow-up, Representative?

4           REPRESENTATIVE WATSON: Yes, sir, thank you.

5           VICE CHAIR McBURNEY: You are recognized for a  
6           question.

7           REPRESENTATIVE WATSON: Thank you.

8           I am prepared to offer you at least five opinions,  
9           including the Supreme Court, as well as the Fifth  
10          District, which says it's perfectly allowable to  
11          utilize estimate datas using the appropriate sources to  
12          be able to provide an update to redistricting. It  
13          is -- it is through the -- it is not mandated that we  
14          use the census, because they have certainly given  
15          perfect exceptions to that particular rule.

16          VICE CHAIR McBURNEY: Representative, I am giving  
17          you some latitude and have given you some latitude, but  
18          we are in questions and not in debate, so if you  
19          would --

20          REPRESENTATIVE WATSON: Yes --

21          VICE CHAIR McBURNEY: -- provide a question.

22          REPRESENTATIVE WATSON: Thank you very much, and I  
23          will certainly direct it into a question.

24          Utilizing those five cases in which we have done,  
25          would you not agree that had we applied that principle

1 to some of those anomalies that I alluded to earlier  
2 would not have existed because our district numbers  
3 would have changed and would have allowed for us to be  
4 more compact? Would you not agree with that statement?

5 VICE CHAIR McBURNEY: Mr. Meros, you are  
6 recognized.

7 MR. MEROS: Representative, I have no -- I have no  
8 way of knowing one way or the other. I am happy to  
9 look at those decisions, and if I have said anything in  
10 error, you will be the first one to know. But I would  
11 caution that there is -- there is no way to determine  
12 without trying as to whether some numbers here or some  
13 numbers there would permit a district to be more  
14 compact or not.

15 I can tell you what Mr. Poreda said is absolutely  
16 true. Because of having to be within zero to one  
17 persons in well over 600,000 people, there are going to  
18 be people that are -- that simply have to be added to a  
19 district because of that requirement. And it is not  
20 perfect, it -- I am sure it is frustrating to some, but  
21 that is an unquestioned constitutional requirement that  
22 we have.

23 REPRESENTATIVE WATSON: Well, I will just kind of  
24 conclude with one more question.

25 VICE CHAIR McBURNEY: Okay. Concluding question,

1 Representative. You are recognized.

2 REPRESENTATIVE WATSON: Thank you so much.

3 I would like to make a reference and my question  
4 goes to are you familiar with the case -- it is Kirk --  
5 Kirkpatrick versus Preisler heard before the Supreme  
6 Court? Are you familiar with the case of United States  
7 Court of Appeal, Robert Valdespina versus Alamo Heights  
8 Independent School District? Are you familiar with the  
9 United States Court Appeal, Valdespino versus Alamo  
10 Heights, a Second Case Court? Are you familiar with  
11 United States Court of Appeals Ninth District as it  
12 relates to Yolanda Garza versus the County of Los  
13 Angeles? Are you familiar with any of those cases?

14 MR. MEROS: I am --

15 VICE CHAIR McBURNEY: Mr. Meros, you are  
16 recognized.

17 MR. MEROS: I apologize.

18 I am certainly familiar with the Kirkpatrick case,  
19 which was some time ago, relating to redistricting. I  
20 can't recite to you from memory exactly the holding  
21 there. I know that I have read the Garza case out of  
22 the Ninth Circuit. The other -- the others do not ring  
23 a bell to me, but again, I will be happy to look at  
24 those, and if you want to talk further about it, I will  
25 be happy to do so and correct myself if I have said

1 anything in error.

2 VICE CHAIR McBURNEY: Are there any additional  
3 questions from the members of the committee?  
4 Representative Berman, we will let you ask a question.  
5 You are recognized to ask a question.

6 REPRESENTATIVE BERMAN: Thank you, Mr. Chair.

7 Mr. Meros, I looked at the draft maps and I've  
8 heard you testify, and I just want to make sure that I  
9 am totally clear about this. There are no other draft  
10 maps that I saw of CD 5, and I want -- and based on  
11 what you said, I want to understand, was that because  
12 you specifically discussed with the draft -- with the  
13 map-makers that they should take CD 5 and, therefore,  
14 they should not even look at preparing any other drafts  
15 of that district?

16 VICE CHAIR McBURNEY: Mr. Meros, you are  
17 recognized.

18 MR. MEROS: We recommended that they put into CD 5  
19 Romo A because it was our belief and our recommendation  
20 that that gave us the best opportunity to have the  
21 court adopt a configuration which we did not like, but  
22 which we believed would be found constitutional by  
23 them, and they have accepted that and that is why there  
24 are no other draft maps of CD 5.

25 REPRESENTATIVE BERMAN: Can I just have one

1 follow-up?

2 VICE CHAIR McBURNEY: One follow-up,  
3 Representative. You are recognized.

4 REPRESENTATIVE BERMAN: I just want to understand  
5 in the process when that recommendation occurred. Was  
6 that -- was there like a meeting at the very start of  
7 when they -- before they were drafting maps where you  
8 talked to them, or did it come about organically as  
9 they were drafting the maps?

10 MR. MEROS: It was -- it was relatively early on  
11 in the process. I frankly don't recall. I believe  
12 they were doing some drawing in south Florida first,  
13 but at one of the earlier meetings, in terms of trying  
14 to figure out what areas really have to be redrawn and  
15 areas -- other areas that could be static, that we then  
16 recommended, well, at least for CD 5, you can put that  
17 in, and then in putting that in, it will help you  
18 figure out how to draw the other districts.

19 REPRESENTATIVE BERMAN: Thank you.

20 VICE CHAIR McBURNEY: Thank you, Mr. Meros.

21 Okay. Next is Congresswoman Corrine Brown.

22 Congresswoman, you are recognized.

23 CONGRESSWOMAN BROWN: Let me just ask a question  
24 before I begin. I know I can't talk to you, but it is  
25 hard to see you because these chairs are blocking you.

1           So I just want you all to know that. It is hard for  
2           the audience to see you.

3           VICE CHAIR McBURNEY: Thank you.

4           CONGRESSWOMAN BROWN: You -- I don't know why. I  
5           mean, but thank you, and thank you for giving me the  
6           opportunity to speak with you.

7           I would like to make sure that my entire comments  
8           be submitted to the record. I'm going to make a few  
9           remarks, and I started out saying that I can't talk to  
10          you, and I was reading the Florida Supreme Court ruling  
11          on page 80. It is chilling because it was all about  
12          me. And I don't understand how my position on any  
13          issue ended up in the ruling.

14          It is as if the people that I represent have been  
15          penalized because I did not support fair districts.  
16          Well, the reason why I didn't support it is because I  
17          support the 1965 Voting Rights Act that is still the  
18          law of the land. We are celebrating 50 years on  
19          August the 7th, I think. And so for my position on an  
20          issue, it is chilling.

21          I mean, does that mean that while I am standing  
22          before you today, I shouldn't mention anything about  
23          Medicaid expansion because you all would be adversely  
24          against the people that I represent because of an issue  
25          that has nothing to do with why I am here today? I am



1 confused.

2 I attended. You all had -- and most of you may  
3 not, I don't know whether you were elected during that  
4 time period or not, but you had 33 hearings all over  
5 the state. I attended all of the hearings that was in  
6 my area, whether it was Jacksonville, Orlando,  
7 Gainesville, and came to Tallahassee.

8 And in those hearings people made recommendations  
9 as to how they thought the district was representing  
10 them, and people came from this proposed area, and you  
11 have it on the record, they did not want to be in a  
12 district with Jacksonville. I do not know how this map  
13 got introduced, I do not know, but let me just clear  
14 one thing up.

15 I did not talk to anybody about a map. I did not  
16 talk with anyone. I did not submit a map. I went to  
17 all of the hearings in my area and I participated. And  
18 why it is that the Florida Supreme Court have decided  
19 that they are going to penalize the people of the Fifth  
20 Congressional District, I have no idea. In addition,  
21 the people of the Second Congressional District. Those  
22 are two districts that is being destroyed by this  
23 recommendation and I don't know why, because clearly,  
24 the 1965 Voting Rights Act still stands as we speak  
25 today.

1           And when you draw a congressional, then you draw  
2 the Senate. That would be the next thing you set up.  
3 Then the House. And then you are going to do the City  
4 Council and School Boards. Everything starts with the  
5 congressional.

6           So I do not understand, but one of the things that  
7 I'm here today is I have a copy of the lawsuit I filed  
8 yesterday, because you already have disenfranchised the  
9 people that I represented, the people of Sanford,  
10 Florida, and I just briefly want to talk about Sanford.

11           Sanford, Florida, the Judge said it didn't look  
12 good, you know, it was gerrymandered or something.  
13 Well, this new district that you're drawing don't look  
14 good either. I mean, looks is whether or not it is  
15 functional, and the key is in Sanford, Florida, Jackie  
16 Robinson and the National Baseball League gave him  
17 special permission to stay in Daytona. Couldn't stay  
18 in Sanford because they said if you stayed in Sanford,  
19 they would kill him. Forty years later, Trayvon Martin  
20 killed, Sanford, Florida. 60 Minutes did a special how  
21 we have people living out of cars, washing up at  
22 Walmart, going to school because they didn't have  
23 adequate public housing. So it is not just what a  
24 district looked like.

25           We don't have what happened in Ferguson and

1 Baltimore because you are in the room. It is whether  
2 or not people feel they have representative government.  
3 And clearly when you had those hearings in my area, and  
4 you go back and check the record, the numbers was large  
5 every time you've had it, despite -- it's constant.

6 I was the first African-American elected to the  
7 United States Congress in 129 years. I am very proud  
8 of the area that I represent in Congress because the  
9 first African-American came from Gainesville, Florida,  
10 Josiah Walls. He was elected three times. The third  
11 time they burned down the courthouse, and that ended  
12 his career. So I wanted to know what else happened to  
13 him. He came to Tallahassee, went to Florida A&M  
14 University and started the School of Agriculture, and  
15 that was the life and the ending of the first member of  
16 Congress.

17 I don't want it to be 140 years before we have  
18 another African-American that put those communities of  
19 interest together. The federal courts do the district.  
20 You all did not. They drew them because they put the  
21 communities of interest together. And it's been  
22 defined and refined and refined. It's been all the way  
23 to the United States Supreme Court.

24 I have to tell this story. St. Augustine, that is  
25 one of the areas that was refined out of the area to

1 make it look right. Well, in St. Augustine, the  
2 ministers called me over. There was raw sewer on the  
3 ground. House wouldn't take responsibility for it --  
4 not the House, but the counsel or the County or the  
5 Commission. So I helped them to get a grant. I went  
6 to see at the time Governor Jeb Bush, but I can truly  
7 tell you it could have been any governor. And he said,  
8 well, Corrine, St. Johns County is one of the richest  
9 counties in Florida. I said, the area I represent  
10 remind me of Haiti. And we got these pockets in this  
11 state that have not had representation, and it is clear  
12 if you are not in the room, you are on the menu.

13 Look at Eatonville. We are getting ready to spend  
14 almost \$2 billion in Maitland in the area. Well, in  
15 1965, they split Eatonville, the oldest black town in  
16 the United States, they split it. They got a ditch, a  
17 retention pond. And here we are 40 years later, they  
18 are still giving us a ditch, a retention pond.

19 So it is clear what government is not just, well,  
20 we are going to get this part and put it together. It  
21 is whether or not you have representatives at the  
22 table. And I say to you today if you are not at the  
23 table, you are on the menu and not on the menu. And  
24 that's where we are.

25 I think with that, I can answer any questions, but

1 I want to put my entire comments in the record because  
2 I want to be clear and I want you to understand that I  
3 did not talk to anybody. I didn't present any maps,  
4 because all of the maps that was presented was the  
5 same, and if I was going to introduce a map, it would  
6 be the NAACP map.

7 There are many groups parading around that they're  
8 a civil rights organization. The only civil rights  
9 organization, the one that was involved in giving  
10 African-Americans their right to vote was the NAACP.  
11 And I understand that you have a letter from them. I  
12 have not seen it. I haven't talked to anybody. I am  
13 chilled by this.

14 I am afraid I can't talk to anybody. Probably be  
15 joining another lawsuit to say that I can talk to  
16 people. We should be able to petition our government.  
17 We should be able to talk to you, give us your  
18 positions and you hear mine. There is something wrong  
19 with this picture, and I hope you can correct it.

20 With that, Mr. Chairman, thank you.

21 VICE CHAIR McBURNEY: Thank you, Congresswoman,  
22 and if you will submit your remarks to staff, the  
23 entire remarks will be put in the record.

24 CONGRESSWOMAN BROWN: And I also would like to  
25 submit a copy of my lawsuit that I filed yesterday.

1           VICE CHAIR McBURNEY: Yes, ma'am. That will be  
2 fine.

3           CONGRESSWOMAN BROWN: And also *The New York Times*  
4 article on unbiased districts in Florida. Even if  
5 you've tried, you can't do away with it because  
6 African-Americans live in cities. So does Democrats.  
7 Republicans live in the suburbs. Yes, they do live in  
8 the suburbs.

9           VICE CHAIR McBURNEY: Yes, Congresswoman, I think  
10 all that would be submitted.

11          CONGRESSWOMAN BROWN: Yes.

12          VICE CHAIR McBURNEY: There's going to be a  
13 transcript of this meeting, which will also be  
14 transcribed, and my understanding is it will be  
15 presented to the court, the trial court.

16          Are there any questions of the members of the  
17 committee?

18          Seeing none, thank you, Congresswoman.

19          CONGRESSWOMAN BROWN: You're welcome.

20          I do want to say in closing, I started out in the  
21 Florida House of Representatives. I served here for 10  
22 years. And so that is where I got my track record and  
23 my understanding and my training.

24          VICE CHAIR McBURNEY: I remember.

25          CONGRESSWOMAN BROWN: Thank you very much. You

1 weren't here then.

2 VICE CHAIR McBURNEY: Thank you, yes, ma'am, thank  
3 you. Thank you. Thank you, Congresswoman.

4 All right. Is there any other additional public  
5 testimony on the Bill?

6 Seeing none, we are in debate. Is there anyone  
7 who wishes to debate on the Bill?

8 Representative Trujillo, you are recognized in  
9 debate.

10 REPRESENTATIVE TRUJILLO: Thank you, Mr. Chair,  
11 and I want to -- I know Congresswoman Brown has stepped  
12 out of the room, but a lot of what she said I think  
13 resonates with us, and there's two issues, I think,  
14 with this map before us.

15 The first is the retrogression issue that was  
16 mentioned by Congresswoman Brown, how a district will  
17 go from 50 percent to 45 percent, and it is something  
18 that the Supreme Court has ruled that it is the way  
19 they would like that district to proceed.

20 I think another issue that is even more important  
21 that is bigger than what Congresswoman Brown's district  
22 is the issue that she mentioned on silencing critics or  
23 opponents or people who discuss or dissent. I think  
24 when you see an elected person by over 600,000 people  
25 being called in an opinion and personally addressed, I

1 am not sure why the court did that. If you see the  
2 constraints and timelines and will being imposed on a  
3 duly elective partisan body, I am not sure if that's  
4 also within their -- their right.

5 Congresswoman Brown, I wish you the best of luck  
6 in your lawsuit. I am confident that at some point you  
7 will have the successes that you so deserve.

8 As far as the map before us, members, I don't  
9 think we have a choice though. As much as I disagree  
10 with a lot of the District 5 and some of the things  
11 that have taken place, as much as I disagree with the  
12 timeline that was imposed on us, as much as I disagree  
13 with the fact that member communication and free speech  
14 and ideas have been stifled in part in some of this  
15 opinion, I think we have to defer to the excellent  
16 legal counsel that we have hired, and ultimately the  
17 voters of the State of Florida deserve to have  
18 congressional maps that are approved by a court,  
19 regardless of whether we agree with them, and that  
20 ultimately those maps -- the members will have the  
21 opportunity -- members of our state will have the  
22 opportunity to vote on.

23 I am reluctantly voting for this map with a lot of  
24 reservation just because I feel like we don't have an  
25 additional choice.



1           VICE CHAIR McBURNEY: Representative Young, you  
2 are recognized in debate.

3           REPRESENTATIVE YOUNG: Thank you, Mr. Chairman.

4           First I do want to take a moment, again, to  
5 commend staff on your excellent, excellent professional  
6 work on this under very difficult circumstances.

7           I cannot in good conscience vote today without  
8 first putting a few things on the record, because I  
9 believe at my core that the Florida Supreme Court has  
10 grossly overstepped its judicial boundaries and has  
11 violated the separation of powers in the Florida  
12 Constitution by its strict prescriptive opinion in this  
13 case.

14           To be specific, the court is essentially forcing  
15 the Legislature to adopt its ideal of Congressional  
16 District 5, which they deem to be compliant with the  
17 Florida Constitution and Amendment 6. But our counsel,  
18 Mr. Meros, is telling us that the opinion of our legal  
19 team is that Congressional District 5, as mandated by  
20 the court, likely diminishes minority representation  
21 under the Federal Voting Rights Act, and, therefore, is  
22 most likely in violation of the U.S. Constitution.

23           So the Florida Supreme Court, in their utter  
24 disregard for the separation of powers, is forcing us,  
25 the Legislature, to choose between potentially

1           violating the Florida Constitution or potentially  
2           violating the U.S. Constitution, and we have no ability  
3           to appeal their order. This, to me, is unconscionable.

4           So, Mr. Chairman, I will vote in favor of the base  
5           map today, but I do so with great reservation and only  
6           because the Supreme Court is forcing me to do so.

7           Thank you.

8           VICE CHAIR McBURNEY: Representative Slosberg, you  
9           are recognized in debate.

10          REPRESENTATIVE SLOSBERG: Thank you. Thank you,  
11          Mr. Chairman.

12          Why are we here today? We are here today because  
13          of the fact that the Supreme Court said we didn't do it  
14          right. Okay. So, now, hopefully we are going to do it  
15          right. However, there's a few problems that I see that  
16          prevents us from doing it right.

17          Number one, it's is the people's map. I mean, we  
18          are here to do the people's map. I think we could have  
19          taken a couple of more weeks, and with these couple of  
20          more weeks, we could have done what common sense tells  
21          me we should have done.

22          Number one is we should have gone around, the  
23          committee, to the districts and had public testimony.  
24          Okay, so, you know, we couldn't have weeks and weeks  
25          and weeks of public testimony, but we should have had

1 public testimony because, after all, we are -- we are  
2 sitting here doing the work of the people, and it is  
3 the people's map. Where was their voice? Not heard.  
4 Where was their participation? Not done. Any public  
5 comments about common interests? Not done. That is my  
6 first beef.

7 My second, my second issue here is it didn't take  
8 long to draw these maps, and we as a body could have  
9 gotten independent map drawers, they exist in the  
10 United States of America, to say, hey, guys, you go do  
11 this on your own.

12 We as Democrats and Republicans, as a team, we  
13 could have ensured that this map was going to pass by  
14 making sure that the map drawers didn't work for the  
15 majority party. And I feel that we really should have  
16 put a little time into making this happen as a team, to  
17 pick these map drawers.

18 And I -- for those couple of reasons, I am going  
19 to vote against the map.

20 VICE CHAIR McBURNEY: Representative Metz, you are  
21 recognized in debate.

22 REPRESENTATIVE METZ: Thank you very much, Mr.  
23 Chairman and members.

24 First I want to address an issue of local concern  
25 to my community, which is Lake County. You've heard me

1 question our staff and counsel on Tuesday about the  
2 fact that we were split into three sections instead of  
3 two as the prior map had done. I did meet with staff  
4 after that hearing was over with at length to have them  
5 walk me through all of their thinking with regard to  
6 that issue, and I concluded after that very long and  
7 detailed review of their previous drafts, that they had  
8 done the right thing from their perspective, which was  
9 to try to follow the legal requirements, and to do so  
10 in a manner that was going to be, hopefully, sustained.

11 And although I did not relish the idea that Lake  
12 County was divided into three separate regions and  
13 three separate congressional districts, going back to  
14 the prior map that I had questioned them about would  
15 have increased the number of county splits and city  
16 splits and would have reduced the scoring slightly. So  
17 I hold back on my initial thought to try to amend the  
18 map to reduce the splits in Lake County from three to  
19 two. So I just wanted to put that on the record that I  
20 did thoroughly vet that issue for my community and came  
21 to the conclusion that I did and did not file an  
22 amendment because I felt staff had adequately explained  
23 under difficult circumstances how they arrived at what  
24 they did. That is the first part of my debate.

25 And the second part of my debate has to do with

1 the map issue, the big picture issue here, and I want  
2 to make sure that the legislative intent of this  
3 special session is well articulated as we go forward  
4 here.

5 And I for one want to point out, first of all,  
6 that the Supreme Court is not a monolithic entity. It  
7 is seven Justices who count votes just like we do in  
8 our institution here. And the decision of the Supreme  
9 Court in this particular instance was a five to two  
10 decision. And I want to commend Justices Charles  
11 Kennedy and Ricky Polston for their courage in  
12 dissenting from the opinion of the majority, and for  
13 the well-written dissenting opinion that Justice  
14 Kennedy offered.

15 And I want to remind everybody that Justice  
16 Kennedy perhaps has the most important experience of  
17 anyone in this process on this issue because he served  
18 in the Florida House of Representatives, he served in  
19 the U.S. House of Representatives, and he's been an  
20 Appellate Judge now for over a decade, including in the  
21 District Court level and now the Supreme Court. So he  
22 has a very firm grounding on the issues here.

23 And if you look at his dissent, I am going to just  
24 read a few excerpts because he says in words far better  
25 than I ever could how I feel.

1           In the very beginning of the opinion, he says,  
2           "The majority's decision to reverse the Circuit Court  
3           and to invalidate numerous districts in the remedial  
4           congressional district plan adopted by the Legislature  
5           involves an extreme distortion of the appellate process  
6           deployed to effect a serious violation of the  
7           separation of powers."

8           Toward the end of the opinion: "This decision  
9           causes serious damage to our constitutional structure.  
10          The proper functioning of the judicial process is  
11          deformed and the separation of powers is breached in an  
12          unprecedented manner. Since 2012, this court's  
13          decisions concerning the redistricting process have  
14          been characterized by a repeated rewriting of the  
15          rules."

16          And he goes on to say that "The decision abandons  
17          the well-established boundary between the trier of fact  
18          and a reviewing appellate court and transgresses the  
19          independence of the core function of the legislative  
20          branch in conducting the legislative process."

21          I completely agree with that, which brings me to  
22          how I can reconcile that agreement with my vote in  
23          favor of this plan today. And it is not because I  
24          believe the Supreme Court can force my vote as an  
25          independent branch of government, as a member of the

1 independent branch of the Legislature here. I don't  
2 believe they can force us to do anything specific, what  
3 they are doing, where they pick the lines and say you  
4 have to draw it a certain way. I don't think that is  
5 appropriate judicial decision-making.

6 And the reason why I am going to support the plan  
7 is for my constituents, because I think in 2016, we  
8 have a very important election coming up. Every  
9 election is important, but this is going to be a very  
10 critical election, and the calendar does not prevent us  
11 from engaging in this continuing struggle with the  
12 Supreme Court over separation of powers. The  
13 calendar -- if we don't get this done quickly and try  
14 to do it in a way that resolves the litigation so we  
15 can go forward with the map drawing at the precinct  
16 level and get the election ready to go, we are going to  
17 prejudice our elections next year, and that concerns me  
18 greatly. We don't need continued litigation and  
19 continued uncertainty delaying our elections in 2016.

20 So it is the calendar and my concern about having  
21 the regular session of the Legislature, which begins  
22 January 12th, having that side-tracked or somehow  
23 lengthened even by having to deal with this issue, and  
24 we need to get this issue resolved here and now.

25 So I am going to support the plan, notwithstanding

1 the Florida Supreme Legislature's opinion -- I mean the  
2 Supreme Court's opinion, and go ahead and move the map  
3 forward today. And I appreciate the time and  
4 indulgence of the members in listening to my debate,  
5 and thank you for the opportunity. Thank you, Mr.  
6 Chairman.

7 VICE CHAIR McBURNEY: Representative Watson, you  
8 are recognized in debate.

9 REPRESENTATIVE WATSON: Thank you, Mr. Chair.

10 I think all of us can agree that we have one voice  
11 and we should have one vote. I am concerned about the  
12 maps today because we are leaving out 1.5 million  
13 people in this state as these maps advance forward. We  
14 need to consider the fact that our state itself relies  
15 on estimates through statute to have the University of  
16 Florida from their Bureau of Economics and Business  
17 Research to provide us with information of updated  
18 population in this state. Yet we ignore it when we  
19 develop these maps.

20 We depend on six-year-old data to draw maps that  
21 exclude individuals who thought it a great thing to  
22 move to the state of Florida. We exclude them, we say  
23 that we can use these estimates from the state, from  
24 the University of Florida, we can use them to  
25 distribute our tax dollars, we can use it to regulate



1 many things in this state, but we as legislators today  
2 fail to use those updated numbers to make a more  
3 accurate map that will reflect this current situation  
4 of the State of Florida.

5 I am concerned when we ignore this kind of  
6 up-to-the-moment data, and to be able to make certain  
7 we have one voice, one vote. We also look at maps --  
8 we also have to keep in mind that we have the authority  
9 to include those 1.5 million people. There is enough  
10 precedence in the particular law cases in which I have  
11 provided information earlier, to be able to do just  
12 that. It is totally acceptable. But to ignore people  
13 and their one voice and their one vote is a travesty by  
14 this committee.

15 I also would like to just make sure that we  
16 understand that by not changing these -- this  
17 methodology or adding this principle to our determining  
18 the districts for the state, we once again silence  
19 people's ability to elect someone of their choice.

20 The maps under consideration is built on the  
21 foundation that it is invalid as a consti- -- as  
22 unconstitutional. Five of the districts in which we  
23 are looking at, at this proposed map today are  
24 unchanged. Five of 27 are unchanged. Are we moving  
25 forward? Are we trying to make a better map? I

1 question this.

2 So I say to you today I understand what we are  
3 attempting to do. I cannot support this map. I cannot  
4 think or fathom the idea that we have invited or  
5 allowed people to move into our state and not take them  
6 in consideration as we try to redistrict this state.

7 Mr. Chairman, I regret to have to say that I will  
8 no longer be able to support the map that we have in  
9 front of us.

10 VICE CHAIR McBURNEY: Representative Sullivan, you  
11 are recognized in debate.

12 REPRESENTATIVE SULLIVAN: Thank you, Mr. Chairman.  
13 Thank you, members of the committee for giving me the  
14 opportunity to speak. And first and foremost, I just  
15 want to thank staff for the time that they've put into  
16 this. I know this certainly hasn't been an easy  
17 process and there's a lot of things that go into it.

18 I am sure my sentiments are shared by most that we  
19 wish we weren't put in the position that has been  
20 shared already that we are today. I would share the  
21 same sentiments as Leader Young eloquently put, that  
22 we've been put in a situation in regards to either the  
23 Federal Constitution or our State Constitution and what  
24 we are going to be doing and the decision that we have  
25 to make today.

1           My alliance, first and foremost, is to the  
2 constituents in my district, as I noticed to each and  
3 every one of you. That's what we are put here to do.  
4 We are put here to represent them and be their voice.  
5 And as representing part of north Lake County in the  
6 way that I -- Lake County has been split into three  
7 districts, and when talked about earlier in the  
8 proposal, it was talked about specifically how District  
9 9 and 11 and the way they end in Lake County, I don't  
10 think Lake County was more of a place to end districts  
11 than perhaps start them. And I think that in that  
12 respect, it diminishes the opportunity and voice that  
13 they will have there.

14           I know it is not unprecedented by any means.  
15 There's three or four -- there's six or seven other  
16 counties that are split multiple different ways, but  
17 because of that, because of the e-mails, the phone  
18 calls and the things that I have gotten in regards to  
19 that, I can't in good conscience vote for this map at  
20 this time without the opportunity that I haven't had to  
21 talk with staff in more detail.

22           I can certainly respect and understand fellow  
23 colleagues from my own county who have been able to  
24 come to terms with voting for it, but at this time for  
25 my own conscience, I haven't been able to. I also do

1 think it disfavors those that will run in congressional  
2 seats, any seats, versus their current seats that they  
3 have.

4 So for those reasons, and again, setting a new  
5 precedent for the way that our state -- I will back up.

6 I think that separations of powers is very  
7 important, and we've talked about that today. And I  
8 think -- I hope that moving forward as a legislative  
9 body, we will be able to set new precedent in such a  
10 way where our power is respected. And I hope that the  
11 citizens of Florida, as many may be frustrated or upset  
12 in the end result of how these congressional districts  
13 look, I hope that they will certainly turn their  
14 attention not just to holding us accountable, as we all  
15 need to be held accountable, but more importantly,  
16 holding our Supreme Court Justices accountable to their  
17 actions and what they are making us do and bringing us  
18 here today.

19 Thank you.

20 VICE CHAIR McBURNEY: Representative Fullwood, you  
21 are recognized in debate.

22 REPRESENTATIVE FULLWOOD: Thank you, Mr. Chair. I  
23 will be brief.

24 And with retrospect to my colleagues, and we have  
25 some great lawyers and folks who probably know the

1 Constitution much, much more in-depth than I do, but I  
2 think one of the things that troubles me is this whole  
3 notion of attacking the Florida Supreme Court, and that  
4 is -- I want to talk about that for a second because it  
5 is interesting to me.

6 We have this American government, so we know that  
7 there's three, quote, co-equal branches of government.  
8 And the role of the judicial branch is to do exactly  
9 what the Florida Supreme Court did. They evaluated a  
10 situation and they determined that we violated the  
11 State Constitution. And who here with a straight face  
12 can say that those last maps weren't partisan based?

13 I mean, we saw the testimony. You don't even have  
14 to read the whole brief, just skim through it. I mean,  
15 it is clearly, clearly it was partisan based. And the  
16 court made the determination that, look, you guys got  
17 it wrong, it was partisan based, redraw the maps. Even  
18 the Senate, when the Senate just dissented, when they  
19 agreed to redraw their maps, they said, hey, we agree  
20 that we violated the State Constitution.

21 So now we are pointing fingers at the Supreme  
22 Court, saying, wow, these are -- they are overreaching.  
23 No, they are doing what they are supposed to do. They  
24 are supposed to evaluate situations that come before  
25 them, or issues, and make a determination. And it was

1 clear evidence. They are not making stuff up. There's  
2 clear evidence that there was a violation of fair  
3 districts, which is a part of the Constitution.

4 Whether you like it or not, I don't agree with the  
5 map. I think staff did a great job, and I think no  
6 matter what staff came up with, there's always going to  
7 be issues because there's millions of people in the  
8 state, there's a bunch of us, there's a bunch of  
9 elected folks, and no one is ever going to agree. So I  
10 think staff did a fabulous job with what they had. I  
11 think we probably should have started with a blank  
12 slate, I will say that, versus taking a map that was  
13 found unconstitutional and starting from a -- with an  
14 unconstitutional map.

15 I think we should have started with a blank slate  
16 and tried to go from there. But, again, I think staff  
17 did a great job. But I think the fact that we are  
18 sitting here chastising the Supreme Court for doing --  
19 the Florida Supreme Court for doing their job, I think  
20 is outrageous. That is what they are supposed to do.  
21 It is not far-reaching when you make a determination  
22 based on evidence, based on facts. And the facts are  
23 right here.

24 The facts say there were Republican operatives  
25 that were in the room that were -- that tainted the

1 process. There's no denying that. So we can't say  
2 that the Supreme -- it was a 5-2 vote. It wasn't even  
3 a 4-3 vote. It was a 5-2 majority vote.

4 Folks, we violated Fair Districts. Let's try to  
5 get it right. This map I don't think gets us there, so  
6 I am voting against it, but, I mean, we can't continue  
7 to chastise and blame the Supreme Court where we  
8 made -- the problem lies here. The problem lies here  
9 in the process. We, you know, I went to about maybe 15  
10 of the 26 stops back in 2012, and we talked about  
11 transparency and how transparency -- this is the most  
12 transparent redistricting process ever, and we found  
13 out from these court documents that it wasn't. So we  
14 got to get it right and we can't blame the Supreme  
15 Court. They are trying to fix what we broke.

16 So with that said, Mr. Chair, I can't support this  
17 map.

18 VICE CHAIR McBURNEY: Representative Moskowitz,  
19 you are recognized in debate.

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

22 I will start out my comments that I am going to  
23 vote for the map today, and the reason I am going to  
24 vote for the map is not because it is the best map or  
25 the map I like the most or there wouldn't be changes

1           that I would like to make. It is because the Supreme  
2           Court laid out certain things, and I think the map  
3           complies with those things, and so that's the duty.

4                     There's only one duty here. The duty is the  
5           Supreme Court has a ruling, follow the ruling, follow  
6           up with staff's advice, follow with counsel's advice.  
7           Counsel believes we are going to be able to justify the  
8           map, and I agree with counsel. I think we are going to  
9           be able to justify the map based on what the Supreme  
10          Court laid out.

11                    Now, there are some caveats and concerns that I  
12          have. You know, the first thing is, you know, as  
13          Representative Fullwood talked about is why are we  
14          here? Well, it is plainly simple why we are here, and  
15          as Representative Fullwood alluded to, you can read  
16          from the document, and I won't do that because I am  
17          not -- this is not about scoring pars and points, and  
18          believe me, if I wanted to score pars and points, I  
19          mean, I could just read from like two dozen pages, but  
20          we are here because we -- and I say "we" because a  
21          body, and I wasn't even here at the time, but I am now  
22          part of the Legislature, but we made mistakes, serious  
23          mistakes.

24                    I mean, with all the -- what's ironic actually was  
25          with all of the news coverage in presidential politics



1 about e-mails and deletion of e-mails, I mean,  
2 literally, the Supreme Court and the Trial Court found  
3 that the Legislature systematically deleted e-mails and  
4 documentation about the redistricting process. No one  
5 here is outraged about that?

6 I find that astounding since so many people are  
7 outraged that, you know, that e-mails are being deleted  
8 on a national basis, that we are not outraged that  
9 records were intentionally destroyed, and that gets to  
10 some of the testimony I've heard from the general --  
11 from our counsel that concerns me is that the Supreme  
12 Court, while they didn't demand it of us, they  
13 suggested on page, I believe it is 104 that all  
14 non-public meetings be recorded for preservation. And  
15 yet we hear from counsel that their conversations with  
16 staff were not recorded. No record of those  
17 conversations.

18 Now, I want to be clear, just because there's no  
19 records of those conversations doesn't mean they did  
20 anything improper. I am not suggesting that. But what  
21 I am suggesting is because they didn't make those  
22 recordings, people will now suggest that. They will  
23 suggest in the absence of those recordings, how do we  
24 know the shenanigans didn't continue. And so we have  
25 now left ourselves open to people out there to still

1           make those accusations. And I am just very surprised  
2           because I think counsel and staff is trying to adhere  
3           to this document as best as possible, I am just very  
4           surprised to now here that this part on page 104 was  
5           not adhered to.

6           In fact, the Senate, okay, just a couple of days  
7           ago went on the floor and decried that these things  
8           would have to be recorded, and they couldn't believe  
9           that when it came time to Senate redistricting, they  
10          couldn't have private conversations with staff. Well,  
11          they shouldn't have private conversations with staff  
12          after the Senate admitted to violating the Constitution  
13          for partisan purposes.

14          And let me tell you something, this committee in  
15          this redistricting, and when it comes to the Senate  
16          redistricting, this committee needs to hold the Senate  
17          responsible. Unlike the House, okay, which admits to  
18          nothing, the Senate has admitted to doing things  
19          against the Constitution. That is amazing. It's  
20          amazing, and this committee in the House needs to make  
21          sure that that -- that process that happens on the  
22          Senate redrawing is the same process.

23          I want to say something about staff, okay. I  
24          think staff did an excellent job, okay. We -- I go  
25          back to everything in the opinion. Read the opinion.

1 The Court found staff, and I quote, "frank,  
2 straight-forward and credible." They found that staff  
3 was not influenced in their decisions.

4 So while, obviously, I would like an independent  
5 commission and things of that nature, I don't impugn  
6 anything that staff has put forward because I go back  
7 to the decision. If the Court finds them credible  
8 based on the evidence that they had, that is good  
9 enough for me.

10 You know, I do agree with some of my Republican  
11 friends that, you know, it is -- we are in uncharted  
12 water with what the Supreme Court did. There's no  
13 question about that. First of all, I think calling out  
14 Congressman Brown's position on Fair Districts was  
15 remarkable. It has no bearing to the case. I don't  
16 understand why that was in there. And so I understand  
17 this hesitancy and this concern about the Supreme  
18 Court, I do get it, because obviously they are the  
19 final arbiter on state law. When they make a decision,  
20 that's it when it comes to the State Constitution.

21 And so I understand and -- but they can make  
22 errors, too. It is not just us who can make errors,  
23 they can make errors, too. And when they -- if they do  
24 make an error, I am not suggesting they did, but if  
25 they do, the question is who do you go to?

1           But this -- this is a national thing that's  
2 happening. You see it not just in this conversation,  
3 but when the U.S. Supreme Court makes a decision, if we  
4 don't like the decision, we suggest potentially we  
5 shouldn't listen to it. Well, that suggests  
6 constitutional crisis. If the Supreme Court makes a  
7 ruling and the Legislature says we're not going to  
8 abide by it, that suggests constitutional crisis. And  
9 I am glad that that is not happening today. I applaud  
10 my friends in the majority party for not entertaining  
11 those out there that potentially would suggest  
12 constitutional crisis.

13           But, listen, this is not just a Republican problem  
14 that happened in Tallahassee. Clearly, in our  
15 instance, it was a Republican issue, but Democrats have  
16 done this before, gerrymandering. It is because -- go  
17 look at the U.S. Congress. There are very few seats  
18 now, okay, that are won in the general election. They  
19 are won in the primaries. And the reason they are won  
20 in the primaries is because of this sort of nonsense.  
21 This is happening statewide. It is why parties in  
22 Washington, D.C., can't agree anymore because everyone  
23 is in their requisite corners because everyone is  
24 worrying about winning their primary.

25           And so, you know, I am not going to go on much

1 further but to say that I think what the map staff has  
2 put forward complies with the ruling of the Supreme  
3 Court, and I think that this same sort of process where  
4 elected officials, because I believe at this point we  
5 have lost the ability to draw these maps based on not  
6 just the evidence in this case, but the fact that the  
7 Senate admitted, admitted to drawing partisan political  
8 maps intentionally so, I believe that any future maps  
9 drawn during this year should be drawn in the same  
10 process. I think conversations need to be recorded, I  
11 think they should be drawn by staff and I think  
12 Senators need to come to grips with the fact that when  
13 you admit to breaking the Constitution, you can't  
14 complain that you don't get a third chance. Those are  
15 the balance of my comments.

16 VICE CHAIR McBURNEY: Any additional debate from  
17 the members of the committee?

18 Seeing none, Chair Oliva, you are recognized to  
19 close on the Bill.

20 CHAIR OLIVA: Thank you very much, Mr. Chair. You  
21 know, I've not had a tremendous amount of encouraging  
22 moments throughout this process, but this debate here  
23 has been encouraging. I appreciate everything that  
24 everyone has said and the way that they have conducted  
25 themselves.

1           I am certainly encouraged by the staff, who I want  
2           to thank for the work that they have done. You have to  
3           be very, very close to it to understand the amount of  
4           constraints and considerations that they have had to  
5           make. So they -- they had to make sure that they drew  
6           districts that were compact in a series -- with a  
7           series of conclusions that are drawn from drawing  
8           circles around them to putting rubber bands around  
9           them. They had to do that without splitting counties  
10          and they had to do it without splitting cities.

11          Then they had to use individual roads or rivers or  
12          railroads. Then, of course, and foremost in fact, they  
13          had to fully respect all of the Federal guidelines and  
14          all of the guidelines imposed by these new amendments.  
15          It is no small task.

16          And when there are -- when there are deficiencies  
17          like my friend Rep Watson points out, where you get  
18          three or four homes, it is because of those  
19          constraints. When you have to -- when you have to  
20          write these districts within one person, those types of  
21          anomalies are going to happen. These are the things  
22          they have had to deal with, and so I want to thank you  
23          for the work that you have done. It really has been an  
24          incredible job in a period of time that was also  
25          constrained.

1           And so really one of the finest moments was seeing  
2 all of that once it all came together. So  
3 congratulations to all the staff that worked on that.

4           In regards to -- as well as to the attorneys that  
5 have been very helpful. You know, one of Congresswoman  
6 Corrine Brown's statements that most stuck with me was  
7 the chilling effect. I have had that chilling effect  
8 throughout this entire process. And so I want to thank  
9 the attorneys for helping guide me through that. I can  
10 tell you that chilling effect is not sound, it is  
11 certainly not sound for this process, and I know some  
12 of you have spoken to that.

13           I do take exceptions with two things said by my  
14 colleagues, and I thank them for their remarks. But  
15 Representative Slosberg, I think that the conclusions  
16 you make about what we should have done are entirely  
17 devoid of an understanding of the order that was put  
18 upon us, certainly the time constraints that were put  
19 upon us, the size of the state, and the impossibility  
20 of doing exactly what you suggested, but I respect your  
21 comments.

22           Representative Fullwood, I think that you possibly  
23 misunderstand the relationship between a trial court  
24 and an appellate court. The Supreme Court is an  
25 appellate court, and insofar as they ruled on the facts

1           that you stated, I would agree with you, that is their  
2           role. But they went far beyond that role once they got  
3           into direct orders, and even went further and made  
4           direct suggestions about how we should conduct our  
5           business. And so -- and that is a very clear  
6           delineation, and that's why I think you see  
7           consternation on both sides of the aisle. And that is  
8           why this debate encourages me the way that it does.

9                     And so I would say that one of the most  
10           interesting moments today was Representative Kerner's  
11           debate, because I think he said a lot of things in --  
12           in his -- in his presentation of his amendment that  
13           certainly -- that certainly I feel. You know, he  
14           said -- he said during that statement, when asked about  
15           what nonpartisan or incumbent-neutral justification for  
16           the proposed configuration of each district, how -- how  
17           he could prove that, that was part of our process  
18           request form. He responded by saying that it is very  
19           difficult to prove a negative. Welcome to our current  
20           reality. That is -- that is the new standard that we  
21           are under, and we should be very, very concerned about  
22           that.

23                     He also said that he supports Plaintiff's ability  
24           to bring forth a suit. That is part of our democracy,  
25           as, of course, do I. But so is the separation of



1 powers, as you well spoke of. Separation of powers is  
2 important and the being able to understand people's  
3 needs and concerns is very important, and that is why I  
4 believe that the drawing of these districts is better  
5 served directly by the elected representatives of the  
6 people.

7 Now, there may be a time in this Legislature that  
8 we can address the root and structural circumstances  
9 that brought us here; indeed, I look very much forward  
10 to that time. Unfortunately, that time is not today.  
11 Today our charge is to pass a map that complies with  
12 the Supreme Court's direct orders.

13 For those of you as concerned as me, and I know  
14 there are many, this is not the end of this important  
15 debate regarding prerogative. It is just the  
16 beginning. And so I would ask for your favorable  
17 support. Thank you.

18 VICE CHAIR McBURNEY: The sponsor having closed on  
19 the Bill, Missy, please call the role.

20 MS. JONES: Representative Cummings?

21 REPRESENTATIVE CUMMINGS: Yes.

22 MS. JONES: Representative Fullwood?

23 REPRESENTATIVE FULLWOOD: No.

24 MS. JONES: Metz?

25 REPRESENTATIVE METZ: Yes.

1 MS. JONES: Moskowitz?

2 REPRESENTATIVE MOSKOWITZ: Yes.

3 MS. JONES: O'Toole?

4 REPRESENTATIVE O'TOOLE: Yes.

5 MS. JONES: Santiago?

6 REPRESENTATIVE SANTIAGO: Yes.

7 MS. JONES: Slosberg?

8 REPRESENTATIVE SLOSBERG: No.

9 MS. JONES: Sullivan?

10 REPRESENTATIVE SULLIVAN: No.

11 MS. JONES: Trujillo?

12 REPRESENTATIVE TRUJILLO: Yes.

13 MS. JONES: Watson?

14 REPRESENTATIVE WATSON: No.

15 MS. JONES: Young?

16 REPRESENTATIVE YOUNG: Yes.

17 MS. JONES: Chair Oliva?

18 CHAIR OLIVA: Yes.

19 MS. JONES: Chair McBurney?

20 VICE CHAIR McBURNEY: Yes.

21 MS. JONES: The Bill passes.

22 VICE CHAIR McBURNEY: And by your vote, show HB 1B  
23 recorded favorably. And at this time, I will very much  
24 like to pass the gavel back to the Chairman.

25 CHAIR OLIVA: Okay. I want to thank my Vice

1 Chair, Vice Chairman McBurney. I know that this was  
2 not an easy meeting to Chair and it had all sorts of  
3 intricacies to it, but thank you for guiding us through  
4 it the way that you have.

5 Members, I just want to make a couple of quick  
6 announcements. Just a reminder that amendment  
7 deadlines for the floor are at 12:00 p.m. on Friday.  
8 That is tomorrow. And I also want to make it known  
9 that all of the drafts used in creating the base map,  
10 the base map itself, and all publicly submitted maps  
11 have been posted and can be reviewed at  
12 [floridaredistricting.org](http://floridaredistricting.org).

13 And with that, I thank you again for your  
14 participation in this.

15 Representative Watson.

16 REPRESENTATIVE WATSON: Thank you, Mr. Chair. I  
17 just wanted to make mention and make sure that it was  
18 part of the record that I would like to submit those  
19 cases that I made reference to that allow us to be able  
20 to utilize the current estimated figures for the state  
21 to be drawn into the maps.

22 CHAIR OLIVA: Duly noted. We will make sure that  
23 they're part of the record.

24 And with that, Representative Santiago moves we  
25 rise.

(Whereupon, the proceedings were concluded.)

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1 C E R T I F I C A T E

2 STATE OF FLORIDA )

3 COUNTY OF LEON )

4 I hereby certify that the foregoing transcript is  
5 of a tape-recording taken down by the undersigned, and the  
6 contents thereof were reduced to typewriting under my  
7 direction;

8 That the foregoing pages 2 through 148 represent a  
9 true, correct, and complete transcript of the tape-  
10 recording;

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

15 Dated this 17th day of August, 2015.

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CLARA C. ROTRUCK

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Notary Public

21

State of Florida at Large

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Commission Expires:

23

November 13, 2018

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Commission NO.: FF 174037

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