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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 the 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
FOR THE RECORD REPORTING TALLAHASSEE FLORIDA 850.222.5491

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.

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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