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SENATE COMMITTEE ON REAPPORTIONMENT

AUGUST 17, 2015

Reported by:  
CLARA C. ROTRUCK  
Court Reporter

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

2 SENATOR GALVANO: Good afternoon, let's  
3 call to order the Senate Committee on  
4 Reapportionment. Administrative assistant  
5 please call the roll.

6 SENATE SECRETARY: Senator Galvano?

7 SENATOR GALVANO: Here.

8 SENATE SECRETARY: Senator Braynon?

9 SENATOR BRAYNON: Here.

10 SENATE SECRETARY: Senator Bradley?

11 SENATOR BRADLEY: Here.

12 SENATE SECRETARY: Senator Gibson?

13 SENATOR GIBSON: Here.

14 SENATE SECRETARY: Senator Lee.

15 SENATOR LEE: Here.

16 SENATE SECRETARY: Senator Montford?

17 SENATOR MONTFORD: Here.

18 SENATE SECRETARY: Senator Simmons?

19 SENATOR SIMMONS: Here.

20 SENATE SECRETARY: Quorum present.

21 SENATOR GALVANO: Thank you, again, good  
22 afternoon, members.

23 As you know, we have had a lot of  
24 discussion over the last week with regard to  
25 Senate Bill 2-B, which is the base map that was

1 provided at the beginning of the special  
2 session that we are in now, that is 9065.  
3 Today I would like to go into the amendatory  
4 process on the base map, and once we have gone  
5 through the amendatory process, then have a  
6 vote on Senate Bill 2-B so that it can be ready  
7 for the Florida Senate.

8 Before we go into the amendatory process I  
9 did want to remind the members that we are in a  
10 remedial session and we have talked about  
11 laying some predicates in terms of the changes  
12 to the lines that are proposed in or adopted,  
13 and those predicates involve just making clear  
14 to the committee so that we have a record who  
15 was involved in the drawing, reviewing,  
16 directing or approving of the proposed change,  
17 what criteria was involved to lead to the  
18 decision. And it will be helpful when staff is  
19 here to help with this as well to cite whether  
20 or not it makes the map more compliant with the  
21 constitutional requirements, and in our case it  
22 will mostly center around Tier 2 requirements,  
23 what data sources were used in the creation if  
24 other than My District Builder or District  
25 Builder, and I am not sure that that will be

1 the case in any of these amendments. And make  
2 clear whether or not political performance of  
3 non-minority districts was examined, because  
4 that is a -- is prohibited under our  
5 Constitution. If it is a minority district of  
6 course you are going to look at performance to  
7 make sure that it still does comply with  
8 Federal law.

9 If a functional analysis was performed  
10 with regard to minority districts, and again,  
11 just in general how the amendment complies with  
12 the constitutional requirements that we are  
13 dealing with.

14 So if you keep that in mind as you are  
15 presenting and be prepared to answer questions  
16 in that regard as well.

17 So before we go into the first amendment  
18 which is Bar Code 100902, being the  
19 Gibson/Simmons amendment, and the map number is  
20 9050, I am going to open it up for any further  
21 questions from the attorneys or staff or to the  
22 attorneys or staff regarding the base map.

23 I think we have covered it pretty well,  
24 but if there is something lingering out  
25 otherwise we will move right into the

1           amendatory process.

2           Any further questions? Yes, Vice Chairman  
3           Braynon, you are recognized for a question.

4           SENATOR BRAYNON: Thank you. I know we  
5           talked a little bit about the combining of some  
6           of the amendments and all of that. Is that  
7           encompassed in the separate amendments which  
8           ones were combined and which one isn't, and as  
9           we go over them is it possible for that to be  
10          covered in the description that this is a  
11          combination of 9004 and 9048 or so forth?

12          SENATOR GALVANO: Thank you, sir, and a  
13          that is a good point. Towards the end of  
14          committee last time we met it was suggested  
15          that maybe we have a one composite map, but in  
16          working through the practicalities of that and  
17          the desire of individual members to sign their  
18          name to certain aspects of the map, it ended up  
19          that we didn't have one, but there are some  
20          amendments that incorporate other amendments,  
21          specifically the Lee amendment and the Detert  
22          amendments incorporate one another.

23          But we will make that clear and I am glad  
24          you brought that point up. Okay, well, let's  
25          start with amendment Bar Code 100902.

1           This is the Gibson/Simmons amendment on  
2 the map is S009C9050, and I will recognize  
3 Senator Gibson for comments, followed by  
4 Senator Simmons. And again, we all understand  
5 how complex this is and staff is here to answer  
6 any technical questions that need to be  
7 answered.

8           Senator Gibson, you are recognized.

9           SENATOR GIBSON: Thank you, Mr. Chair.

10          And I will tell the members I watched a movie  
11 last night for the first time on HBO that dealt  
12 with a court order where the counsel persons  
13 from, I think it was Yonkers, were required to  
14 build additional affordable housing, and the  
15 Judge, in one of the scenes the Judge said,  
16 well, if you don't vote to build it and you  
17 don't build it and you vote against the, I  
18 guess the referendum, you can be fined \$500 a  
19 day and locked up. So I certainly hope that  
20 that is only on TV and not the case today.

21          SENATOR GALVANO: That I am aware of.

22          SENATOR GIBSON: And with that I will  
23 explain. I explained the amendment last week  
24 wherein the map does go east and west, but it  
25 dips just a little bit south in Alachua County.

1 And the map really attempts to enfranchise more  
2 people who would otherwise have no real voice  
3 in the districts where they will be placed.

4 The map also, rather than diminish the  
5 BVAP to 45 percent, increases it to 46.6  
6 percent, particularly given that for all  
7 practical purposes the BVAP is what it is in  
8 the base map, because it includes the prison  
9 population in it. Also there is no packing in  
10 the map because the surrounding districts will  
11 only perform to elect a Republican candidate.

12 Additionally, the map keeps more of Leon  
13 County together as we heard some testimony that  
14 Leon County was extremely split in the base  
15 map. I also believe that this map more  
16 conforms to Tier 1 which has to be considered  
17 as opposed to the base map where more -- it  
18 leans more towards a diminution rather than an  
19 inclusion.

20 And I believe that I will tell you -- I  
21 will tell you that the Romo -- no, I am sorry,  
22 the Reock is .13, and the Convex Hull is .46,  
23 which is, though the square miles are tighter  
24 in this map than they are in the base map the  
25 scores are not quite as close to one as those

1 in the base map.

2 Thank you, Mr. Chair.

3 SENATOR GALVANO: Thank you. Chairman  
4 Simmons, would you like to add anything to what  
5 has been said?

6 SENATOR SIMMONS: Yes. Thank you, Mr.  
7 Chair, and thank you, Senator Gibson for  
8 working so hard on this. And again, I want to  
9 thank staff for -- for the diligence that they  
10 have had in dealing with this issue and the  
11 hard work that they have done and excellent  
12 work.

13 When Senator Gibson and I spoke about this  
14 issue obviously the concern that exists is the  
15 compliance with the Fair Districts, the  
16 requirement that in a Tier 1 analysis that  
17 there cannot be a diminution of the ability of  
18 minorities to elect the candidate of their  
19 choice, which is, as I understand it from the  
20 cases, simply lifting that analysis from the  
21 Voting Rights Act which prohibits us from --  
22 from diminishing the ability of, in this case,  
23 African-Americans to elect the candidate of  
24 their choice.

25 So what has happened is that the



1           Legislature based upon the finding of the  
2           Court, not that as I understand it, the  
3           Congressional District number 5 in a  
4           north/south configuration was in fact if we  
5           were looking at this before the finding of  
6           improper intent, that somehow or the other it  
7           was bad, a bad district. There certainly was a  
8           discussion about intent that apparently  
9           occurred in the 1990s or 2002, but I myself  
10          have a hard time understanding how that is  
11          relevant when there was a three Judge panel  
12          that drew this, this map.

13                 But the important thing is, of course, is  
14          that we have a -- a very strong desire to  
15          comply with the, with the ruling by the Florida  
16          Supreme Court, and since under this remedial  
17          analysis the Legislature was not able according  
18          to the Supreme Court to carry its burden of  
19          proof. So we are not on the standard that it  
20          is a clean slate. We are on a standard that  
21          the Legislature has the burden of proof of  
22          justifying a north/south district, and the  
23          Florida Supreme Court said that that was not  
24          acceptable but at the same time the proposal  
25          for doing an east/west district must, of

1 course, still comply with Fair Districts and  
2 must comply with the Voting Rights Act, the  
3 Federal Voting Rights Act.

4 The result is is that the map that staff  
5 has put together which is one that has a --

6 SENATOR GALVANO: Are you referring to the  
7 base map?

8 SENATOR SIMMONS: The base map. I will  
9 call it the base map of 45.1 percent black  
10 voting age population. Interestingly enough,  
11 what that district has is 206 miles long  
12 compared to 143 miles long for the prior  
13 Congressional District 5 in a north/south  
14 configuration, and we are talking about 3,911  
15 square miles.

16 So we are talking about trading one set of  
17 challenges for an even greater set of  
18 challenges. We are talking about the  
19 difficulty that any candidate might have, no  
20 matter who that candidate is, of traveling from  
21 Jacksonville to Gadsden County. And so -- and  
22 into Tallahassee, and we are about covering  
23 almost 4,000 square miles compared to somewhere  
24 a round half of that.

25 So this is a challenging situation for any

1 candidate, and it is certainly a massive  
2 extension of this -- of this district from  
3 143 miles to the now 206 miles.

4 And so when Senator Gibson and I looked at  
5 this the issue was what about the  
6 constitutional requirement that there not be a  
7 diminution in the ability of African-Americans  
8 to elect a candidate of their choice. And from  
9 my perspective, dropping from the 48.11 percent  
10 that the Trial Judge had agreed was acceptable  
11 for the BVAP, the black voting age population,  
12 dropping it down to 45.12 percent is -- is a  
13 question as to whether that is going to comply  
14 not only with what the Fair District Amendment  
15 provides for, but in fact, complies with the  
16 Voting Rights Act, and the Supreme Court, the  
17 U.S. Supreme Court's 2015 decision in *Alabama*  
18 *Legislative Black Caucus versus Alabama*, in  
19 which the U.S. Supreme Court made clear that we  
20 are talking about the ability to elect a  
21 preferred candidate of choice, not a particular  
22 numerical minority percentage. And the example  
23 that the U.S. Supreme Court used was dropping  
24 from 70 percent to 65 percent would not effect  
25 the ability of black voters to elect their

1 preferred candidate.

2 I am concerned and I think anyone would be  
3 concerned here to explain the rationale behind  
4 Senator Gibson's and my presentation of this,  
5 is that the -- the base map is the Romo A map.  
6 There is a Romo B map, and the Romo B map does  
7 get up into the 47 percent black voting age  
8 population, and somebody said, well, what  
9 difference does it make, let's look at the  
10 performance because on page 84 of the Florida  
11 Supreme Court decision they actually discuss  
12 the issue of, in place as I see it, a  
13 significant basis on the fact that they say  
14 that the black candidate of choice is still  
15 likely to win a contested Democratic primary  
16 since black voters constitute 66.1 percent of  
17 registered Democrats and the Democratic  
18 candidate is still likely to win the general  
19 election since the Democratic voters out number  
20 republicans 61.1 percent to 23 percent.

21 Interestingly enough, I think that -- that  
22 that does not address the circumstances behind  
23 the numbers. And oftentimes in looking and  
24 throwing around numbers people forget that  
25 numbers can be significantly misleading if you

1 do not know the circumstances behind those  
2 numbers. Certainly, as I have math major I am  
3 intrigued by numbers.

4 I can tell you that to me someone would  
5 ask why is it that the BVAP for the east/west  
6 configuration in the base map is 48 -- excuse  
7 me, is 45.12 percent and when you look at the  
8 performance figures in a primary, then it jumps  
9 up into the high 50s or low 60s percent. And  
10 the answer is probably, although I don't have  
11 the information because I don't know that any  
12 of us has it as yet, but the fact of it is, is  
13 that in north Florida as in probably other  
14 places that there are certain number of white  
15 Democrats that have bailed out of the  
16 primaries, the Democratic primaries and they  
17 vote in the -- in the general elections and  
18 they vote for -- and they vote Republican, and  
19 particularly in north Florida.

20 We have heard all of those stories about  
21 that is exactly what has happened, and I don't  
22 think that is considered by the analysis that  
23 is contained on page 84 of the Florida Supreme  
24 Court's decision. And based upon that, because  
25 each one of us needs to justify what we are

1 doing and justify why we are doing what we are  
2 doing, the answer I have is that the reason  
3 that Senator Gibson and I came up with this is  
4 that in fact this newly extremely difficult  
5 district for anyone to run in unless they have  
6 got a lot of money to be able to travel  
7 206 miles from end to end, 4,000 square miles,  
8 3,833, I believe. Something like that. That  
9 is somewhere short of 4,000 square miles of  
10 territory to cover, which certainly is a  
11 difficult campaign for anyone.

12 But also the numbers that I see don't in  
13 fact, and I am talking about the numbers that  
14 are reflected here when you start reducing the  
15 black voting age population, you start reducing  
16 that down to 45.12 percent and you ignore the  
17 fact that the reason that has justification for  
18 reducing that from 45 -- from 48.11 percent  
19 BVAP down to 45.12 percent BVAP is that  
20 African-Americans perform better in a  
21 Democratic primary, I believe completely  
22 ignores the circumstance that in many of these  
23 instances the reason they perform so well in a  
24 primary, a Democratic primary is because the  
25 white Democrats are not participating, and that

1 is the reason for the increased performance.

2 That is supported, by the way, by the fact  
3 that when you look at 2012, numbers that  
4 African-Americans perform better with -- in  
5 Presidential election and the reason why they  
6 perform better is probably did turn out better,  
7 about four percent as I understand it better in  
8 this area. But the fact of it is, is just  
9 looking at raw numbers and trying to suggest  
10 that the person as suggested by the Florida  
11 Supreme Court that, and I will quote, "and the  
12 Democratic candidate is still likely to win the  
13 general election since Democratic voters out  
14 number Republicans 61.1 percent to 23 percent,"  
15 I think is, belies the fact that that is just  
16 not the case and you can look at the -- look at  
17 the numbers to -- as to who wins to see that  
18 that is not the case.

19 The point of it is is that that is one of  
20 the reasons. The second reason that Senator  
21 Gibson and I have looked at this is because the  
22 BVAP of 45.12 percent does not take into  
23 consideration that approximately 17,000 of the  
24 voters are in fact incarcerated. And if you  
25 look at the numbers that between seven and

1 8,000 of those are African-American, those are  
2 African-Americans who cannot vote. And so that  
3 is not a -- that is an illusory, an illusory  
4 analysis to suggest that those individuals are  
5 capable of voting.

6 So with those two considerations, Senator  
7 Gibson and I sat with -- with Jay Ferrin and we  
8 on the record recorded, actually drafted this  
9 -- this map, a new Congressional District 5  
10 which I -- we took the Romo map, the Romo A and  
11 took a portion of the Romo B because Romo B  
12 actually has an appendage that goes, if you  
13 will look, Senators, you will look down into  
14 Bradford county and it goes down into Alachua.

15 SENATOR GALVANO: It is on the screen as  
16 well.

17 SENATOR SIMMONS: Okay, thank you. Goes  
18 down to Alachua County. Romo B actually  
19 extends its appendage all the way down to  
20 Marion County, all of this for the purpose of  
21 being able to capture a couple of percent of  
22 the African-American population. Therefore,  
23 increasing it to as Senators you can see, you  
24 can see that we are able to increase the black  
25 voting age population to 46.6 percent in this



1 map.

2 The issue is, should we be doing this?  
3 This does decrease the -- the idea of  
4 compactness as looking at it from  
5 the particularly the Convex Hull analysis. We  
6 all have to ask the question is, that is a Tier  
7 2 standard, it is not a Tier 1 standard, and  
8 are we going to out of esthetics go ahead and  
9 jeopardize the ability to elect a candidate of  
10 choice for those who are minorities in  
11 Congressional District 5.

12 The result of it is, is that as I stated  
13 last week, it doesn't take anyone with a great  
14 imagination to figure out how an  
15 African-American can be deprived of his or her  
16 ability to be elected in Congressional District  
17 5 given the numbers that exist here.

18 All it takes is two African-American  
19 candidates with a white candidate running in a  
20 primary, and then even if an African-American  
21 were to win, then what would happen is, is that  
22 in a district that performs with Democrats  
23 voting Republican, so long as there is a  
24 Republican candidate that is a strong  
25 candidate, that you would find that this would

1 be a challenging district.

2 The end result of it is, is that Senator  
3 Gibson and I drafted with tremendous assistance  
4 from Jay, this map. We smoothed out some of  
5 the lines around Tallahassee so that we  
6 actually, you know, did not have an unwieldy  
7 northern boundary in the Tallahassee area for  
8 District 2.

9 This map does not, Senators, it does not  
10 change any of the configurations of districts  
11 other than 2 and 5 and 3. I think that is  
12 correct, is it not, Jay?

13 MR. FERRIN: Yes, sir. That is correct,  
14 sir.

15 SENATOR SIMMONS: We have not incorporated  
16 the -- the other changes that existed that  
17 other members of the Senate have presented in  
18 their amendments, and we acknowledge that that  
19 is going to be a challenge here and maybe what  
20 we should do and what Senator Gibson and I  
21 should do is withdraw this map at this point in  
22 time until there has been and deal with it on  
23 the floor, if that is appropriate, after  
24 everyone else has gone ahead and dealt with,  
25 for example, Sarasota County and also I believe

1 21 and 22.

2 And so the end result is that with -- with  
3 the agreement of Senator Gibson which I ask  
4 here that we withdraw it without prejudice to  
5 us since we are in court proceedings, you know,  
6 a little bit of humor there for those of us --  
7 that we withdraw it without prejudice but also  
8 explain to each of you that we are seriously  
9 concerned.

10 We are seriously concerned about the  
11 adoption of an east/west configuration that  
12 does not extend into what I would call Romo A  
13 minus or B plus or Romo B, which would provide  
14 African-Americans a better ability to elect a  
15 candidate of their choice. And yes, it is true  
16 that it will not be as visually esthetic as the  
17 other, but at the same time that, Senators, is  
18 the reason why we are doing what we are doing.

19 Thank you.

20 SENATOR GALVANO: It is my understanding  
21 that you are concurring with his withdrawal  
22 without prejudice?

23 SENATOR GIBSON: I concur without  
24 prejudice.

25 SENATOR GALVANO: Okay, well, I appreciate

1 the work that went into it and the basis for  
2 doing it and how you did it and why you did it,  
3 and I also appreciate you recognizing the  
4 unique circumstances, and I have used that word  
5 a lot since we convened last Monday, the unique  
6 circumstance that we are in, especially with  
7 regard to CD 5 where we have an opinion from  
8 the Florida Supreme Court that is instructive  
9 on many levels and very specific with regard to  
10 the Senate or Congressional District 5.

11 In fact they have a safe harbor exemplar  
12 for us to grapple with. And so certainly as we  
13 go through the process the opportunity still  
14 exists to -- to look at this issue, but for  
15 this committee's purposes we will show that  
16 withdrawn.

17 I do know the Vice Chair had a question  
18 and so I would like to on a limited basis, the  
19 Vice Chair -- okay, okay, thank you, sir.  
20 Senator Montford. Okay, you have a question on  
21 the process?

22 SENATOR MONTFORD: Yes.

23 SENATOR GALVANO: Yes, you are recognized.

24 SENATOR MONTFORD: Thank you, Mr. Chair.

25 I want to make sure I have in my mind the

1 process that we will be using today relative to  
2 the amendment and to what we -- what we are  
3 expected to come out of here with today.

4 One, one recommendation, an amended base  
5 map, if you will, walk me through that process  
6 again.

7 SENATOR GALVANO: Absolutely. We have a  
8 Senate Bill, Senate Bill 2-B which incorporates  
9 the base or discussion map as we call it. We  
10 are going through the amendments that have been  
11 filed by the members today. We have five  
12 amendments and one substitute.

13 The first amendment is the one we just  
14 discussed which, and let me make clear for the  
15 record we will show that withdrawn, that is  
16 100902. As the amendments go on in the order  
17 they go on, the end product that comes out of  
18 this committee will then be the product that  
19 goes to the floor for second reading and final  
20 consideration.

21 SENATOR MONTFORD: Follow up.

22 SENATOR GALVANO: Yes, sir.

23 SENATOR MONTFORD: So if -- will we vote  
24 on each amendment as they are -- as they are  
25 presented, would we have voted on this

1 amendment today and then go to the next one,  
2 vote on it, and if so, if we are doing that,  
3 how would it all fit together so that I might  
4 vote for one amendment and be opposed to  
5 another one? How -- I am still trying to get  
6 some clarification.

7 SENATOR GALVANO: Thank you, Senator  
8 Montford. If you are asking me whether in the  
9 sequence of amendments a later amendment  
10 impacts an earlier amendment, the later  
11 amendment is going to prevail.

12 So when staff incorporates, and actually  
13 they are all maps, they are all maps, and there  
14 may be an opportunity if you have for example  
15 some changes to CD 5 in the northern part of  
16 Florida and all you see is an example, a Detert  
17 amendment down in the southern part where both  
18 of those can -- can come together, but if a  
19 later sequenced amendment modifies an earlier  
20 sequenced amendment, the later will prevail,  
21 and that is just how it works.

22 Okay, let's take up the Montford amendment  
23 then, Bar Code 820214, and that is map 9052.

24 Senator Montford, you are recognized to  
25 explain your amendment.

1           SENATOR MONTFORD: Thank you, Mr. Chair.  
2           And I would like to take just a moment to  
3           thank, to publicly thank President Gardiner for  
4           placing me on this committee. It has been a  
5           most informative and educational experience and  
6           you, Mr. Chair, as always you conduct business,  
7           an it is a pleasure to deal with and the staff  
8           as well. I can't say enough about Jay and he  
9           was here this weekend and every night last week  
10          as we all know and just did a wonderful job.

11                 Senator Gibson watched HBO last night. I  
12          had a far less entertaining experience. I  
13          watched the replay of this committee meeting,  
14          specifically Senator Simmons and why in the  
15          world I would be up at midnight watching you,  
16          Senator Simmons, with your presentation during  
17          the week but it was entertaining and I learned  
18          -- I learned something from you again last  
19          night.

20                 And if I may, as an introduction to my  
21          amendment, the first time I heard about a  
22          congressional district running north and south  
23          from Jacksonville to across north Florida, I  
24          didn't take it too seriously.

25                 This was several weeks ago, and I thought

1 well, that -- that will never happen, but, of  
2 course, of course it did, and I have some of  
3 the same concerns that Senator Simmons and  
4 Senator Gibson have -- have expressed. I am  
5 not overly concerned though about the  
6 districts, quite frankly.

7 My Senate district, I have 11 counties,  
8 two time zones. If you got a good aid that can  
9 drive well, you can get a lot of work done, and  
10 you gain an hour if you go west, and you lose  
11 it coming back, of course. So the distance,  
12 itself, doesn't overly concern me, but I do  
13 appreciate Senator Simmons, Senator Gibson,  
14 your bringing that point up.

15 And then when we all sat down and really  
16 started putting pencil to paper with staff in  
17 terms of how, how we can address the concerns  
18 that we had, and especially after our first  
19 committee meeting, Mr. Chair, when you -- when  
20 you led us through the presentation from --  
21 from our legal staff which was exceptionally  
22 informative and then with our own staff as  
23 well, it became clear to me and I believe I  
24 have got this right and I would hasten to ask,  
25 Mr. Chair, if you will correct me if I am wrong



1 on this, that I believe our legal counsel said  
2 that the Supreme Court said we will move east  
3 to west, start in Jacksonville and you will  
4 move west.

5 I believe the term was that they blessed  
6 the Romo A or the base plan that we have now.  
7 And quite frankly, if you -- if you look at the  
8 -- at the counties, the BVAP of the counties  
9 between Jacksonville and moving west, Nassau is  
10 6.4, St. Johns at 5.4, Duval is 27.7, which is  
11 less than I thought it would be. Then you get  
12 to Baker which is 14.3, you get to Hamilton  
13 which is 34.8. Columbia, the piece of it in  
14 our map is 17.2. Madison 37, Jefferson 34,  
15 Leon 29, Gadsden 53.

16 So being an old math, former math teacher  
17 it didn't take me long to figure out that if  
18 you are going to start in Jacksonville and you  
19 are going to get a BVAP that is acceptable, you  
20 would have to get to Gadsden county and you  
21 cannot get to Gadsden going through Leon.

22 So it was a -- it was an eye opener if you  
23 will for me to realize that based on the  
24 Supreme Court having blessed Romo A or the base  
25 plan, that Leon County would not remain whole.

1           Now when I say Leon County I want to  
2 hasten say we are really talking about the Leon  
3 County region. As I have said before, Leon  
4 County serves as the educational hub, if you  
5 will, the medical hub, certainly the employment  
6 hub as well. So the lines around Leon County,  
7 quite frankly, are shared in many more ways  
8 than we would expect in terms of the region,  
9 but with getting all -- with those realities  
10 and the Tier 1, the Tier 2, the Voting Rights  
11 Act and all of that put together in a recipe,  
12 then this is a recipe that says to me you have  
13 got constraints you have got to deal with.  
14 Leon county and the surrounding areas will not  
15 remain whole.

16           And so you don't go east -- you have to go  
17 east and west and when I asked the question to  
18 the staff, does that mean you cannot go south,  
19 and I think it was suggested that that would  
20 not be a good idea. But one of the concerns  
21 that -- that I have is, and Senator Simmons and  
22 Senator Gibson, highlighted that, is the BVAP  
23 scores of the proposed plan is down to, I think  
24 it is 45 and so that, that gives me pause.

25           Now, one of the things I have learned that

1 staff clearly explained to me again this  
2 weekend, they were very good about it in saying  
3 even though you have all of these, the prisons  
4 in this area, what the Supreme Court and the  
5 experts look at is the performance, not  
6 numbers, but performance.

7 So those, that is taken into consideration  
8 when -- when the performance score is done. So  
9 I, again though, I am still concerned that the  
10 BVAP score for the proposed map, Romo A, I  
11 believe dampens the opportunity for minorities  
12 to select a candidate of their choice. So I  
13 sat down with staff to how do we raise, how do  
14 we raise the BVAP score, how do we -- how do we  
15 get it up from the 45.1 that the Supreme Court  
16 blessed, and be able to get, you know, just  
17 better opportunity without being, without it  
18 being questioned about our trying to pack a  
19 district as well.

20 So the staff, with my direction, if you  
21 will, came up with something that I don't want  
22 to speak for Jay, but I don't think he would be  
23 overly enthusiastic about my map, even though  
24 he was very nice about saying that.

25 It took me a while to figure out what he

1           said, but I am not sure he is really  
2           enthusiastic about it. But with that being  
3           said, you know, I look at the map that you have  
4           here and my -- my Reock score will improve  
5           slightly, the Convex Hull score drops from 71  
6           to 39, and so on. So it is not, it doesn't  
7           score nearly as well as the base map.

8                     So that, again, that even though that  
9           doesn't score well, what it does do is it  
10          brings up our BVAP to 47.9 percent, which is  
11          slightly better than the Simmons/Gibson plan,  
12          slightly better, but it is considerably better  
13          I think than -- than the 45.1.

14                    So if I may, I know somebody else will  
15          point this out, it does split more counties, it  
16          does split more cities, and that the square  
17          mileage is very, very similar to the base plan  
18          and so on. So to put it in a nutshell, Mr.  
19          Chair, and members, I believe that, well, I  
20          know that my amendment here raises the BVAP  
21          score much, much closer to what I think is  
22          reasonable and acceptable and does not over  
23          extend that so -- so that it would cause, it  
24          would over extend it to the point where it  
25          would cause a problem.

1           Now, if you look at the map just like it  
2 is there, some would say it is not nearly as  
3 compact as it needs to be. Some would say,  
4 well, you just took just the north part of Leon  
5 County, and some, you know, some would say  
6 there would be other criticisms of it, but I  
7 think the selling point for this amendment is  
8 that it raises the BVAP score to me to a much  
9 more acceptable level.

10           So Mr. Chair, if I may, that is the  
11 explanation of my amendment and I will be glad  
12 to try to answer any questions that you or  
13 other members may have.

14           SENATOR GALVANO: Thank you, Senator  
15 Montford. Members, do we have any questions of  
16 Senator Montford, and feel free to defer to  
17 staff on a technical issue, Senator.

18           Senator Gibson, you are recognized for a  
19 question.

20           SENATOR GIBSON: Thank you. Thank you,  
21 Mr. Chair. Is your amendment exactly Romo B?

22           SENATOR GALVANO: You are recognized.

23           SENATOR MONTFORD: Thank you, Mr. Chair.  
24 No, but correct me, Jay, if I am wrong, I  
25 believe we took Romo B and massaged it a little

1 bit.

2 SENATOR GALVANO: Mr. Ferrin.

3 MR. FERRIN: Thank you, Mr. Chairman. And  
4 Senator Montford, you are correct in some  
5 aspects. We -- I used the Romo B's  
6 configuration in Duval County which actually  
7 had 66,000 less population than the base map  
8 does in Duval, and that actually led to kind of  
9 a chain of changes where CD 4 comes -- doesn't  
10 go as far south into St. Johns. CD 6 doesn't  
11 on go as far west into Lake County, and then  
12 there is some other changes to District 2 and 3  
13 as a result of all of that.

14 So yes, it was loosely based on Romo B.  
15 Romo B uses I think has Bradford county in CD 5  
16 as opposed to Union. So there are some  
17 differences, but that was the basis for which  
18 we started and that was the instructions that  
19 you gave to me as well.

20 SENATOR GALVANO: Further questions?  
21 Chairman Bradley, you are recognized for a  
22 question.

23 SENATOR BRADLEY: Thank you, Mr. Chairman.  
24 And this, I will direct this question to staff,  
25 to Jay. How does this amendment effect the

1 compactness of CD 3 when you look at the base  
2 map compared to the power tool that would be  
3 put on top of CD 3?

4 SENATOR GALVANO: You are recognized.

5 MR. FERRIN: Thank you, Mr. Chairman. The  
6 -- from the scores' perspective, CD 3 in the  
7 base map is .71. I believe it is the highest  
8 scoring Reock score we have in the base map,  
9 and the corresponding Reock a CD 3 in this  
10 configuration is .58. The Convex hull for the  
11 district likewise goes down from .89 to .76 and  
12 Polsby-Popper goes from .53 to .18.

13 So it makes CD 3 significantly less  
14 compact in terms of the scores.

15 SENATOR GALVANO: Further questions?  
16 President Lee for a question.

17 SENATOR LEE: Thank you. Just to ask the  
18 obvious question. The base map which was  
19 essentially drafted on the basis of the Supreme  
20 Court's direction with respect to CD 5, is that  
21 correct?

22 MR. FERRIN: That is correct.

23 SENATOR LEE: So as a Tier 1 district the  
24 goal there is to make sure as best as possible  
25 that that district will continue to perform for

1 African-Americans, is that correct?

2 MR. FERRIN: That is correct.

3 SENATOR LEE: And the conclusion of the  
4 Court, among other conclusions that they may  
5 have made was that, that in their view the  
6 black voting age population necessary to  
7 achieve that objective could be lower than it  
8 had been in previous maps, not to mention  
9 east/west, is that correct?

10 MR. FERRIN: That is correct. They  
11 supported the idea that 45.1 is sufficient.

12 SENATOR LEE: Okay, thank you, sir.

13 SENATOR GALVANO: Further questions?  
14 Chairman Simmons.

15 SENATOR SIMMONS: I have a question for  
16 legal counsel.

17 SENATOR GALVANO: Absolutely.

18 SENATOR SIMMONS: And that is what  
19 happened to Romo B with respect to the  
20 presentation to the Florida Supreme Court by  
21 the Plaintiffs? What ultimately was the result  
22 relating to Romo B, and why was it not  
23 something that was discussed as well?

24 SENATOR GALVANO: Attorney Cantero.

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



1 don't recall, and the Supreme Court, the  
2 Plaintiffs were relying on Romo B, I think they  
3 mostly, they said they relied on an alternative  
4 map. They relied on Romo A and I believe my  
5 recollection is after we presented remedial map  
6 9057 at the hearing before Judge Lewis they  
7 also relied on a Romo A type map, not Romo B.

8 SENATOR GALVANO: Follow up, yes.

9 SENATOR SIMMONS: When the Plaintiffs  
10 presented Romo B, did they present it as being  
11 a compliant map? Did they state that it was  
12 compliant?

13 SENATOR GALVANO: You are recognized.

14 JUSTICE CANTERO: Thank you, Mr. Chair.

15 Yes.

16 SENATOR GALVANO: Further questions? Vice  
17 Chair Braynon, you are recognized.

18 SENATOR BRAYNON: Thank you. This will go  
19 to either Jay or Senator Montford. Looking at  
20 District 3 and how this drop down here splits  
21 District 3 kind of into -- and caused it to  
22 have an appendage that goes along side of  
23 District 5, along 75, if you see where I am  
24 pointing at.

25 So right here, this appendage right here.

1           What was the reason for keeping this appendage  
2           here versus putting some of it -- putting some  
3           of it into this district and moving it up and  
4           putting some into here, and not creating this,  
5           I guess you would say appendage which effects  
6           the compactness of District 3? Is there a  
7           geographical reason or maybe a -- some reason  
8           why that needs to stay like that?

9           SENATOR GALVANO: Mr. Ferrin. Senator  
10          Montford, if you would like to respond.

11          SENATOR MONTFORD: No, that is all right.

12          SENATOR GALVANO: Okay, Mr. Ferrin.

13          SENATOR MONTFORD: Let me --

14          SENATOR GALVANO: I thought you were  
15          wanting to be recognized.

16          SENATOR MONTFORD: That is okay. Again,  
17          the goal here was to bring the BVAP up to a  
18          level that I personally felt comfortable in  
19          that would be effective, and that, and correct  
20          me, Jay, if I am wrong, that was a way to bring  
21          up the BVAP in 5, and -- and I, you know, I  
22          will be the first to admit, you know, it  
23          doesn't look good, and when you look at that it  
24          looks, it just, the appendage is stuck down  
25          there.

1           But as we all know, I mean, that is why we  
2 went east and west. That is why an eye and  
3 serious considerations of the BVAP that is why  
4 we are -- we are drawing lines a lot of the way  
5 we are and that is why we went, staff went  
6 south there.

7           SENATOR GALVANO: Mr. Ferrin, do you want  
8 to add to that?

9           MR. FERRIN: Thank you, Mr. Chairman. I  
10 think one of the ways to look at this is  
11 potentially not as District 3 having the  
12 appendage, but District 5 having it. So  
13 District 3, if you, you know, in the base map  
14 it was a pretty compacted circular shaped  
15 district in that general area of Marion,  
16 Alachua, Union, Bradford, Putman, Clay  
17 Counties.

18           And so in trying to redraw 5 in that  
19 manner, I mean, it -- it creates a protrusion  
20 in 5 to try and keep the circular shape of the  
21 district to help keep some of its compactness  
22 scores the same.

23           If you try to reconfigure and put CD 3  
24 into I guess it is Levy County, Dixie county,  
25 Gilchrist, some of those areas, you can

1 potentially do that. It would probably split  
2 more counties, the population shift, I am not  
3 sure exactly how -- how it would play out in  
4 terms of whether or not you could take all of  
5 Dixie County there, moving -- moving up.

6 So I think that was a decision based on  
7 let's try and keep the general layout of CD 3  
8 and we will just make the protrusion where  
9 necessary and push it over in Marion County.  
10 That is where the shift was. It certainly  
11 could be attempted in another manner if you  
12 were to try it.

13 SENATOR GALVANO: Okay, further questions?  
14 Seeing none do we have public testimony  
15 relative to this particular amendment? No,  
16 none by card. Anyone in the audience with  
17 regard to this particular amendment?

18 Seeing none we will go into discussion and  
19 debate. Do you want to be recognized -- do you  
20 have a question? That is because yours was  
21 withdrawn. Testimony, debate? President Lee.

22 SENATOR LEE: Well, assuming we are going  
23 to proceed forward with this, let me just say  
24 this, both with respect to the Simmons/Gibson  
25 amendment which was withdrawn, and this

1 amendment.

2 I think we are, I think that the Court has  
3 given us some direction here specifically with  
4 respect to this Tier 1 district, and I agree  
5 with what Senator Simmons has said, that by  
6 reducing the black voting age population in  
7 that district you are taking a big risk. The  
8 court is taking a big gamble with a Tier 1  
9 district that they could somehow thread the  
10 needle or turn what really is as much an art as  
11 it is a science into a pure science, and that  
12 they can predict that with a much lower black  
13 voting age population they can achieve the same  
14 outcome, and I think that is really dangerous.

15 I hope they are right, but I think that is  
16 really dangerous, and I think ultimately that  
17 maybe the -- that decision may be up to a  
18 Federal Judge at the end of the day as to  
19 whether or not they agree. And I could layout  
20 scenarios wherein you have the maestro  
21 incumbent Congresswoman Brown run from the  
22 Duval area, you have an Al Lawson or something  
23 like that, as much as that might be seen as  
24 heresy in the African-American community, those  
25 kinds of things happen all the time, run from

1 the Leon County area. And all of a sudden you  
2 have split the black vote and -- and, you know,  
3 a non African-American Democrat comes right up  
4 the center and becomes the nominee, and there  
5 are all kinds of things that can happen that  
6 are anomalies with these things and I think  
7 that is why you maintain some cushion  
8 historically with respect to these black or  
9 Hispanic voting age populations as you try to  
10 craft these access districts.

11 So as much -- but as much as I think what  
12 they have done is really dangerous, that is on  
13 them, you know, we are in a remedial process.  
14 They have come to this conclusion. They are  
15 going to have to answer for the scalpel that  
16 they have taken to this map to try to craft out  
17 in their infinite wisdom the exact percentage  
18 necessary to elect an African-American in this  
19 area.

20 And I am very hesitant to touch it. I --  
21 it is a Tier 1 issue, and to me it rises to a  
22 different level of concern as I go to try to  
23 manipulate this, and as much as I agree with  
24 the conceptually with the efforts of Senator  
25 Gibson, Simmons and Montford in both of these

1 iterations, you know, I am troubled by the  
2 compaction issues that are created as a result  
3 of them, and the extent to which the Court has  
4 been, you know, really, really specific with  
5 respect to these Tier 1 standards.

6 So I am in a bit of a quandary because I  
7 also have some counsel sitting behind me that  
8 is concerned that this is a constitutional map  
9 as well. So it is a bit of a Hopson's choice,  
10 but it would be very, very difficult for me to  
11 support those changes to the map in light of  
12 the direction we have been given by the Court  
13 as much as I believe that when history is  
14 written should the base map ultimately get  
15 adopted with regard to District 5 we may all  
16 live to regret it.

17 SENATOR GALVANO: Thank you, President  
18 Lee. Chairman Bradley.

19 SENATOR BRADLEY: Thank you, Mr. Chairman.  
20 I agree with Senator Lee's comments and his  
21 analysis. When it comes to CD 5, the Florida  
22 Supreme Court has decided to draw it  
23 themselves. And I am kind of a fan of the  
24 Pottery Barn theory, you break it, you own it.

25 And you know the Court's version of CD 5

1 is by going east/west is less compact than  
2 north/south. It is from one to the other is  
3 much longer. So as described earlier  
4 candidates trying to run in this district are  
5 going to have to go farther, they are going to  
6 be less responsive to their -- their  
7 constituents because of the length than they  
8 would under the north/south configuration, but  
9 that is what the Legislature decided, and the  
10 Legislature adopted a map that was prepared by  
11 Democrats, the record is clear. The Court  
12 adopted that map that was prepared by Democrats  
13 and the reason why the Plaintiffs, the reason  
14 why that is Romo A is because the Plaintiffs  
15 want more Democrats to be elected to Congress  
16 and by going east/west that allows more  
17 Democrats to be elected in the grander scheme  
18 of things.

19 And the Court decided to go ahead and go  
20 along with that by embedding it in their  
21 decision. So it is theirs. We follow the  
22 Court's guidance and we move forward and I am  
23 going to not support this amendment.

24 SENATOR GALVANO: Senator Gibson.

25 SENATOR GIBSON: Thank you, Mr. Chair.



1           And I believe that Senator Montford's map is  
2           about people. It is not about party, and I  
3           don't think we are here to do things for a  
4           party. His map increases the BVAP just as the  
5           Gibson/Simmons amendment did in an effort not  
6           to diminish the potential for a constituency to  
7           elect a candidate of its choice.

8                     His map also, like the Gibson/Simmons  
9           amendment, attempts to make Leon County more  
10          whole. And people live where they live, and so  
11          I understand the appendage, and I think we  
12          talked a little bit about history at our last  
13          meeting, particularly as it relates to  
14          minorities, people were forced to live where  
15          they live, lived, and naturally as we find  
16          relatives come and settle where relatives live,  
17          friends come and settle where friends live. So  
18          it is not an unusual circumstance for that to  
19          happen in Florida.

20                    It happens in the entire United States of  
21          America. And so I see Senator Montford's map  
22          as an attempt to help people and not party. It  
23          is unfortunate that we have been told what to  
24          do by the Courts as opposed to being able to  
25          listen to our various constituencies as we did

1 I believe previously.

2 And so I think the map does the right  
3 service to the right people. It is just  
4 unfortunate that it is a little less actually  
5 of a good Reock and Convex Hull score than even  
6 the Gibson/Simmons amendment.

7 Thank you.

8 SENATOR GALVANO: Vice Chair Braynon.

9 SENATOR BRAYNON: Thank you, Mr. Chair. I  
10 have to -- I have to disagree with my good  
11 friend Chair Bradley. I think the inverse is  
12 true about what the Supreme Court thought. I  
13 don't believe that the Supreme Court thought  
14 that they were drawing, they could draw a map  
15 to help the Democrats. I think they, what they  
16 did say was that we drew a map to help the  
17 other side, and they are asking us to remedy  
18 that, and that is why we are here, and this is  
19 the second time that we are here, because the  
20 Courts have found that we drew a map and we  
21 drew a District 5 that helped Republicans. And  
22 they are asking us to draw one that helps I  
23 guess to steal the words from Senator Gibson,  
24 that is more about people than is about  
25 parties.

1           Now, whether we agree with the Supreme  
2 Court, which I have very much heard through  
3 these proceedings that we do not, that most of  
4 us do not, that is their finding and that has  
5 been their finding twice. I think that when we  
6 talk about what they are asking us to do, I  
7 think they gave us a parameter.

8           I think that as we stray from that  
9 parameter we end up trying to either come back  
10 here a third time or allowing or basically  
11 forfeiting our right to do just that, to draw  
12 the map. And I, so I think that is really what  
13 we are -- what -- that is really the crux of  
14 it. I think we continue to look at it. If we  
15 look at it from the prism of they are trying to  
16 help someone and look at it from what they  
17 actually wrote, which was that we, we did  
18 something wrong in trying to help someone else,  
19 then I think you can -- you request move  
20 forward with a little better, I think you can  
21 understand what is happening a little better.

22           And the second thing I wanted to talk  
23 about was the concept of I think Senator  
24 Simmons touched on it, Justice, or counsel has  
25 touched on it that an African-American a

1 winning a Democratic primary and then not being  
2 able to finish out in the general because the  
3 white population in north Florida will not  
4 elect an African-American Democrat, white  
5 Democrat.

6 I did not know that. I think that I would  
7 -- I would ask if -- if in closing if a --  
8 because I am not a white Democrat from Florida,  
9 if one would talk about that a little bit and  
10 kind of expound on that and how that is a  
11 reason why we need a BVAP, a VAP to be so high  
12 in District 5.

13 So if Senator Montford, if you could talk  
14 a little bit about that and how you see that  
15 playing out here in north Florida I would be  
16 very interested in seeing why that would force  
17 us to have to put higher numbers in here  
18 because we don't believe that the  
19 African-American can come through the primary.

20 SENATOR GALVANO: Chairman Simmons in  
21 debate.

22 SENATOR SIMMONS: I would like to respond  
23 to Senator Braynon. I said that, and I am  
24 quoting from page 84 of the Supreme Court  
25 decision. It says, "And the Democratic

1 candidate is still likely to win the general  
2 election since Democratic voters out number  
3 Republicans 61.1 percent to 23 percent."

4 I did not say that, that white voters  
5 would not elect an African-American. I said  
6 that the white voters are voting Republican and  
7 they are going to vote Republican down the line  
8 as is indicated irrespective of whether you are  
9 black or you are white.

10 What I am saying is the end result is that  
11 African-Americans have a significant  
12 possibility of being not represented by the  
13 candidate of their choice as a result of voting  
14 patterns, and that I disagreed with the  
15 conclusion that simply because a, you know,  
16 there are more Democratic voters than there are  
17 Republican voters, particularly in northern  
18 Florida, that -- that Democrats always vote  
19 Democratic.

20 The end result is the same. The end  
21 result is that the opportunity for an  
22 African-American to be elected in -- in  
23 Congressional District 5 as configured in an  
24 east/west may not be as suggested here in page  
25 84. The end result is that, that there would

1 be in my view a diminution in the ability of  
2 African-Americans to elect a candidate of their  
3 choice.

4 SENATOR GALVANO: Chairman Bradley for a  
5 brief debate. You have debated once already.  
6 I will let you have a comment as well.

7 SENATOR BRADLEY: I was just going to  
8 point out with regards to CD 5, this isn't our  
9 first time here. We sat here for many hours,  
10 and took a Trial Court case where they  
11 discussed the fact that CD 5, the BVAP was too  
12 high and it needed to be lowered, and we  
13 listened to our lawyers, we listened to staff.

14 There were no allegations that I am aware  
15 of that anyone involved in this process last  
16 year was motivated in any way that was  
17 suggested earlier by partisan intent, and we  
18 did what I think is the legislative  
19 prerogative, which is we took the CD 5 that  
20 they said had a BVAP too high and we lowered it  
21 and we modified CD 5, but kept a north/south  
22 configuration, and that was then approved by a  
23 court.

24 And so to be clear, they didn't -- the  
25 Florida Supreme Court could have simply said,

1 go back and try again on CD 5 because your BVAP  
2 remains too high, but they didn't do that.  
3 They went further and they said redo the whole  
4 thing, take it completely from a north/south to  
5 an east/west and did so in a way that I suppose  
6 it could be coincidence in someone's mind, not  
7 mine and others may think it is coincidence.

8 They did so in a way that completely  
9 matches a partisan map that evidence shows was  
10 prepared by Democrats and that is the record.  
11 And I appreciate Senator Montford's attempt to  
12 putting forth a modification. I understand his  
13 motivations are pure, and I understand what he  
14 is looking to do, is to try to make this more  
15 acceptable from allowing the African-American  
16 community to elect a candidate of their choice.

17 I feel hamstrung and am quite comfortable  
18 moving forward with the -- with the base map  
19 when it comes to CD 5.

20 SENATOR GALVANO: Thank you, Chairman  
21 Bradley. Okay, before Senator Montford closes  
22 let me just bring it in.

23 First of all, I appreciate the intent of  
24 your amendment and what you were trying to  
25 accomplish. I would ask the committee not to

1 support it. I do have some Tier 2 concerns  
2 with regard to visual compactness, scoring  
3 compactness as well as the splits in both  
4 counties and cities.

5 Having said that, with regard to the  
6 opinion of the Supreme Court we have been given  
7 a very specific instruction. They have and our  
8 lawyers have told us this and corroborated it  
9 yet again that the CD 5 proposed by the Court  
10 which is in the base map is an example, an  
11 exemplar, if you will. The Court has also made  
12 very clear to us whether or not we agree that  
13 45.1 percent is sufficient to meet the  
14 threshold for their interpretation.

15 So unfortunately we are dealing with a  
16 situation and a medial process where the Court  
17 has given us a safe harbor and basically has  
18 drawn a line in the sand, albeit a 206-mile  
19 line across north Florida, it is a line in the  
20 sand nonetheless, and to adhere to the advice  
21 of counsel, unless we accept that we run the  
22 risk of having the Court reject it.

23 So with that I would ask that you not  
24 support the amendment to Senate Bill 2-B and I  
25 will recognize Senator Montford to close and



1 convince us otherwise.

2 SENATOR MONTFORD: Thank you, Mr. Chair,  
3 for that encouragement and support. But I do  
4 want to make a couple of points, if I may. I  
5 think we do have to look at voting performance  
6 and I have been through eight campaigns  
7 personally in this county and two in this area  
8 of north Florida, 11 counties.

9 So I -- I think I have a pretty good feel  
10 for north Florida. So I think the voting  
11 performance is an issue. It is not necessarily  
12 a science, but it is something you have to  
13 contend with.

14 The second thing though, and sometimes  
15 they may the elephant in the room, is that is  
16 that many years ago when -- when that First  
17 District 5 was drawn, I said to myself, what in  
18 the world are they doing. And then as time  
19 goes through I learn from some of my colleagues  
20 and others, why it did, and it was because of  
21 historical housing patterns that exist today in  
22 this state, in this country, because of  
23 historical events, what has occurred over the  
24 last 200 years. That is why people live where  
25 they live in many cases.

1           And I would suggest to you, and I thought  
2 about it this weekend, if we were to draw these  
3 lines based on where people worship, these  
4 lines would be one heck of a lot different.  
5 You think our neighborhoods are segregated,  
6 let's look at places of worship.

7           So if you were to pause and start drawing  
8 these lines about where they worship rather  
9 than where they live, you can't have compact,  
10 as compact districts as one, one might would  
11 like. It is not that simple. So what, the  
12 constraints that we have and I won't belabor  
13 what they are, make some of us feel very  
14 uncomfortable. Some of us will be in an  
15 awkward position trying to defend whatever we  
16 come out of this committee with and what  
17 eventually we decide on the Senate floor.

18           But I, Mr. Chair and members of this  
19 committee, I clearly understand the concerns  
20 that you have, all of you have and especially  
21 our ability to move forward and get through the  
22 judicial system.

23           So with that, Mr. Chair, and my colleagues  
24 on this committee, I respectfully withdraw this  
25 amendment.

1           SENATOR GALVANO: Show amendment 820214  
2           Montford map 9052 withdrawn. Thank you,  
3           Senator. I appreciate it.

4           Now we will take up 903908 by Lee, it is  
5           map 9046. Mr. President, I believe you intend  
6           to withdraw that amendment.

7           SENATOR LEE: That is correct, sir.

8           SENATOR GALVANO: Show that amendment  
9           withdrawn. Now let's take up 882640, Bar Code  
10          and it is Lee 9048 and we will go into the  
11          substitute amendment, Bar Code 202492 by Lee,  
12          map 9054.

13          President Lee, you are recognized to  
14          discuss the substitute amendment.

15          SENATOR LEE: Thank you, Mr. Chair. And  
16          -- and as I said last week as we were working  
17          through this, 9046, which has been withdrawn,  
18          and 9048 for which we now have a substitute,  
19          9054, which is the substitute amendment that we  
20          are on, did a great job sort of showing you the  
21          progression of -- of how we got to this  
22          substitute amendment. And it sort of began  
23          with my own personal knowledge of the way the  
24          citizenry feels back in eastern Hillsborough  
25          County about the history of how these maps have

1           been drawn and the priorities that have been  
2           set.

3           We -- I heard from Senator Joyner in  
4           discussion that she had some interest in trying  
5           to improve the performance of Senate District  
6           14. I read in the newspaper that some folks  
7           down in Sarasota, Manatee, had an interest in  
8           trying to re-establish the communities of  
9           interest that exists down there in  
10          Congressional District 16, and I set out to try  
11          to take a look at all of those priorities  
12          because on the record our staff was very honest  
13          in saying that once they got to Tier 2  
14          standards not only did the Supreme Court, not  
15          only does the Constitutional Amendment say that  
16          none of these Tier 2 standards with respect to  
17          compactness, honoring political subdivision  
18          boundaries, et cetera, took precedence over one  
19          another, but that there was actually a myriad  
20          of ways these maps might have been drawn to  
21          achieve very similar scores.

22          And -- and so we set out to try to see if  
23          we couldn't address some of those priorities  
24          that existed based upon the knowledge of the  
25          way communities operate and not do any damage

1 to the maps. And so in 46 and in 48 we  
2 attempted to improve the coalition performance  
3 of Senate District 14 a bit.

4 Senator Joyner, I inferred from the  
5 questioning and her comments on the record did  
6 not like the tangential impacts that occurred  
7 to the map as a result of that. And so in  
8 order to achieve what she wanted to achieve we  
9 were going to have to draw something that went  
10 down the west coast, west coast of Hillsborough  
11 County, if you will, in a way that would have  
12 created some obvious visual compact issues  
13 which would have been fine, I suppose, if we  
14 were operating under a Tier 1 standard, but  
15 that district was not given that level of  
16 priority by the Court.

17 So we essentially in the substitute  
18 amendment went back to the original  
19 configuration of Congressional District 14, I  
20 believe. We consolidated south and eastern  
21 Hillsborough County and in order to improve the  
22 compactness scores took the Polk portion of  
23 Congressional District 15 and drove it north to  
24 the county line which allowed us to move  
25 Congressional District 9 to the east and out

1 of, I guess, move it to the east and improve  
2 the compactness scores there.

3 And I think essentially what happened over  
4 the weekend, Mr. Chairman, is sort of what I --  
5 what I offered in open discussion on Thursday,  
6 and that is that, you know, we are trying to  
7 react to maps that have taken, you know,  
8 probably hundreds of manhours to develop in the  
9 form of a base map working in concert with  
10 House staff over the course of a few hours in a  
11 compressed schedule with other members having  
12 issues they would like to see taken, staff take  
13 a look at as well. So in the spirit of trying  
14 to maintain I guess as much of the base map in  
15 compactness and what-have-you as we could and  
16 without doing any damage, if you will, to the  
17 -- what would I call that, the expectations  
18 that had been set with respect to the base map  
19 by people who had viewed it, we set out to try  
20 to achieve some of these goals and objectives.

21 We did it all on the record and we did it  
22 in a way that I think actually improves the  
23 city splits by two cities and with relatively  
24 similar compaction scores. We have not looked  
25 at a single shred of performance data. This

1 has been done entirely with our Staff Director  
2 Jay and myself and then he worked, as far as I  
3 know he worked on his own over the weekend to  
4 try to achieve the objectives that we talked  
5 about on the record, which is really to improve  
6 the compactness score that comes, I think, the  
7 compactness score that comes out of Amendment  
8 48, 9048, into Congressional District 9 by the  
9 adjustments that are made in 9054.

10 And I will defer to staff at your  
11 pleasure, Mr. Chair, to kind of walk the  
12 committee through the Reock and Convex Hull as  
13 opposed to a visual compaction scores, kind of  
14 walk through those at your pleasure, and I am  
15 prepared and happy to answer any questions the  
16 members might have. And to the extent that I  
17 have missed, you know, articulating a process  
18 that we -- we went through to get there to the  
19 satisfaction of the committee I am happy to  
20 reiterate any portion of it.

21 SENATOR GALVANO: Thank you, President  
22 Lee. I am going to recognize Jay Ferrin to  
23 discuss some of the scores. And I would also  
24 after that would like to hear from legal  
25 counsel because unlike CD 5 we have not heard a

1 lot of feedback on this, on this proposed  
2 change and I would like to get a brief comment  
3 from counsel as well.

4 Mr. Ferrin, you are recognized.

5 MR. FERRIN: Thank you, Mr. Chairman, and  
6 Senator Lee, you did a good job explaining what  
7 we did here. We did go back to the District 14  
8 that was in the base map in part because it  
9 allowed us to keep Tampa whole. I think there  
10 was probably some concern that the prior  
11 iteration of CD 14, while statistically a  
12 little bit more compact than the base maps, it  
13 did not create a situation in which there was a  
14 Tier 1 priority that would probably justify  
15 splitting the city of Tampa.

16 So we returned to that, and then the  
17 exchange between Districts 15, 9 and 17 was  
18 basically a clockwise rotation where District  
19 15 pushed up and took in the population north  
20 of Lakeland between Lakeland and the northern  
21 Polk County border, and that allowed District 9  
22 to push further east in the northern part of  
23 Polk and push further west in the southern part  
24 of Polk which resulted in District 9's  
25 compactness being significantly more visually



1 and metrically superior to what it was in the  
2 prior amendment. Likewise, District 17, its  
3 compactness scores improved some because it  
4 ends up filling in more area in the area.

5 In regards to city splits, making this  
6 change also, well, back to the original  
7 amendment, the underlying amendment. The  
8 changes to CD 10 and 11 allowed us to keep  
9 Groveland whole there, the city of Groveland  
10 which was previously split. Restoring Tampa in  
11 CD 14 reduced the city split from the base  
12 amendment, and then the Polk County area in  
13 this iteration is drawn with no cities split.

14 We were able to keep Lakeland whole in  
15 District 15, Auburndale whole in District 9 and  
16 then Winter Haven is whole in District 17. So  
17 it does reduce the overall city and county  
18 splits, and from a statewide perspective the  
19 compactness scores are pretty much the same as  
20 they are in the base map. The base map has a  
21 statewide Reock score of .43. A statewide  
22 Convex Hull score of .76 and a statewide  
23 Polsby-Popper of .35. This amendment has a  
24 statewide Reock score of .43, Convex Hull was  
25 .76 and Polsby-Popper is .34. So barely a

1           slight change in the scores there.

2           SENATOR GALVANO: Thank you, Mr. Ferrin.  
3           Justice Cantero, do we have any red flags or  
4           issues with regards to the opinion of the  
5           Court?

6           JUSTICE CANTERO: Well, in looking at the  
7           changes that are done to the base map, I think  
8           as far as the compactness scores as -- I am not  
9           going to repeat what Jay just said, but to me  
10          it is kind of a wash. It certainly doesn't  
11          detract from the base map. They don't diminish  
12          the compactness scores. Some districts are  
13          less compact, others such as 11 are more  
14          compact.

15          I think District 16 is a separate issue  
16          because even though District 16 is less compact  
17          than in the base map, I think the reason for  
18          that is a little different. The reason for  
19          District 16 in 9054 is it returns that district  
20          to the way it was in 9057.

21          It is basically the same district it was  
22          then, and that was not one of the districts  
23          that the Supreme Court directed the Legislature  
24          to redraw. So I see nothing wrong with keeping  
25          District 16 as it was in 9057.

1           There is, I always look for an increased  
2 benefit to any amendment to the base plan, and  
3 I think in 9054 the increased benefit that we  
4 see is the keeping two more cities whole than  
5 we did in the base map. So the base map kept a  
6 total of 386 cities whole, and in 9054 we keep  
7 388 cities whole.

8           So in my view it is a legally defensible  
9 amendment. One can never predict what a court  
10 will do and in this Supreme Court we have  
11 certainly seen some surprises in the last  
12 couple of years, but it is certainly a change  
13 that I feel comfortable defending on Tier 2  
14 grounds, and I don't see any evidence that  
15 there was any -- that it was drawn with any  
16 improper intent.

17           SENATOR GALVANO: Thank you. Other  
18 members, we are going to have questions and you  
19 can draft them to President Lee, and President  
20 Lee, if you would defer to staff or counsel, it  
21 is your prerogative.

22           Questions? Okay. Well, there are no  
23 questions. Do we have public comment  
24 specifically with regard to the substitute  
25 amendment or even the underlying -- no, we

1 don't.

2 Okay, members, we will go into discussion  
3 and debate then. Discussion and debate.

4 Seeing none -- yes, Senator Gibson, you  
5 are recognized.

6 SENATOR GIBSON: Thank you, Mr. Chair.  
7 And I guess this is more commentary and  
8 fortunate for Senator Lee, and I just, as you  
9 look at the geography of our state and, you  
10 know, it just causes you to wonder how easily  
11 we can change certain areas that don't  
12 necessarily have a minority impact and it is  
13 all good, and we can change -- we can't change  
14 or we have to change those areas in the state  
15 that do have minority impact and we are  
16 extremely restricted.

17 And so I am just, I guess I am mulling  
18 that part over and maybe Senator Lee can help  
19 us figure out how we can deal with east/west,  
20 up north. Thank you.

21 SENATOR GALVANO: Thank you. In debate?  
22 Vice Chair Braynon.

23 SENATOR BRAYNON: Thank you. I think when  
24 I was looking at this before I talked about the  
25 split of Orange County versus the split of

1 Hillsborough, Hillsborough County, and in the  
2 base map they are split evenly. There is one  
3 seat that is wholly incorporated in Orange  
4 County and three seats that have a portion of  
5 Orange County.

6 In Hillsborough there is one seat that is  
7 incorporated wholly in Hillsborough County and  
8 three seats that have a portion of Hillsborough  
9 County. Now it looks like we have three seats  
10 in Hillsborough and no seats that are wholly  
11 incorporated in Orange County. So I guess  
12 maybe if we can go -- we can, in the close,  
13 President Lee, if you can, I guess it is just a  
14 choice and it is a prerogative.

15 It would be my assumption, but I will let  
16 you clarify in the close, but that kind of  
17 gives me a moment of pause that a huge county  
18 like Orange County now has no Senate, no  
19 congressional seats that is wholly  
20 incorporated.

21 SENATOR GALVANO: Chairman Bradley, you  
22 had a question, I believe.

23 SENATOR BRADLEY: I do, and perhaps it  
24 would be okay if President Lee would just  
25 address this in his close along with what Vice

1 Chair Braynon has asked him to address in his  
2 close.

3 And that is if you could talk about, if  
4 you have met with any political consultants  
5 regarding political performance of this map.  
6 Have you -- who have you spoken to besides our  
7 staff and that sort of thing just to make sure  
8 the record is clear on that, President Lee.  
9 Thank you.

10 SENATOR GALVANO: Thank you, Chairman  
11 Bradley, and I think you hit on that, but I  
12 appreciate you highlighting it for us.

13 Senator Montford.

14 SENATOR MONTFORD: Thank you, Mr. Chair.  
15 You know, quite frankly, I -- I spend most of  
16 my time in north Florida, and I haven't had as  
17 much time probably as I should have to really  
18 get down into the nitty gritty of this.

19 What I would ask Senator Lee to do,  
20 President Lee to do if you would in your  
21 closing is, one, I guess what is really the  
22 big, the change here and is there -- has there  
23 been any public response to this at all? I  
24 mean, has anybody said anything that would  
25 bring concerns about this particular amendment

1 that we need to be concerned with?

2 SENATOR GALVANO: Okay, before I recognize  
3 President Lee to close, Senators, I would  
4 support this amendment, mainly because it does  
5 not negatively impact Tier 2 compactness. It  
6 actually improves as the city and county  
7 splits, and based on counsel there is not a  
8 problem with the -- this amendment in the legal  
9 opinion rendered by the Florida Supreme Court.  
10 President Lee.

11 SENATOR LEE: Thank you, Mr. Chair. First  
12 let me dispense with the request that have been  
13 made by my colleagues and to comment in  
14 closing. I spoke with my wife about this on  
15 Saturday when I was running late for a family  
16 event that we had to engage in because Jay had  
17 been feverishly drafting this what has become  
18 this substitute amendment and wanted to make  
19 sure that it was, you know, worth the time and  
20 so I had to sort of explain myself there.

21 Beyond that, you know, what you read in  
22 the newspaper is what people know. I -- my  
23 intentions couldn't have been more accurate,  
24 more consistent with what I described on  
25 Thursday and again today, in that it is really

1 a confluence of events that began with a  
2 history of frustrations that have been  
3 expressed, again, not just with respect to this  
4 map, but with many, many previous maps going  
5 back to the reapportionment in '92, as to how  
6 Hillsborough County has been addressed.

7 And if the opportunity ever presented  
8 itself, it seemed to me like there would be,  
9 would be, you know, the proper representation  
10 of my constituents to try and improve the  
11 connectivity if you will in the congressional  
12 basis in eastern Hillsborough County. So on my  
13 own I probably wouldn't have just waded into  
14 that, but I also had some conversation or heard  
15 the conversation on Thursday with what Senator  
16 Joyner was trying to achieve.

17 I was aware of where she was trying to go.  
18 I also had read in the newspaper what  
19 ultimately became the amendment filed by  
20 Senator Bradley which I was able to see which  
21 addressed Congressional District 16 that had --  
22 was sort of, I don't know, collateral damage,  
23 if you will, because it was never even  
24 mentioned in the Supreme Court ruling as an  
25 issue. And I thought, well, you know, maybe



1           there is an opportunity here. I had no idea  
2           where it might take me, and I sat down with --  
3           with Jay and we recorded a -- well we had a  
4           brief meeting around noon, I believe it was,  
5           last week, I don't know, days all come  
6           together, I guess it was Tuesday when I first  
7           learned about this. We had a brief meeting and  
8           we recorded it and that was probably Wednesday  
9           when we -- when we met.

10           Then we met Wednesday night late into the  
11           evening and early Thursday morning to craft  
12           what became 46 and 48, 9046 and 9048 and in the  
13           conversations that we had Thursday at the  
14           committee meeting, now that I am getting my  
15           chronology correct here, it was then that I  
16           said well, look, I -- we are operating under  
17           pressure, we don't want to dis-effect people,  
18           we don't want to create issues, legal  
19           liabilities for our map.

20           We don't want to let parochial issues  
21           outweigh the performance of the statewide map.  
22           I hadn't the first foggiest idea about how any  
23           of this is going to effect performance. I am  
24           under the impression and the understanding that  
25           as a Tier 2 issue that is not something we

1 should be thinking about or talking about or  
2 looking at.

3 I felt like some of the inquiry with  
4 respect to my attempted amendment seemed to be  
5 based and perceived impacts to performance by  
6 others, but I don't know what is going on in  
7 their heads and I certainly have not had the  
8 desire, the interest or made any attempt or  
9 have received any phone calls or anything  
10 adverse to this map or in commentary about its  
11 performance or in concert with anyone other  
12 than Jay. And so hopefully that answers the  
13 questions.

14 I, you know, the Orange County issue that  
15 Senator Braynon raises, I can't really speak to  
16 exactly, you know, how this affects the Orange  
17 County area except to say that, you know, from  
18 a visual standpoint it looks like, and I could  
19 look if I here on the fly, but it looks like,  
20 you know, from a population standpoint Orange  
21 County has a congressional seat that the  
22 population of Orange County will ultimately  
23 drive. So Hillsborough County is substantially  
24 better than Orange County geographically, and  
25 -- and in population.

1           So -- and again I don't know the history  
2 of Orange County from maps going back to the  
3 early '90s, but I know the history of eastern  
4 Hillsborough County and I would just suggest to  
5 you that in response to our Staff Director's  
6 comments that there is a myriad of ways to draw  
7 these maps, that we have chosen to draw them in  
8 a slightly different set of priorities, if you  
9 will, albeit against the back drop of the same  
10 compactness and geographical boundary standards  
11 that were contained in Tier 2 and we felt bound  
12 and obligated to honor as in any amendment that  
13 was drafted, and as a result that would  
14 essentially improve the performance of this map  
15 in terms of Tier 2 by two city splits.

16           So I would appreciate the indulgence of  
17 the committee and I would be just profoundly  
18 remiss if I did not in my closing, and I know  
19 you all have said the same thing and  
20 experienced the same thing. What a remarkable  
21 experience it has been having an opportunity to  
22 work with our Staff Director and watch them  
23 move these pieces of puzzle around on the board  
24 to try to make sure that we were achieving  
25 goals without doing any structural damage, if

1           you will, to the Tier 2 standards. So that  
2           hats off to Mr. Ferrin.

3           SENATOR GALVANO: Thank you, President  
4           Lee, having closed. All those in favor of  
5           adopting Bar Code 202492, Lee map 9054 signify  
6           by saying yea.

7           (Chorus of yeas.)

8           SENATOR GALVANO: Opposed nay.

9           A VOICE: No.

10          SENATOR GALVANO: Show it adopted. Okay,  
11          now we are on amendment Bar Code 864766 by  
12          Bradley. This is map 9042, and this is the  
13          substance of the 16th Congressional District,  
14          16 change that was in the previous.

15          SENATOR BRADLEY: Withdrawn.

16          SENATOR GALVANO: Okay, show 846766  
17          Bradley 9042 withdrawn.

18          We are now back on the Bill as amended and  
19          we do have some public testimony. Let me begin  
20          with Todd BonLarron who is from Palm Beach  
21          County, Legislative Affairs Director. How are  
22          you? Good to see you again.

23          MR. BonLARRON: Fine, thank you. Thank  
24          you, Mr. Chairman. Just for a couple of brief  
25          comments. First, Todd BonLarron, Legislative

1           Affairs Director for Palm Beach County. I  
2           would refer back to the testimony of many from  
3           our community who appeared before your  
4           committee last week and those that have  
5           submitted written comments to the committee  
6           over the past few weeks for some of the  
7           specifics of the issues that had been brought  
8           up in regards specifically to District 21 and  
9           District 22.

10           And would just note that, you know, our  
11           community under the base maps that have been  
12           proposed will no longer have two of the four  
13           congressional seats in Palm Beach County that  
14           we currently have with a majority of their  
15           voting constituencies within Palm Beach County.

16           I think that that representation has been  
17           very important to us historically. The base  
18           maps would reduce that to one of the four  
19           congressional seats in Palm Beach County with  
20           that majority and we would like to maintain at  
21           least the current district distribution in  
22           terms of that broader representation.

23           The current alignment that we have and I  
24           am not talking about the base maps, but the  
25           current seats as they are have north to south

1 districts for 21 and 22. One which creates a  
2 coastal district, bordered on the east side all  
3 of the way down by the Atlantic ocean and on  
4 the other side municipal boundaries along some  
5 transportation corridors, and then we have  
6 another western district which more closely  
7 aligns some of the historical development in  
8 Palm Beach County, and those are configurations  
9 that are supported by much of the testimony  
10 that you saw and heard from last week in those  
11 comments.

12 And while the Supreme Court opinion was  
13 very specific about some of the districts,  
14 particularly the ones that you discussed today  
15 in the amendatory process, it was much less  
16 specific to Districts 21 and 22 which means  
17 that it could be possible for the Legislature  
18 with some modifications keep that north/south  
19 configuration so long as there is appropriate  
20 justification for the layout of those maps.

21 While we didn't have an amended drafted  
22 for you today to discuss in greater detail  
23 those issues, we want to go on record that we  
24 continue to have some concerns with the base  
25 maps in terms of that configuration and look

1 forward to working with you to address those as  
2 you move forward in your deliberations.

3 Thank you, Mr. Chairman.

4 SENATOR GALVANO: Thank you for being  
5 here. Thank you for your time. Councilman  
6 Brown, Jacksonville City Council. Good  
7 afternoon.

8 COUNCILMAN BROWN: Thank you, Mr. Chairman  
9 and committee. As stated, my name is Reginald  
10 Brown, City Council, Jacksonville, Florida. I  
11 am here for a couple of reasons.

12 One, in support if we are not going to  
13 keep -- if this is an Order that we make the  
14 changes to District 5, Congressional District  
15 5, then I am definitely in favor of an  
16 amendment. You know, we have to look at the  
17 goal. What is the goal?

18 If it is truly to ensure that minorities  
19 in particular have presentation, then that is  
20 where we should start. You know, I heard the  
21 Justice talk about being able to defend  
22 whatever position we take. Well, if the goal  
23 is to ensure that minorities have  
24 representation, then I think that is where our  
25 defense should start at. And we have to ask

1 ourselves, how did we get here.

2 I heard you all talk about the residents.  
3 At some point that particular practice of  
4 having minorities in certain communities has  
5 just become a way of life. I think all of us  
6 can probably look anywhere, not just the state  
7 of Florida, in our nation, and identify a  
8 minority community and that is just the way it  
9 is. That is the world we live in.

10 And I think that as we review the elements  
11 of a candidate of choice, I would like to  
12 remind us that it is our responsibility to  
13 ensure fair districts. And it is not -- it is  
14 not an option that we have. That is something  
15 that we have an obligation to do.

16 I listened today to the conversations  
17 about voting populations and extending from  
18 east to west picking up a population that not  
19 even within our own boundaries in our county  
20 they can vote. Convicted felons can't vote.  
21 So why would we include them in our population  
22 as we put these districts together? I am not  
23 sure the intent of that, whether it is  
24 intentional or not, the impact is still the  
25 same. These folks can't vote. So they are not



1 going to have an impact on the election.

2 I even heard, it was Senator Montford talk  
3 about going from east to west or north to south  
4 and the question is, can we go south and I am  
5 not -- wasn't really clear on that, but he did  
6 say it wasn't a good idea. But I can tell you  
7 that if going south is going to create justice  
8 then it is always a good idea.

9 The impact areas, communities where the  
10 opportunity is not afforded, I just want to  
11 talk about that. I am in north Florida. We  
12 have four counties, Clay County, Nassau, St.  
13 Johns and Baker County. Yes, they are very  
14 compact, but I can tell you that the minority  
15 communities are without representation of their  
16 choice.

17 This is information that you can research.  
18 So when we look, when I was looking at the map  
19 and going back to the origin of why we are  
20 here, it was developed that way, that little  
21 sliver, if you will, in order to pick up  
22 minorities because the intent was to make sure  
23 minorities have representation.

24 So I -- I say to this body and I applaud  
25 the work that you are doing here, I have gone

1 through a similar process on the local level,  
2 and I can tell you that the challenges we face  
3 in Duval is that when we look at tri-county  
4 elections, not a Democrat nor a minority win.  
5 When we look at tri-county elections, when we  
6 look at at large seats in Duval County, whether  
7 it is by design or not, intentional or not, I  
8 can tell you that very rarely will you find one  
9 in this century that there was a Democrat  
10 elected to that seat.

11 We talked about the fact that white  
12 Democrats usually vacate voting for the  
13 Democratic candidate in the general election.  
14 Well, that is the only way we can lose some of  
15 these seats in Duval County, because if you  
16 look at, and I will give you two seats in  
17 particular, Councilman Crescimbeni At Large, a  
18 Democrat, and also Councilman Hazouri, right,  
19 both white male Democrats, not a problem. When  
20 I say to win at large seat. The one time that  
21 we did have a Democrat African-American to win  
22 an at large seat was when -- and quite frankly,  
23 not to take anything away from that particular  
24 candidate, but because the more of that  
25 particular individual was so challenged, folks

1 decided to stay home, and that is just the way  
2 it is.

3 You know, we -- the whole purpose of  
4 creating the at large seats was to, when we  
5 consolidated our -- if you would like to  
6 consider it a consolidated city when the city  
7 still had three municipalities within a  
8 consolidated government, that doesn't meet the  
9 muster there, but it was too -- give the entire  
10 city the out-layers of the counties to have  
11 representation.

12 I guess I will close with this. Is that  
13 we in Jacksonville, we are depending on you,  
14 this body, to make sure that we have  
15 representation, whether we go east or west,  
16 whether we go north or south, I believe, and  
17 you can look at Baker County, you can look at  
18 Clay County, St. Johns and you can look at  
19 Nassau County and you can see that never in  
20 history have minority communities have had  
21 representation. And if we strategically  
22 intentional or not impact District 5 in such a  
23 way that the minority community cannot have  
24 their candidate of choice, we can -- we will  
25 continue to go down this road what I call of

1           unrest.

2                   Our nation, our state, our cities are  
3 depending on you. I have had the opportunity  
4 of serving in the United States Army for over  
5 20 years as a warrant officer, and I can tell  
6 you that I never thought that I would come to  
7 this day when I have to put my uniform on once  
8 I get to the installation, because people are  
9 disgruntled and it is because of our actions.

10                   Even myself on a local level, when we stop  
11 listening to taxpayers, when we stop listening  
12 to constituents, when we know for a fact that  
13 compact districts is going to take away the  
14 candidate of choice, we know this, I think it  
15 is time we, as they say in football, drop back  
16 and punt and really look at what we are doing  
17 and provide the people, the taxpayers, with  
18 fair representation of choice.

19                   Thank you all.

20                   SENATOR GALVANO: Thank you, Councilman,  
21 and thank you also for your service. We  
22 appreciate it.

23                   Any further public testimony? Further  
24 public testimony? We have no further cards.  
25 Okay.

1           Debate, comment, discussion, anyone?

2           President Lee.

3           SENATOR LEE: Well, thank you, Mr. Chair,  
4           and I will be brief. First to the Councilman,  
5           we hear you, we appreciate you being here and I  
6           think you have heard today that we have a lot  
7           of reservations about the constraints in which  
8           we are operating specifically with respect to  
9           Congressional District 5. We all understand  
10          where you are coming from and all we would ask  
11          of you is that you and the folks in your  
12          community beg our indulgence.

13          We -- we -- everybody reports to somebody.  
14          I know there are Voting Rights Act issues out  
15          there being challenged at the Federal Court  
16          level, and I am afraid that ultimately that is  
17          where these issues are going to have to be  
18          addressed because they are just outside our  
19          purview at this point if we are going to get a  
20          map out of here that reflects, as our lawyers  
21          have interpreted the Supreme Court. I mean, it  
22          is not going to take a lot of lawyers to  
23          interpret this, it is pretty plain spoken in  
24          some of these areas about what our direction is  
25          with respect to this these Tier 1 issues. So I

1 ask that you beg our indulgence and we  
2 appreciate you being here though, very much, in  
3 representing your community.

4 Mr. Chair, I would just like to, in  
5 support of this map, thank you, sir, for your  
6 patience and the methodical nature in which you  
7 have managed your responsibilities here at the  
8 committee level. I know your legal background  
9 prepares you well for this, but you know, there  
10 were a lot of land mines and there are probably  
11 some more out there ahead of us, but to this  
12 point there are a lot of land mines in the  
13 committee process and you have been dealt a  
14 very challenging hand to figure out how to set  
15 up a process that allows for legislative input,  
16 lacks prejudice to the Legislature to put its  
17 thumb on the scale here, and at the same time  
18 creates the sort of openness and transparency  
19 that we have been asked to honor.

20 And so, you know, I want to tell you that  
21 I personally believe that you have managed that  
22 exceedingly well, and I am grateful for the way  
23 you have conducted the committee deliberations.

24 I think that from a work product here,  
25 though I know it is not, you know, maybe to

1 everybody's satisfaction that we could have  
2 maybe gone further certainly in this  
3 Congressional District 5 issue for the reasons  
4 that we have stated. We have not done that,  
5 but you know, I would just, you know, I  
6 couldn't feel better given the circumstances we  
7 are operating under by the way the committee  
8 has attempted to look at the map  
9 comprehensively and see if there aren't  
10 opportunities for improvements here and there,  
11 and I am grateful for that. I wanted to have  
12 that on the record, sir.

13 SENATOR GALVANO: Thank you, President  
14 Lee. Senator Gibson.

15 SENATOR GIBSON: Thank you, Mr. Chair, and  
16 certainly thank President Gardiner, too, for  
17 reappointing me to this committee for the past  
18 three years I guess we have been at this.

19 SENATOR GALVANO: The gift that keeps on  
20 giving.

21 SENATOR GIBSON: I know, and it doesn't  
22 have a bow on it, that is the problem with it.  
23 No sparkle, no nothing. So I am just, you  
24 know, in case you haven't noticed, I have been  
25 pretty much a renegade most of my life, and

1           today I guess I have to temper it a little bit,  
2           even though I don't want to.

3           The thing that I don't want to happen  
4           though is, and I know I have another chance to  
5           still raise a little ruckus and be a renegade  
6           still, but I don't want the Supreme Court  
7           really to have the final say. And so in -- in  
8           our committee process we are -- thank you,  
9           Senator Joyner, we are getting the final say in  
10          this committee to produce a product to give to  
11          our full body who may even have some other  
12          ideas that may be helpful for some of the  
13          things that even I am struggling with.

14          And so I want to thank you for your  
15          professionalism and particularly your patience  
16          in this -- in this process and letting us take  
17          our -- take our time. That was really critical  
18          I think, because one of my notes in one of my  
19          debates said that, you know, we were rushing  
20          through the process and you slowed it down and  
21          I appreciate that very much.

22                 SENATOR GALVANO: Thank you.

23                 SENATOR GIBSON: And I appreciate Jay who  
24                 had a lot of patience, too, and that he can  
25                 still smile is a miracle to me. So today I



1 will support this committee's map and I reserve  
2 the right without prejudice to disagree on the  
3 floor if we don't get to something that I feel  
4 comfortable with. Thank you.

5 SENATOR GALVANO: Thank you, Senator  
6 Gibson. Senator Montford.

7 SENATOR MONTFORD: Thank you, Mr. Chair.  
8 And once again I want to thank you for your --  
9 how you have handled this committee meeting.  
10 It has been encouraging and certainly has been  
11 an open process, and again, you have done a  
12 magnificent job and again I want to thank the  
13 President for allowing me to serve on this  
14 committee again.

15 I am going to support this map, the base  
16 map, and that is 180 degrees from where I  
17 thought I would be when we started this  
18 process. But it makes me uncomfortable that we  
19 have taken one part of Florida, the Supreme  
20 Court has taken one part of Florida and  
21 somewhat treating it differently and when I --  
22 when I heard our counsel the first day say that  
23 this particular map, Romo A, was the, you know,  
24 that is what the Supreme Court would look  
25 favorable on and there were other conditions.

1           But when you look at it, if I am not  
2 mistaken, we were put in a position of  
3 accepting Romo A base plan and then starting in  
4 south Florida and then moving north. Again, it  
5 just makes me feel uncomfortable that in  
6 Florida we are -- we are treating one part of  
7 Florida different than the rest, and that gives  
8 me great pause.

9           And when you look at the Tier 1  
10 requirements, the Tier 2 requirements, the  
11 Voting Rights Act, the housing patterns that  
12 are historical in the state, then we are left  
13 with very little alternatives, if you will,  
14 especially here in north Florida. So again it  
15 gives me -- it gives me great concern.

16           I am looking forward to a vigorous  
17 discussion and debate on the floor, but I will  
18 support this, Mr. Chair, and again, thank you  
19 for your leadership.

20           SENATOR GALVANO: Thank you, Senator  
21 Montford.

22           Chairman Simmons, you are recognized.

23           SENATOR SIMMONS: I think that Senator  
24 Bradley was before me, so if --

25           SENATOR GALVANO: Chairman Bradley, you

1 have been yielded to. You are recognized.

2 SENATOR BRADLEY: Thank you, Mr. Chairman.

3 I want to echo Senator Gibson's comments  
4 regarding the process. I am very satisfied  
5 that all seven members of the committee were  
6 able to fully express their concerns about  
7 every bit of the map from -- from Pensacola to  
8 Key West and that makes it a stronger product  
9 in the end, because I feel like every person  
10 had their -- had a full understanding.

11 Each of us had a full understanding of the  
12 impact of each little decision, how it rippled  
13 across the state and all of that is really a  
14 tribute to you and your leadership as the  
15 Chairman, our Vice Chairman, Senator Braynon,  
16 and as well as Jay Ferrin and his staff.  
17 Thanks, thanks to the whole team for the work  
18 that has been done on this.

19 I did want to -- I would be remiss if I  
20 did not say that I am disappointed that we  
21 received a letter from the League of Women  
22 Voters in Common Cause on Friday alleging an  
23 intent violation that there was ill intent in  
24 the preparation of the base map, and then they  
25 are not here today to address that.

1           I know that they, you have said before,  
2           that they are certainly welcome to come, they  
3           are invited to come. I am sure that they are  
4           watching these proceedings and there has been  
5           such effort made to make this process open and  
6           transparent even down to going to the very  
7           tedious work of explaining the different  
8           iterations of the map from beginning to end and  
9           why certain decisions were made each step of  
10          the way.

11           There can be no doubt that that, the  
12          purity of the process with regards to how that  
13          base map came into being, and if someone has  
14          evidence otherwise then bring it forward. We  
15          are here. That didn't happen, and that is very  
16          disappointing.

17           I am looking forward to supporting this --  
18          this good work of this committee, and look  
19          forward to doing so in on the floor as well.

20           Thank you, Mr. Chairman.

21           SENATOR GALVANO: Thank you, Chairman  
22          Bradley.

23           Chairman Simmons, you are recognized.

24           SENATOR SIMMONS: Thank you, Mr. Chair.

25          And I want to thank you in another way and that

1 is the way you have conducted these  
2 proceedings, the absolute admirable way that  
3 you have done this. The openness, the true  
4 transparency, the inclusiveness that you have  
5 had and the fact that you did slow things down  
6 so that we could assure that there was within  
7 the time frame that has been allotted to us, a  
8 sufficient amount of time to have a complete  
9 and thorough analysis of all of this.

10 And I want to thank Senator Gibson for our  
11 working together without reaching any  
12 decisions, except those decisions that are  
13 recorded with Jay and I want to thank, I want  
14 to thank Jay and the staff for -- for the  
15 wonderful job that you have done. I mean, this  
16 is, it has been incredible to work with you and  
17 to see the abilities that you have to do that  
18 which is right.

19 And it is unfortunate that, that  
20 potentially the conduct of a few has impacted  
21 the rights of so many and brought us here. I  
22 think many people have unfortunately painted  
23 the Legislature with a broad brush, and the  
24 fact of it is, is that we are here, it is  
25 something that I think a lot of us didn't want

1 to be in Tallahassee at this time of the year  
2 but that is okay. We are here and we are doing  
3 the job and we are doing it right.

4 I am concerned about the result of what  
5 the Florida Supreme Court has done with respect  
6 to the ability of minorities, particularly  
7 African-Americans to elect the candidate of  
8 their choice. I believe that the analysis that  
9 has been done is unfortunately incorrect with  
10 respect to the east/west district that has been  
11 adopted or at least stated that we are going to  
12 have to follow.

13 The fact of it is, is that we -- we know  
14 that the Tier 1 analysis is in fact an analysis  
15 that from the beginning was going to be that  
16 there should not be a diminution in the ability  
17 of minorities to elect the candidate of their  
18 choice.

19 I am concerned and I hope I am wrong, but  
20 I am concerned that the complexion of our  
21 Legislature, because this is the prelude to the  
22 years to come, that the complexion of our  
23 Legislature will have -- will be changed by  
24 this and the complexion of our Congress will be  
25 changed by this, because we are a rich

1 diversity here in our Legislature, and  
2 truthfully there are people who have been  
3 elected who would not otherwise have been  
4 elected. That is just a fact of life.

5 And I am afraid, I am really afraid that  
6 the rich diversity and the culture that is  
7 reflected in our Senate and in our Legislature  
8 and now in our Congress will be diminished  
9 because it is not enough that a person has just  
10 a right to vote. It is a right to have  
11 representation in that body that makes the  
12 decisions.

13 And so I am going to support this, I am  
14 going to support this Bill. Again, I  
15 appreciate the hard work that has been done by  
16 everyone collectively under the leadership of  
17 both Chair Galvano and the President, because  
18 this is a good product, one that is free of the  
19 influences that supposedly got us here,  
20 although I have questions about our rights of  
21 free speech and our rights to petition our  
22 Representatives.

23 I want to make sure that they are  
24 preserved. I want to make sure that they are  
25 continued. But we are where we are and we are

1 here with good leadership, excellent leadership  
2 with a rich diversity among us.

3 So with that said, Mr. Chair, I will be  
4 supporting this. Thank you.

5 SENATOR GALVANO: Thank you, Chairman  
6 Simmons, and members thank you all for your  
7 comments and remarks and I appreciate them very  
8 much. I also appreciate President Gardiner  
9 having put this committee together, having  
10 appointed the members to it that he has done  
11 and shown us the leadership to make sure that  
12 we would have a committee such as this with the  
13 parameters that have been assigned to us.

14 I certainly want to thank our legal  
15 counsel. They have done a great job in working  
16 with us and advising us and helping us fill in  
17 some of the blanks with regard to the Court's  
18 opinion. And I echo what each of you have said  
19 with regard to our Staff Director, Jay Ferrin.  
20 He has done an unbelievable job in meeting the  
21 demands of this committee. And the reason he  
22 had demands is because each of you members have  
23 taken the time to look at the map, look at the  
24 issues, ask the questions, and I believe that  
25 each one of you has given of yourself and been



1 in earnest in trying to make this a better  
2 product and to meet the requirements of the  
3 Court.

4 You know, we are in a country where we can  
5 disagree with the opinion of the Florida  
6 Supreme Court as many of us do. But we also  
7 live in a world of checks and balances, and  
8 while we disagree we also must respect the  
9 decision. And I am confident that the process  
10 that we have engaged in to this point has  
11 respected that decision. The way we have  
12 approached the map that will come out of this  
13 committee, including the discussion on the  
14 amendments and the adoption of the amendment  
15 has in my opinion been in concurrence with the  
16 directives of the Florida Supreme Court and we  
17 are fulfilling what we said that we would do  
18 when we were sworn in, that is to uphold the  
19 Florida Constitution and that as I said also  
20 means to respect the interpreters of that  
21 Constitution.

22 So I am confident that we have a good  
23 product going to the floor out of this  
24 committee, and again, I thank you for your  
25 efforts in that regard and feel like that it is

1 truly a committee product.

2 Having said that, Administrative  
3 Assistant, would you please call the roll on  
4 Senate Bill 2-B as amended.

5 SENATE SECRETARY: Senator Bradley.

6 SENATOR BRADLEY: Yes.

7 SENATE SECRETARY: Senator Gibson.

8 SENATOR GIBSON: Yes.

9 SENATE SECRETARY: Senator Lee.

10 SENATOR LEE: Yes.

11 SENATE SECRETARY: Senator Montford.

12 SENATOR MONTFORD: Yes.

13 SENATE SECRETARY: Senator Simmons.

14 SENATOR SIMMONS: Yes.

15 SENATE SECRETARY: Senator Braynon.

16 SENATOR BRAYNON: Yes.

17 SENATE SECRETARY: Senator Galvano.

18 SENATOR GALVANO: Yes. And by your vote,  
19 members, we will show Senate Bill 2-B reported  
20 favorably as a committee substitute.

21 We have a question from Senator Gibson.

22 It may be moot at this point, but go ahead.

23 SENATOR GIBSON: No. Well, it is not moot  
24 to the process, I don't think, and maybe I  
25 should have asked earlier, but as we leave --

1           SENATOR GALVANO: It is okay.

2           SENATOR GIBSON: In terms of, because I  
3 want to make sure, you know, I don't get fined  
4 \$500 a day or locked up or anything like that.

5           In terms of now filing an amendment and  
6 discussing and I need some guidance. Do I  
7 still need to go to Jay and have him turn on  
8 his recorder, what --

9           SENATOR GALVANO: Yes, that is --

10          SENATOR GIBSON: Please help me with this.

11          SENATOR GALVANO: That is a valid  
12 question. We are still within the remedial  
13 special session on the map. So the procedures  
14 that have been established have not changed.  
15 We will have, of course, the amendment filing  
16 deadlines for second reading which will be on  
17 Wednesday.

18          If you intend to work further with staff,  
19 the same suggested reporting requirement is in  
20 place.

21          Okay, seeing no more business before this  
22 committee, Vice Chairman Braynon moves that we  
23 adjourn.

24          (Whereupon, the proceedings were  
25 adjourned.)

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CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 01 through 91, is a true and correct record of my stenographic notes.

Dated this 21st day of August, 2015, at Tallahassee, Leon County, Florida.

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CLARA C. ROTRUCK

Court Reporter

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