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SENATE COMMITTEE ON REAPPORTIONMENT

OCTOBER 21, 2015

9:30 a.m.

Transcribed by:
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Court Reporter

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

2 SENATOR GALVANO: Okay, good morning,
3 everyone, we are going to call to order the
4 Senate Committee on Reapportionment.

5 Administrative Assistant, please call the role.

6 SENATE CLERK: Chair Galvano.

7 SENATOR GALVANO: Here.

8 SENATE CLERK: Vice Chair Braynon?

9 SENATOR BRAYNON: Here.

10 SENATE CLERK: Senator Bradley?

11 SENATOR BRADLEY: Here.

12 SENATE CLERK: Senator Gibson?

13 SENATOR GIBSON: Here.

14 SENATE CLERK: Senator Lee?

15 SENATOR LEE: Here.

16 SENATE CLERK: Senator Montford?

17 SENATOR MONTFORD: Here.

18 SENATE CLERK: Senator Simmons.

19 SENATOR SIMMONS: Here.

20 SENATE CLERK: A quorum present.

21 SENATOR GALVANO: Thank you very much.

22 Members, we had a lengthy meeting on Monday to

23 go over the base maps that were produced by

24 staff with the assistance of legal counsel.

25 And today I intend to further workshop those

1 maps as well as we will take some public
2 testimony.

3 In addition I think we have other missions
4 that we will hear about, but before we get into
5 more of a Q and A and discussion I am going to
6 ask Mr. Ferrin to give us a quick review of
7 what we went over Monday, and then we will
8 start talking about the maps and where we are.

9 Mr. Ferrin, you are recognized, sir.

10 MR. FERRIN: Thank you, Mr. Chairman. And
11 I have kind of condensed the presentation from
12 Monday here to try and keep things as short as
13 possible. The first thing I want to do is just
14 remind the members about the methodologies that
15 were employed in the base map drawing process.

16 The first of which was Methodology One,
17 and in Methodology One the kind of guiding
18 principle was to keep counties whole wherever
19 possible, wherever feasible and the result of
20 that was to sort of concentrate the splits
21 amongst the counties into fewer counties, and
22 that enabled us to keep the number of counties
23 whole. And also one of the elements of this
24 was keeping, in the larger counties, keeping a
25 district entirely within them.

1 This is the first Methodology One map plan
2 9070. It keeps 52 counties whole, has seven
3 counties that are split with only two districts
4 in them. Those include Brevard, Duval, Lee,
5 Manatee, Okaloosa, Osceola and Volusia.

6 In this plan there are three districts
7 that have or four counties that have three
8 districts within them, Lake County, Palm Beach,
9 Pinellas and Polk, and two counties that have
10 four districts in them. Those would be
11 Hillsborough and Orange. In Miami-Dade and
12 Broward, both of those counties always are
13 going to have more than four districts in them
14 as they have a significantly higher population
15 in them.

16 This plan also has six districts that are
17 made up entirely of counties, District 3, 4, 7,
18 11, 25 and 26, and has a number of counties
19 with districts entirely within them, including
20 Broward, Duval, Hillsborough, Lee, Miami-Dade,
21 Orange, Palm Beach and Pinellas.

22 In terms of the compactness scores for
23 9070, the statewide average is .42, and the
24 Convex Hull is .78, and the Polsby-Popper is
25 .38. And the -- real quick, to go back to

1 continue on 9070. We do have 390 cities whole
2 in that plan and we have four African-American
3 opportunity districts in plan 9070, District 6,
4 District 13, District 22, District 39.

5 There are two African-American
6 majority/minority districts, District 33 and
7 District 40, and there are three Hispanic
8 majority/minority districts, Districts 36, 37
9 and 38, and that is all consistent with the
10 opportunities provided in the benchmark plan.

11 The next map that we did was map 9072.
12 That is the Methodology One map as well that
13 keeps 53 counties whole, and it has five
14 counties with two districts within them. One
15 of the -- I am sorry. There are a number --
16 there are six counties with three districts in
17 them in this plan, and only two with four
18 districts in them.

19 In terms of districts made up of entire
20 counties, this plan has four. District 3,
21 District 4, District 10 and District 26, and
22 Broward, Duval, Hillsborough, Lee, Miami-Dade,
23 Orange, Palm Beach, Pinellas and Polk all have
24 counties entirely within them.

25 In terms of compactness scores, this plan

1 has a statewide average of a .43 Reock score, a
2 .79 Convex Hull and .39 Polsby-Popper. It
3 keeps 395 cities whole and has four
4 African-American opportunity districts,
5 District 6, 12, 22 and 33. Two
6 African-American majority/minority districts,
7 District 39 and 40, and three Hispanic
8 majority/minority districts, District 35, 36
9 and 37.

10 We can move on to map 9074, which is also
11 a Methodology One map. It is the third and
12 final Methodology One map, base map we have
13 today. It keeps 52 counties whole, has seven
14 counties that are split by two districts, six
15 that are split by three, and two that are split
16 by four.

17 The -- this plan also has a -- in Orange
18 County there are five districts within Orange
19 County in this plan. The plan has four
20 districts made up of entire counties, District
21 3, District 4, District 7 and District 11, and
22 Broward, Duval, Hillsborough, Lee, Miami-Dade,
23 Orange, Palm Beach, Pinellas, Polk and Volusia
24 all have districts entirely within them.

25 In terms of compactness, the statewide

1 average on this plan is .44 for the Reock, .78
2 for Convex Hull and .39 for Polsby-Popper. It
3 also keeps 395 cities whole and provides
4 opportunities for African-Americans in District
5 6, 13, 22, 33, two minority/majority
6 African-American districts in 39 and 40, and
7 three Hispanic majority/minority districts in
8 35, 36 and 37.

9 We can move on from there to the
10 Methodology Two maps where the guiding
11 principle behind the Methodology Two was to
12 reduce the number of times the larger counties
13 are split into multiple districts. So that
14 results in more split counties across the map,
15 but counties that are split fewer times in
16 general and kind of more equitably across them.

17 The first plan, Methodology Two plan is
18 9076. It keeps 50 counties whole and has 10
19 counties that are split by two districts.
20 There are only four counties that are split by
21 three, Lee, Palm Beach, Pinellas and Orange,
22 and well, actually, I am sorry, Orange has four
23 districts in it in this plan, as does
24 Hillsborough.

25 This plan has three districts made up of

1 entire counties, District 3, District 4,
2 District 8, and Broward, Duval, Hillsborough,
3 Lee, Miami-Dade, Orange, Palm Beach and
4 Pinellas all have districts entirely within
5 them.

6 The statewide average Reock score for this
7 plan is .44. The Convex Hull is .80, the
8 Polsby-Popper is .440. It keeps 393
9 municipalities whole and has Tier 1 opportunity
10 districts in District 6, District 12, District
11 19, District 33, African-American
12 majority/minority Districts in 39 and 40, and
13 Hispanic majority/minority districts in 35, 36
14 and 37.

15 The next Methodology Two map is 9078, and
16 that is a district that keep or a plan that
17 keeps 51 counties whole, has eight counties
18 that are split by two districts, six that are
19 split by three, and none that have four
20 districts within them.

21 The Miami-Dade and Broward do have more
22 than four, but as I mentioned earlier, that is
23 due to their overall population, but otherwise,
24 outside of those two counties, no other
25 counties in this plan have no more than three

1 districts.

2 It does have two districts made up of
3 entire counties, District 3 and District 25 and
4 we were able to keep districts entirely within
5 Broward, Duval, Hillsborough, Lee, Miami-Dade,
6 Orange, Palm Beach and Pinellas.

7 The overall compactness scores, average
8 compactness scores on 9078 are .42 for Reock,
9 .78 for Convex Hull, and .38 for Polsby-Popper.
10 There are 391 whole cities in this plan, and
11 African-American opportunity districts in
12 Districts 6, 12, 20, 39, the majority/minority
13 African-American districts are Districts 33 and
14 40, and Hispanic majority/minority districts in
15 District 36, 37 and 38.

16 The last base map to go over very quickly
17 is base map 9080. It is again a Methodology
18 Two map. It keeps 47 counties whole and has 12
19 that are split by two districts, six that are
20 split by three. Again, none that have four
21 districts in them, except for Broward and
22 Miami-Dade, which have five and six
23 respectively.

24 There are a few districts made of entire
25 counties, District 3 and District 4, and then

1 Broward, Duval, Hillsborough, Lee, Miami-Dade,
2 Orange, Palm Beach and Pinellas all have
3 districts entirely within them. The overall
4 statewide average compactness score for this
5 plan is .46. The Convex Hull is .80, and
6 Polsby-Popper is .39. It keeps 392 cities
7 whole and has African-American opportunity
8 districts in Districts 6, 14, 21, 33,
9 African-American minority/majority districts in
10 District 39 and 40, and Hispanic
11 majority/minority districts in District 35, 36
12 and 37. And Mr. Chairman, that is a very high
13 level overview of the base maps.

14 SENATOR GALVANO: Yes, thank you,
15 Mr. Ferrin, I believe you have a comparison
16 slide, but members, are there any questions at
17 this point? If not we will go into the
18 comparison matrix that is in front of you. You
19 may continue.

20 MR. FERRIN: Thank you, Mr. Chairman.
21 This is the same slide that we had prepared on
22 Monday that shows the base maps kind of side by
23 side with the enacted plan and the benchmark
24 plan.

25 Just kind of to provide everyone with a

1 visual comparison for these, I don't know that
2 I need to go through all of these one by one,
3 but I wanted to kind of present that and have
4 it available should we decide we need to go
5 into -- to look at that.

6 A VOICE: Oh, sorry.

7 A VOICE: What was the question?

8 MR. FERRIN: Does anybody want to go into
9 the numbers on the comparison, or do we think.

10 SENATOR BRAYNON: Anybody?

11 MR. FERRIN: Yes, sir.

12 SENATOR BRAYNON: Senator Lee.

13 SENATOR LEE: Yes. I assume, this is
14 probably on the computer, right, and I don't
15 have mine, but so I mean we can take a little
16 longer and look at this than just a flash on
17 the screen, because I think this is kind of
18 like at the center of the dilemma that we have
19 is that, you know, we have got two maps drawn
20 under two methodologies.

21 And for reasons that have been articulated
22 by our lawyers we have ignored any of the Tier
23 2 violations that are delineated in two of the
24 counts of the complaint, and they feel like
25 that is the appropriate and successful legal

1 strategy.

2 So if we are not going to go down that
3 part and attempt to fix any of the Tier 2
4 violations that were outlined by the
5 complainant, then we are left to merely, I
6 suppose, look at which of these six maps or
7 those that might otherwise be submitted outside
8 these six by other members, have the best Tier
9 2 metrics, hands down, and of course there is a
10 lot of numbers up there, and I don't know how
11 you reconcile that.

12 But the Constitution says that, you know,
13 city and county splits and compaction scores
14 are to be weighted equally and one won't have a
15 priority over the other. And so as our staff
16 goes through this -- these tables of
17 comparative analytics between the maps, can
18 they tell us which map is objectively in their
19 view superior on the merits of Tier 2
20 standards?

21 SENATOR GALVANO: I think that is an
22 appropriate point and question. And so,
23 Mr. Ferrin, when you are going through, can you
24 identify which map has the better scores? But
25 before you do that I think Senator Bradley had

1 a question on that, too.

2 SENATOR BRADLEY: Thank you, Mr. Chairman.
3 I have a slightly different view than
4 articulated by President Lee in the sense that
5 while I consider this data to be quite
6 relevant, I think the first question before us
7 is which of the two methodologies are
8 preferable, because those are two different
9 approaches.

10 And so if one feels like I do, for
11 instance, that Methodology Two is preferable
12 because I think it is fair to every citizen in
13 the state versus Methodology One which I think
14 favors certain areas of the state versus other
15 areas of the state, then I mean, I don't know
16 how other people feel.

17 I think Methodology Two is better, but
18 then what the universe of consideration of
19 comparing compactness is reduced from six to
20 three, if you understand what I am saying.

21 If one decides that one methodology is
22 better than another methodology. So, well, I
23 am not being -- I think that it is just an
24 additional comment on your -- your initial
25 comments. And then as far as the comments

1 about the complaint, you know, I am interested
2 to hear that discussion later, but back to the
3 -- back to the Methodology One versus
4 Methodology Two, I just wanted to put that out
5 there.

6 SENATOR GALVANO: Understood, understood,
7 and so, yes, Senator Gibson.

8 SENATOR GIBSON: Thank you, Mr. Chair, and
9 I will try to take very good notes on Monday.
10 But I just want for the record I guess one more
11 time, Methodology Two is to reduce county
12 splits. Just walk me through Methodology One
13 and Methodology Two again so that I can make
14 sure I have it straight when I look at the
15 data, because I am -- it seems like we are --
16 one is for compactness, one is not, and so I
17 would like to have a better --

18 SENATOR GALVANO: Absolutely.

19 SENATOR GIBSON: Thank you.

20 SENATOR GALVANO: Mr. Ferrin, can you walk
21 us through?

22 MR. FERRIN: Thank you, Mr. Chairman. And
23 Senator Gibson, I think that both methodologies
24 value compactness equally. I don't know that
25 one methodology specifically prioritizes

1 compactness over the other.

2 Now, because Methodology One's emphasize
3 is on keeping counties whole, it is going to
4 sort of necessarily follow, when you group
5 together more counties you are bound by those
6 county boundaries. And so maybe that has an
7 effect on the compactness scores, but in
8 Methodology Two where it is not necessarily,
9 you know, you don't -- the overriding goal is
10 not necessarily keeping all of the counties
11 whole and concentrating the splits then into
12 the larger counties, but to try and more evenly
13 disburse those so that you reduce the impact
14 of, you know, this is a term that has been used
15 frequently this summer, is donor counties and
16 you kind of reduce that element.

17 And that is what Tier 2 I believe does, is
18 kind of mitigates some of that which was --
19 which would be caused by a Methodology One, and
20 I think I may have said Tier 2, but I meant
21 Methodology Two.

22 SENATOR GALVANO: Does that answer your
23 question?

24 SENATOR GIBSON: Yes.

25 SENATOR GALVANO: Okay, and just so we are

1 all clear, one, one methodology focuses on the
2 number of whole counties, not on the number of
3 splits. So you have some larger counties that
4 encounter more splits. The second methodology
5 looks statewide to reduce the total number of
6 splits, so those larger counties may have less
7 splits, but then you may have some mid sized
8 counties that then have a split.

9 Senator Montford.

10 SENATOR MONTFORD: Thank you, Mr. Chair.
11 That is what I was trying to get to, what
12 really is two. So let me make sure I
13 understand.

14 SENATOR GALVANO: Okay.

15 SENATOR MONTFORD: One is to keep counties
16 whole. Two is to keep the state fewer splits
17 which means that some of the smaller counties
18 may be split versus the number of larger
19 counties, is that --

20 SENATOR GALVANO: That is correct. One
21 is, one enumerates the counties and the other
22 is the number of splits. So theoretically you
23 could have this hypothetical, I am sure, but
24 under Methodology One if you were able to have
25 66 counties whole and one county with five

1 splits, then you were meeting Methodology One.
2 In Methodology Two, you might have 30 counties
3 that are not whole, but, you know, less overall
4 splits.

5 SENATOR MONTFORD: Follow up, Mr. Chair.

6 SENATOR GALVANO: Sure.

7 SENATOR MONTFORD: And this -- I am not
8 sure we want to -- to answer this question now,
9 but it might be at some point I would like to
10 go up to the 50,000 foot level and really talk
11 about the process in terms of where do we go.

12 I mean, if, what are the different
13 possibilities in terms of our reaching an
14 agreement on a map if the House approves it or
15 if they don't, where does the Court fit back
16 in?

17 I just needed a refresher course to make
18 sure I know exactly what, what the different
19 trials we may be going down here, if that is --

20 SENATOR GALVANO: That is, that is a valid
21 question. And at the 50,000 foot level if we
22 are able to pass a map out of this committee
23 and then on the floor and it goes to the House
24 and the House passes it, we are under a Court
25 Order which also includes scheduling that

1 anticipates that the map will go back to the
2 Court at which time the Legislature will have
3 to justify the constitutional compliance with
4 that map. During the interim between the close
5 of session and the Court evidentiary hearing,
6 there will be an opportunity for discovery and
7 the current Plaintiffs will also participate in
8 that process and the Court is open to consider
9 alternatives submitted by the Plaintiffs.

10 So, and this is at the trial level in
11 front of Judge Reynolds and after that takes
12 place it will most likely then be reviewed at
13 the appellate level, namely, the Supreme Court
14 of Florida.

15 SENATOR MONTFORD: Thank you.

16 SENATOR GALVANO: Yes, Senator Simmons,
17 you are recognized.

18 SENATOR SIMMONS: Thank you, Mr. Chair.
19 And I want to state to preface my remarks by
20 stating the excellent job that you have done to
21 get us this far and -- and help navigate this
22 new area that we are all in.

23 And in that respect, my question deals
24 with, as we do the maps and we have the six
25 different maps with two different

1 methodologies, did staff consider trying to not
2 do just all one methodology, but in fact, to
3 merge the two methodologies so that when we get
4 to a certain area you could say, well, you know
5 what, we can follow the city/county or
6 geographical boundaries here? Yes, in this
7 particular area we will adopt Methodology One,
8 but in another area adopt Methodology Number
9 Two. The idea being that in to-to we would
10 have the best compactness scores and we would
11 also have a very good set of city/county and
12 geographical splits.

13 In other words, merge the two concepts
14 that you have -- you have delineated here?

15 SENATOR GALVANO: Mr. Ferrin.

16 MR. FERRIN: Thank you, Mr. Chairman. And
17 Senator Simmons, I think the idea of
18 establishing two methodologies was to ensure
19 that they were with consistently applied
20 throughout the map. And so blending the two I
21 think would have -- have kind of put us in an
22 awkward position where we wouldn't have
23 consistently applied, you know, a single
24 methodology.

25 So we might split, I don't know, I am just

1 going to throw stuff out there, Hillsborough
2 two ways and Orange five ways. I know, sorry.
3 But so in order to try and --

4 SENATOR SIMMONS: Hillsborough 10
5 different ways.

6 MR. FERRIN: So in order to try and avoid
7 situations in which that, you know, that came
8 up, we sought to consistently apply one or the
9 other specifically. I think -- I don't believe
10 that one or the other necessarily creates on
11 its own more or less city splits or more or
12 less, you know, higher or lower compactness
13 scores.

14 I think that those are directly related to
15 the general configuration of the districts and
16 I think that across the base maps the range of
17 compactness scores is not wild. It is -- it
18 is, you know, I think 400ths of a point between
19 the lowest and the highest scoring. So I think
20 that they are relatively, they are all about,
21 you know, as compact if you want to get into
22 the details, some of these score a little bit
23 higher than the other, but that may just be as
24 it relates, as I mentioned, you know, the shape
25 of the county boundaries that were followed.

1 SENATOR SIMMONS: Then Mr. Chair, further
2 question?

3 SENATOR GALVANO: Yes.

4 SENATOR SIMMONS: This would be maybe more
5 appropriate for our legal counsel. And that is
6 and they may need a little time to do it. I
7 would like to -- to have direction from them as
8 to how, because even though as we look at the
9 actual language of -- of the Fair Districts
10 Amendment, we also know that we have got the
11 situation with respect to interpretation of
12 that language.

13 And when the -- when the constitutional
14 amendment says that we shall not, you know, the
15 fact that, you know, order is set forth as to
16 any items in Tier 1 or Tier 2, that we are not
17 supposed to give precedence where somebody
18 would say that we are not supposed to give
19 precedence of one, one particular methodology
20 or one particular concept, such as, you know,
21 geographical boundaries or city or county
22 splits or -- or compactness over the other.

23 And so I am trying to -- to have us
24 understand what the Florida Supreme Court has
25 said in its interpretation of that, and if

1 counsel could help direct us because this may
2 help us to adopt a Methodology One versus a
3 Methodology Two, because someone is going to
4 ask, well, why did you adopt Methodology Number
5 One, I would like to be able to see what the
6 Florida Supreme Court says about that.

7 SENATOR GALVANO: I think that is a
8 reasonable request. And so here is what we are
9 going to do right now though. We have a
10 pending request by President Lee to have staff
11 walk through the compaction scores and identify
12 which maps need to do better than others, and
13 then within that Senator Bradley has asked that
14 we do it within the silo of Methodology One or
15 Two.

16 So I am going to have Mr. Ferrin do that
17 and then I am going to recognize -- one second,
18 then I am going to recognize counsel to address
19 the question raised by Senator Simmons.

20 Before you begin, Mr. Ferrin, Senator
21 Bradley, you have a comment or a question.

22 SENATOR BRADLEY: It is -- I would
23 describe it as a request, to perhaps add a
24 little bit to that order of business to perhaps
25 explain to us a little bit about the last

1 groupings of numbers that pol geo, the
2 political geographic.

3 I see the bottom column talking about
4 standard deviation, and what -- what I am
5 generally interpreting this bottom column to be
6 is to be when one combines not just county or
7 city boundaries, but a river or some geographic
8 boundary, and then -- and then coming up with
9 an analysis that doesn't necessarily delineate
10 the -- this -- the -- it doesn't necessarily
11 favor political versus river. In other words,
12 every --

13 SENATOR GALVANO: Uh-huh.

14 SENATOR BRADLEY: -- if there is an
15 obvious geographic boundary under that
16 methodology on the bottom row, that is treated
17 as favorably much like the constitution
18 provides, that is treated as favorably as a
19 political boundary.

20 And so if -- if Mr. Ferrin could kind of
21 explain a little more as to what those numbers
22 mean, and particularly in light of what I just
23 expressed what my understanding of the data to
24 be.

25 SENATOR GALVANO: Okay, Mr. Ferrin, keep

1 that in mind when you go through your
2 explanation.

3 President Lee, you are recognized.

4 SENATOR LEE: Yes, and I think, two
5 things, Mr. Ferrin, one, to Senate Simmons'
6 comments. I think at sometimes lost in all of
7 this is our appreciation for how remarkably
8 challenging this is, for you, for our
9 President, and I guess most of our legal team
10 as well to try to figure out, you know, how do
11 we extricate ourselves from the transgressions
12 of the past and learn from these experiences
13 and try to second guess what, you know, a court
14 might view as an honest, sincere attempt to try
15 to mitigate the differences between us and the
16 Plaintiffs as it sits today.

17 And I want to acknowledge that on your
18 behalf and on behalf of the Senate and our
19 legal team, although they are being paid
20 handsomely, and I have sort of less concern for
21 them. It is a fair trade off, it is hard work
22 in their case, but -- but I think, you know, to
23 Senator Bradley's very valid point, you know,
24 perhaps the -- your pleasure, sir, you know, I
25 expressed some discomfort in how we even began

1 with two methodologies, that, you know, to me
2 the methodology is in the constitution, and --
3 and for us to create our own, I think maybe is
4 the first questions that have to be answered.
5 Then to the extent that Senator Bradley sort of
6 conceptually makes the point that he believes
7 that one methodology of the two that were
8 chosen is more fair to people, I think that is
9 a reasonable conversation to be had as well, as
10 we kind of come down through the funnel here
11 and then maybe we take up, you know, these
12 compaction scores just so we start at the
13 highest level about how did we get boxed into
14 two strategies to begin with.

15 And then, you know, of the two strategies,
16 how is it that rationale people can conclude
17 that one is superior to the other, and -- and
18 then third, as you move down, once you get past
19 all of that then what do these maps really say
20 metrically. And I will take it in whatever
21 order you want to take it in, Mr. Chair, you
22 are the Co-Chair, but it seems to me that it is
23 all very maybe perhaps relevant to our thinking
24 as we bring it down to the funnel.

25 SENATOR GALVANO: Okay, here is what we

1 are going to do then. Why don't we go back and
2 start from the beginning, and as to how the
3 methodologies were arrived at. Just as a
4 preface to that the instruction to the map
5 drawing team was to get with counsel, and that
6 is what Oliva, Chair Oliva and myself, get with
7 counsel, look at all the opinions that have
8 come, and most importantly, the actual
9 constitution and the language therein, and
10 determine the best approaches.

11 And so that is -- that was the
12 instruction. Having given that instruction,
13 counsel, now, I will recognize you to explain
14 to this committee what you did with that
15 instruction and how it resulted in two
16 methodologies.

17 SENATOR SIMMONS: A bookkeeping or a
18 housekeeping matter, Mr. Chairman.

19 SENATOR GALVANO: Yes, Senator Simmons.

20 SENATOR SIMMONS: Could we ask that staff
21 get us the two opinions? I guess it would be
22 Apportionment One and Apportionment Two, the
23 two that sort of where the initial interpreters
24 of in the spring of 2012, so that as counsel
25 goes through this with us or at least on our

1 own we can -- we can look at this so that,
2 because I do believe it is important to -- to
3 see about what we want to adopt.

4 Are we going to go, are we going to
5 gravitate towards Methodology One or are we
6 going to gravitate towards Methodology Two.
7 And then in light of that, what do we do with
8 respect to, you know, the Plaintiffs'
9 allegations that they have made so that
10 ultimately we will have addressed the concerns
11 that they have and we can see how each one of
12 these particular methodologies has addressed
13 the particular concerns, because my -- my
14 initial review shows that, that these -- that
15 several of these maps do address the concerns
16 that the Plaintiffs have made, and therefore,
17 it is important that we are able to say, yes,
18 we have addressed their particular concern,
19 let's say in the Tampa Bay area.

20 And I, any time when I say Tampa Bay, I
21 know that, in a bit of humor that that is a
22 area of concern, but humor aside, humor aside,
23 it is important for us and if we could have
24 those -- those initial Supreme Court decisions
25 it would be really helpful.

1 SENATOR GALVANO: Staff, you heard the
2 request. If someone can procure for the
3 committee copies of those two opinions, we will
4 not wait until we receive them, so take copious
5 notes.

6 Okay, we are back to legal counsel and how
7 they responded to the instruction. Justice
8 Cantero, you are recognized.

9 JUSTICE CANTERO: Thank you, Mr. Chair.
10 As I understand the question, is how did we
11 develop the methodologies in -- in following
12 your instruction?

13 SENATOR GALVANO: That is correct.

14 JUSTICE CANTERO: Let -- let me begin with
15 a proposition that the amendments to the
16 constitution regarding redistricting narrowed
17 the field of play for drawing districts and
18 provided parameters within which the
19 Legislature had to draw districts, but it does
20 not fully remove discretion in drawing the
21 districts.

22 There is still a lot of play in there
23 within a legal field. For example, the
24 constitution now requires that districts be
25 compact, but it does not require that districts

1 be as compact as possible. It requires that to
2 the extent possible you follow geographic and
3 political boundaries. It does not require that
4 you always follow geographic and political
5 boundaries, only to the extent possible.

6 It says that as nearly as practicable the
7 population should be equal. So there is still
8 play in there in the discretion of the
9 Legislature of how to deal with those things.

10 And regarding the Tier 2 metrics, the
11 constitution recognizes that there is not one
12 that prevails over another. So with that in
13 mind we wanted to give the Legislature some
14 choices of maps that are all constitutionally
15 compliant, so any one of which can be passed,
16 but done in different ways.

17 And as you can see from these maps, we
18 believe all of these maps are constitutional,
19 but they are drawn in different ways, and that
20 is because of the different factors involved
21 that you can always draw a map in a different
22 way.

23 You can draw them more than six ways. You
24 can draw them who knows how many ways, but
25 these are constitutionally compliant. So

1 Methodologies One and Two were one way or two
2 ways of determining, well, how are we going to
3 come up with six maps?

4 Well, let's see the kind of methodology we
5 can use so that we have not just six random
6 maps, but maps based on a particular process.
7 In Apportionment One, the Court, the Florida
8 Supreme Court noted that keeping counties whole
9 and following county boundaries was a
10 legitimate goal, and given Florida's geography
11 and the geographies of Florida's counties, when
12 you have the goal of keeping counties whole,
13 districts are necessarily going to be less
14 compact as possible because of the geographical
15 makeup of the structure of the counties.

16 So it -- it endorsed the goal of trying to
17 keep counties whole and to follow county
18 boundaries and acknowledge that when you do
19 that you are not going to get as compact a
20 district as you otherwise would, but
21 compactness still plays a role in that we still
22 want to have a measure of compactness.

23 All of the, I think just about all of the
24 districts except for maybe some of the
25 minorities districts which are necessarily less

1 compact, have compactness scores that the Court
2 decided were within the normal range. And so
3 that is where the compactness plays in. It is
4 not that we are putting compactness aside to
5 focus on something else. It is the fact that
6 compactness still plays a role, but we want to
7 implement also the legitimate goal of either
8 keeping counties whole or reducing county
9 splits, and county splits is also a legitimate
10 goal because you don't want to have a county
11 unnecessarily split. And so that is really a
12 policy prerogative of the Legislature and I
13 think a legitimate one, and one that is still
14 within that playing field.

15 And then within those methodologies there
16 were three different ways of drawing South
17 Florida, I believe. Mr. Ferrin can expound on
18 it, but as I understand it, the map drawers
19 took Palm Beach County, South Palm Beach,
20 Broward, Miami-Dade and Monroe and developed
21 three different ways of drawing those districts
22 because there are so many cities within those
23 districts and so many minority districts within
24 those, within those counties that there is
25 several different ways that can you draw those.

1 So to give the Legislature more choices in
2 that regard we combine Methodology One and Two
3 with also three different ways of drawing South
4 Florida and that is why you will see and I can
5 -- I can give you the number, but each of --
6 there is three Methodology One maps, three
7 Methodology two. Each of the Methodology One
8 map has a different South Florida
9 configuration, and the same thing with each of
10 the Methodology Two maps. So that is how we
11 came up with the six maps.

12 SENATOR GALVANO: Senator Simmons, you are
13 recognized for a question. But before you do
14 here is what we are going to do. If you all
15 wouldn't mind coming up front, that way we can
16 have a better discourse with you. Yes, Senator
17 Gibson.

18 SENATOR GIBSON: So after all of that and
19 so why didn't we start with the county whole
20 idea and then compactness after that? Is that
21 one of these methodologies or am I missing it?
22 Which is highly possible.

23 SENATOR GALVANO: Yes, the county whole
24 methodology is methodology number, number one.

25 SENATOR GIBSON: And --

1 SENATOR GALVANO: The reduction or to keep
2 minimizing county splits is two.

3 SENATOR GIBSON: I understand that. So if
4 we start with just a county whole map and then
5 the compactness, get to the compactness from
6 there, or it doesn't have to be as compact as
7 possible, but it has to be compact, which I
8 really don't get right now.

9 SENATOR GALVANO: Mr. Ferrin has a comment
10 on that.

11 MR. FERRIN: Thank you, Mr. Chairman. And
12 Senator, I just -- there is a balance that has
13 to take place between keeping counties whole
14 and compactness, and compactness is a measure
15 that we value in all the maps and all the
16 methodologies.

17 It is possible to stream together a whole
18 bunch of whole counties as a district in a
19 non-compact manner, but that is -- was not our
20 charge. Our charge was to draw districts that
21 kept counties whole, but that were also
22 compact. And so we passed up opportunities to,
23 you know, bring together a district that might
24 have crossed half the state but had been whole
25 counties because it was clearly non-compact and

1 there was other ways to draw a district that
2 respected county boundaries in that area and
3 kept counties whole that, you know, was more
4 compact.

5 SENATOR GALVANO: Senator Simmons had a
6 pending question, and then we will go to
7 Senator Montford and Senator Gibson if you have
8 further questions, we will, that is why we are
9 here. We have plenty of time today, so let's
10 get to the heart of it. Justice Cantero or
11 Senator Simmons, for your question.

12 SENATOR SIMMONS: Yes, my question deals
13 with, because we have got to choose based upon
14 the maps a -- between two different
15 methodologies and I want to make sure that I am
16 satisfied in my mind about that.

17 I am looking at the Constitutional
18 Amendment, Article III, Section 21, the
19 language at which reading from in Section 20
20 simply because it is -- it is what I have in
21 front of me, but I know that 21 is the same.

22 It says, "Unless compliance with the
23 standards in this subsection conflicts with the
24 standards in subsection (a) or with Federal
25 law, districts shall be as nearly equal in

1 population as is practicable," and I know that
2 we have done that and I know that there are
3 Federal requirements, equal protection, et
4 cetera, as to how much deviation can exist
5 there.

6 So knowing that we are doing that, and
7 then it says, "Districts shall be compact,
8 semicolon, and districts shall, where feasible,
9 utilize existing political and geographical
10 boundaries."

11 Now, I know that the Florida Supreme Court
12 can read things and interpret them their way
13 and that is the reason I need to -- and I think
14 we all need to see their -- their opinions, but
15 there is nothing here that says that we are
16 supposed to keep counties whole.

17 What we are supposed to do is have compact
18 districts and districts shall where feasible
19 utilize existing political and geographic
20 boundaries. It doesn't say keep a county
21 whole. It says be compact and where feasible
22 use existing political and geographic
23 boundaries.

24 I also know that you could -- you can do
25 that without keeping counties whole, but I also

1 believe that, that the Florida Supreme Court
2 may have made statements about, you know,
3 trying to keep counties whole and I -- and I
4 would like to have some comment from our
5 counsel on that.

6 SENATOR GALVANO: Justice Cantero, you are
7 recognized, sir.

8 JUSTICE CANTERO: Thank you, Mr. Chair.
9 First as far as compactness, compactness is not
10 a dichotomy in the sense that generally you
11 can't say a district is compact or not compact.
12 There are general -- it is a spectrum of
13 compactness from a district that everybody
14 recognizes is not compact to a district that
15 everybody recognizes is compact to everything
16 in between.

17 And the Court has recognized that, that
18 there are gradients of compactness, and it has
19 said that a district doesn't have to be as
20 compact as possible. It just has to be
21 compact. And it generally said that as I am
22 recalling off the top of my head, the districts
23 that are called non-compact had Reock scores of
24 less than .25, and Convex Hull scores of less
25 than .50, both.

1 So generally if you play outside of that
2 realm you would say that is compact enough.
3 You are correct as far as that the Constitution
4 doesn't say keep counties whole. It does say
5 follow geographic and political boundaries, and
6 it has said that county lines and city lines
7 are political boundaries. So if you are using
8 county boundaries, city boundaries, you are
9 following political boundaries.

10 So keeping counties whole is not a
11 constitutional requirement, but it is one way
12 to fulfill a constitutional requirement, and
13 the Court in Apportionment One also said that
14 keeping counties whole is one of those laudable
15 policy choices that both comply with the
16 constitution and although they may render
17 districts less compact that they may otherwise
18 be is a -- one of those trade-offs that is
19 still permitted under the constitution.

20 So on the other hand you don't want to
21 have -- we certainly didn't interpret that as
22 saying you can follow county boundaries and
23 keep counties whole, but have a district going
24 all the way from -- from, you know, Miami-Dade
25 County to Orlando or something like that,

1 unless necessary to fulfill a Tier 1
2 requirement, such as the minority protections.
3 So within that both of our methodologies,
4 although one says keep counties whole and the
5 other says reduce county splits, another
6 requirement under both methodologies that the
7 map drawers had to work under is to keep
8 districts compact, to have compact districts.

9 So the compact fees kind of an umbrella
10 overriding everything, but it is also a
11 gradient, it is a spectrum, and we think that
12 certainly -- and Mr. Ferrin may opine more
13 broadly on this, but I think all of our
14 districts and all of our maps are on the, you
15 know, 50 percentile part of the spectrum of
16 compactness. They are all very compact
17 districts.

18 SENATOR GALVANO: Further questions for
19 Justice Cantero? Then why don't you all just
20 have a seat there for the duration of the
21 committee, yes, please.

22 Yes, Senator Montford and then Mr. Ferrin.

23 SENATOR MONTFORD: Thank you, Mr. Chair.
24 Mr. Justice, I am not sure how -- I am going to
25 try to ask a question. The answer may be even

1 more difficult, but I am trying to get my arms
2 around what we are responding to, and I think
3 it follows up simply, similar to what Senator
4 -- someone saying it, and that is are we -- are
5 these guidelines, are we trying to follow the
6 letter of the law in terms of constitution or
7 are we trying to second guess the Court here in
8 their direction?

9 I am trying to get a feel for what is
10 driving what we are trying to do here today.
11 If we were, you know, if we backtrack three or
12 four years ago would we be having a different
13 discussion than we are today? So what part of
14 this is driven by the Constitution versus the
15 Court decision?

16 SENATOR GALVANO: Justice Cantero.

17 JUSTICE CANTERO: Thank you, Mr. Chair,
18 yes, sir. What we have -- what we did in the
19 consent judgment is we said we are going to go
20 back and we are going to start over and redraw
21 the districts as if we were in 2012. So we are
22 -- our objective is to comply with the
23 Constitution.

24 The major criticisms of the prior plan was
25 that violated the Tier 1, not the minority

1 protections, but the districts shall not be
2 drawn to favor or disfavor a political party or
3 incumbent. And so we decided to set up a
4 procedure where we cannot be criticized for
5 that. And the President and the Chair have
6 promoted a procedure and have assured that that
7 does not happen.

8 And so with that being done, and we are
9 also focusing on making sure we have the
10 minority protection provisions and that is in
11 all of the plans, and other than those two
12 things it is basically an issue of Tier 2
13 metrics and drawing a constitutional plan.

14 SENATOR MONTFORD: Follow up, Mr. Chair.

15 SENATOR GALVANO: Yes, and to elaborate
16 just briefly on his answer to your question.
17 The goal is always to follow the constitution,
18 that is what they undertook, but what they had
19 as an additional tool was the Court's
20 interpretation of those provisions, at least in
21 terms of what would constitute compliance. So
22 they drew additional guidance from that while
23 focusing on the constitution.

24 SENATOR MONTFORD: And then a follow up?

25 SENATOR GALVANO: Yes, sir.

1 SENATOR MONTFORD: Is there, and I think
2 Senator Simmons may have asked this earlier.
3 Is there -- is there a chart here somewhere
4 that says each one of these maps fit what we
5 are trying to do to a certain degree?

6 SENATOR GALVANO: You are recognized.

7 JUSTICE CANTERO: Thank you, Mr. Chair.
8 Yes, I think the three charts that Mr. Ferrin
9 put up today and that were put up on Monday
10 show -- by showing the metrics you will see I
11 think and by looking at the maps, themselves,
12 you will see that they meet the Tier 2
13 criteria.

14 If you look at a particular map you will
15 see that the districts are compact. Now, some
16 are more compact than others, but again that is
17 a function of the geography of the state of
18 Florida.

19 For example, there is no way to make a
20 compact district from Monroe County when you
21 have the Florida Keys.

22 SENATOR GALVANO: Senator Gibson. Okay,
23 okay, so now let's move to part two of what we
24 have established as a process, which is to
25 address the question raised by Senator Lee and

1 supplemented by Senator Bradley.

2 Jay Ferrin, you are recognized.

3 MR. FERRIN: Thank you, Mr. Chairman. And
4 if you don't mind maybe the thing to do is to
5 go ahead and explain the scores here and
6 explain the score that Senator Bradley was
7 asking about and then we will kind of include
8 that in the walk-through if that is okay.

9 SENATOR GALVANO: Yes, and that is what I
10 anticipated we would do.

11 MR. FERRIN: Okay, so the constitutional
12 requirement that we follow political and
13 geographic boundaries, that is something that
14 has been difficult to quantify. And so back in
15 2011, I believe, the committee staff kind of
16 developed a method to try and engage the extent
17 to which a district boundary followed political
18 and geographic boundaries.

19 And essentially what this does is it
20 merges all of the county and municipal
21 boundaries in Florida into a one layer of line
22 segments. It also factors in the primary and
23 secondary roads in Florida and significant
24 bodies of water that are defined as contiguous
25 areas greater than five acres within bays,

1 rivers or lakes. So that creates kind of a
2 layer of political and geographic boundaries,
3 and then the district boundaries are laid over
4 that and an analysis is run to determine the
5 percentage of the district's perimeter that
6 overlaps those lines.

7 It is probably not a perfect test and I am
8 sure that depending on how roads are quantified
9 as primary versus secondary and things like
10 that, and whether or not, you know, the canal
11 constitutes five acres are things that are
12 going to be somewhat subjective, and I think
13 this does the best, makes the best possible
14 attempt at trying to quantify that.

15 So that is kind of why this metric is --
16 it is something that we have had around and,
17 you know, occasionally referred to. It is not
18 something that we have relied very heavily upon
19 in the past because like I mentioned, it is
20 just, it is kind of a fluctuating thing.

21 It does a good job of indicating whether
22 you are highly compliant with the political and
23 geographic boundary or less compliant with
24 that. And so I would kind of caution against
25 the jumping to the conclusion that 93 percent

1 is better than 92 percent or something like
2 that. But I mean you can certainly note that
3 some districts will follow 100 percent if they
4 have all county boundaries or if they follow
5 county boundaries and then an Interstate or
6 something like that, and you can certainly
7 reach the conclusion that there is, you know, a
8 district that follows boundaries for 50 percent
9 of its border versus one that is 75 or 80 or
10 something like that.

11 So I think it can give a broad range of
12 characteristics and to help define that very
13 broadly. I would not recommend that we get
14 hung up on the differences and the percentages
15 to the, you know, minor degrees here. It is
16 more of a collective estimate. And Senator
17 Bradley, does that kind of answer --

18 SENATOR GALVANO: Senator Bradley.

19 SENATOR BRADLEY: Thank you. Simple
20 question. The last line, standard deviation,
21 it appears that the lower the number the
22 better, is that fair to say?

23 SENATOR GALVANO: Mr. Ferrin, you are
24 recognized.

25 MR. FERRIN: Yes, sir, and I apologize for

1 not answering that to begin with. In a number
2 of these charts we started including the -- in
3 addition to the average and the minimum score
4 and the maximum score, the median and the
5 standard deviation. Those are other
6 descriptive statistics that are relevant in
7 that in an average, it is subject to skew
8 either on the low or the high end if there is a
9 bunch of low scoring values in the dataset it
10 will skew the average low, if there is a bunch
11 of high scoring averages in the dataset it will
12 skew it high, and that is why median is there.

13 Median ranks the data and then picks the
14 middle number. So that is why, you know, when
15 we talk about median income we are not talking
16 about average income, it is median.

17 SENATOR GALVANO: Right.

18 MR. FERRIN: So that is similar to that.
19 So that is just another kind of description
20 ever where, you know, about the middle is. The
21 standard deviation is the average difference
22 from the mean. And so that is the distance
23 that the scores will go. And so you are
24 correct in concluding that a lower standard
25 deviation means that there is less variation

1 among the data points. So you would want to
2 see a lower standard deviation and that is
3 something that you see across these plans here
4 where, you know, where back in 2002, looking at
5 in this particular case the political and
6 geographic boundaries, that standard deviation
7 was at 13 percent. Our minimum was, you know,
8 42 percent and our maximum was 95.

9 Now, since the passage of the Fair
10 Districts Amendments those metrics have
11 improved and even in the enacted plan there was
12 improvement and since the enacted plan, between
13 the enacted plan and now we have done an even
14 better job of doing, following political and
15 geographic boundaries with less of a variance
16 among the districts.

17 That is kind of the take-away from that
18 statistic and I hope maybe that better answers
19 your question on that, and that has also been
20 provided for the compactness scores as well and
21 we can get into that.

22 SENATOR GALVANO: Okay, let's move on.

23 MR. FERRIN: Okay, so in terms of kind of
24 walking through the metrics of the different
25 plans, we will first look at the Methodology

1 One plans and we can start with 9070, and we
2 will start with, we will go statistic by
3 statistic.

4 So if you look at the Methodology One
5 plans, we see that the best plan in terms of --
6 the plan that keeps the most counties whole is
7 plan 9072. It keeps 53 counties whole. It
8 does split five counties into two districts and
9 there are six counties with three districts in
10 them.

11 Again, the four -- there is one county
12 with four districts in that plan and then two
13 with more than four and those are going to be
14 the Miami-Dade and Broward ones. So every plan
15 is going to have at least two districts with
16 more than four districts in them or two, excuse
17 me, counties with more than four districts in
18 them.

19 So in terms of the Methodology One map
20 that probably best concentrates the splits is
21 going to be probably 9072, which again has the
22 most whole counties and the fewest aggregate
23 splits among the bunch.

24 In terms of cities, the Methodology One
25 maps, 9072 and 9074 each split 395 cities. The

1 -- the statistics we have there, too, show the
2 number of cities with multiple districts in
3 them and we can see that in 9074 there are no
4 districts with more than three.

5 SENATOR GALVANO: Let me stop you right
6 there. Am I correct that we have some legal
7 guidance from the Court on the city versus
8 county issue?

9 At one point on Monday you were discussing
10 why a county split might be or keeping counties
11 whole might be more favorable than keeping
12 cities whole, and I just want to know what is
13 the basis for that and if you can elaborate.
14 You are recognized.

15 JUSTICE CANTERO: The Court in
16 Apportionment One said that keeping counties
17 whole may be -- and again I think this was a,
18 what the Court called a policy choice or
19 something within discretion of the Legislature,
20 that keeping counties whole isn't more -- can
21 be a more important goal than keep going cities
22 whole because county boundaries never change.

23 Those are the 67 counties that we have in
24 the state, and city boundaries do change due to
25 annexation. So you keep a county whole today

1 and it ends up being split tomorrow because of
2 -- I mean a city, keep a city whole today and
3 tomorrow it can be split again because of an
4 annexation.

5 SENATOR GALVANO: Okay. Thank you.

6 Mr. Ferrin.

7 MR. FERRIN: Thank you, Mr. Chair, and I
8 think to add to that, too, cities are
9 frequently discontinuous, and in addition to
10 that people, every Floridian and I think this
11 is what the Court says, I am not trying to
12 quote it exactly, I may not quote it exactly,
13 but I think the point was that every Floridian
14 has a home county, but there is lots of people
15 who don't live in cities and live in the space
16 in between. So that may not mean as much to
17 them to be kept wholly, if the cities are kept
18 whole nearby.

19 So I think that is probably a point worth
20 raising here, but to continue on the metrics,
21 the -- here we look at the last set of metrics
22 here with the political and geographic boundary
23 and the boundary analysis on that, and we can
24 see that, I would characterize all three of
25 these as being on even playing field in terms

1 of the average score.

2 The differences is one percent there, and
3 as I mentioned before, relying on a one percent
4 difference in this is probably not a great
5 tactic. The -- I think the same kind of goes
6 for the median scores, I think those are all
7 about the same.

8 You see the minimum is in 9070 and 9072 is
9 57 percent, and I believe that that is because
10 those two plans, and I am going to go back and
11 look, I am trying to remember exactly which
12 district that is that scores that 57 percent
13 but I believe it is one of the minority
14 districts in the both plans.

15 And then the one in 9074, the lowest
16 scoring is 70 percent. I would have to go back
17 and look and figure out exactly which districts
18 those are. If that is something anybody is
19 interested in I can provide that probably a
20 little bit later.

21 We can move on to the other metrics for
22 the Methodology One maps where we go into the
23 compactness scores. Amongst 9070, 9072 and
24 9074 the highest scoring compactness is .44 in
25 9074, the lowest one is .42 and these are

1 statewide averages. We see that, you know, the
2 minimum on all of these Reock scores is .19 and
3 that is I believe always the district that
4 contains the Florida Keys and all of Monroe
5 County that is going to have that low
6 compactness score for the Reock.

7 And in terms of the maximum, the plan 9072
8 has the highest scoring district in terms of
9 Reock, and you see the median across these
10 three is also pretty consistent at .43 or .44.

11 And this -- these slides also have the
12 standard deviation on these. The deviations
13 there within one one hundredth of a point. So
14 I feel that those are pretty consistent on
15 equal footing in that case. And as we go to
16 Convex Hull in terms of the statewide average,
17 I think it is fair to characterize them on
18 equal footing here as well. It is .78 versus
19 .79, and again, in terms of the minimum Convex
20 Hull scores, that is going to be most commonly
21 the Florida Keys, the district that has that,
22 and then we have some, a little bit more
23 difference here in terms of the maximum Convex
24 Hull which is just going to be, can be
25 interpreted as the most square district in the

1 plan.

2 The same thing here with standard
3 deviations and median stores. There is very
4 little variance amongst those, and then we can
5 look also at Polsby-Popper which is the
6 perimeter measurement, and we see that the
7 statewide average is either .38 or .39 amongst
8 the Methodology One maps and with 9072 and 9074
9 being the .39.

10 The minimum scores on that, again, are
11 likely to be the districts that have large
12 geometry or geography that forces that. And as
13 we move through the maximum scores we look and
14 see that there is the highest score in terms of
15 Methodology One maps for a district is .68 and
16 the lowest one is .61.

17 So the same thing with the median and the
18 standard deviations on here. It is within one
19 or two hundredths of a point. So I think in
20 terms of all of the Methodology One maps and
21 the compactness scores I think are all very,
22 very close to being, being equal. There is not
23 a ton of variation amongst them.

24 SENATOR GALVANO: Vice Chair Braynon.

25 SENATOR BRAYNON: Thank you. So between

1 Methodology One and Methodology Two, there is
2 not really a difference in -- but one
3 performing, one performing better in either one
4 of those three, those three metrics there as
5 far Methodology One held better in one or
6 Methodology Two better in one of those?

7 I mean, I am sorry, I am actually asking a
8 question that I can kind of see that -- and I
9 am actual -- but am I correct in that, that
10 Methodology One or Two has not affected our
11 Convex Hull, Reock or Polsby-Popper?

12 MR. FERRIN: Thank you, Mr. Chairman. And
13 I will answer that. I think that is pretty
14 accurate. We valued the compactness scores
15 equally amongst the two methodologies. So we
16 didn't sacrifice compactness at the expense of
17 the methodology in drawing the base map.

18 SENATOR BRAYNON: Okay, thank you.

19 SENATOR GALVANO: Further questions?

20 MR. FERRIN: Does that answer your
21 question as well?

22 SENATOR GALVANO: Okay, going to
23 Methodology Two.

24 MR. FERRIN: Okay, so we will go back to
25 the first slide here for the Methodology Two

1 maps, 9076, 9078 and 9080. Excuse me.

2 SENATOR LEE: May I ask one question?

3 SENATOR GALVANO: Absolutely, President
4 Lee, you are recognized for a question.

5 SENATOR LEE: Thank you, sir. So having
6 gone through all of that, in your professional
7 opinion within Methodology One, which is
8 objectively the best map?

9 SENATOR GALVANO: Mr. Ferrin, you are
10 recognized.

11 MR. FERRIN: I don't have kids, but I
12 guess that is a lot like trying to decide which
13 child you love the most. I think that they are
14 all very objectively compliant, and in terms of
15 I think you have to decide which value you
16 like, which value you personally place the most
17 emphasis on.

18 If you think that the county, keeping
19 counties whole is going to be the most
20 important metric, then it may be 9072. If you
21 think that keeping cities whole is the most
22 important metric, it may be 9072 or 9074. If
23 it is important that there is very few
24 districts with -- within particular counties,
25 you would look to perhaps 70 or 72, if you were

1 looking at, you know, trying to keep counties
2 with three districts in them. So I think it
3 kind of depends on which -- where you want to
4 practices your priority.

5 The same with the compactness scores, they
6 are very, very close, it is slight differences
7 in terms of hundredths of a percentage or
8 hundredths of a point.

9 SENATOR LEE: Does our legal team have an
10 opinion on that?

11 SENATOR GALVANO: He is saying no. I
12 think what he is asking is can you retell us
13 again the guidance that we have from the Court
14 in terms of those factors.

15 JUSTICE CANTERO: Thank you, Mr. Chair. I
16 do have three kids and my daughter always says
17 she is the favorite but I said I have no
18 favorites. And the purpose of giving six
19 different maps to the committee was so that the
20 committee could select among those and decide
21 for itself which it prefers and give it some
22 choices.

23 But I think all of these are
24 constitutionally compliant and can be adopted
25 as long as -- and maybe this is an important

1 point, as long as you don't base your decision
2 on preferring a party or an incumbent or
3 disfavoring a party or incumbent, you are
4 basing it simply the metrics that we see here
5 or what you see on the screen or other legally
6 justifiable decisions.

7 SENATOR GALVANO: Thank you. Vice Chair
8 Braynon for a question.

9 SENATOR BRAYNON: Thank you, Mr. Chair.
10 It is a question just kind of adding on to what
11 he said. Now I am looking at these metrics and
12 I know that there are other maps like the map
13 that I submitted, and they are within the same
14 realm of these. So I just want to point out as
15 we are going, moving forward, that the six and
16 we say we have six options, we have six maps.

17 There are other maps out there and as
18 they, as our legal team has said, the map
19 makers, you could have drawn 10 maps or numbers
20 of maps that follow within the same metric and
21 we have that option. So I don't want us to get
22 hung up on we have six maps and we must pick
23 one of these six and these are -- which one of
24 these six are the best.

25 I think we need to more focus on what are

1 the metrics or what are the things that we want
2 out of a map and then I think we move forward
3 with what map or what we want from a map and
4 then I think we move forward, just my --

5 SENATOR GALVANO: No, that is a valid
6 point. And again back to when we were on the
7 floor earlier this week, it is, these are base
8 maps. They are examples of compliant maps that
9 have been produced in a process that we are
10 comfortable complies with Tier 1.

11 Having said that, that is not the only way
12 to comply with Tier 1 and our job in this
13 committee and in the Legislature is to pass a
14 constitutionally compliant map and you have one
15 that will be taken up and considered yourself
16 on Friday and I believe we are going to hear
17 from Senator Clemens today as well. So, yes,
18 we are not limited to these six maps. Senator
19 Simmons.

20 SENATOR SIMMONS: I have a question for
21 the counsel, please.

22 SENATOR GALVANO: Yes, sir. You are
23 recognized.

24 SENATOR SIMMONS: Knowing that ultimately
25 we are going to have to defend our maps in

1 Court in another month or month and a half, and
2 knowing that and thank you for getting us the
3 approximate nine Coalition Plaintiffs' maps
4 that have been drawn. Did the Coalition
5 Plaintiffs come to a conclusion with their
6 expert testimony as to which they thought was
7 their best map?

8 SENATOR GALVANO: Senator Simmons, can we
9 -- that is a great question. Can we hold it?
10 I intend today as part of our agenda to take a
11 look at the Coalition Plaintiffs' maps and we
12 are going to do a comparison and I think that
13 is a great question to have there.

14 I think right -- if we could right now,
15 Mr. Ferrin is going to go through the
16 Methodology Two maps and then I think we will
17 be at that point.

18 Mr. Ferrin, you are recognized.

19 MR. FERRIN: Thank you, Mr. Chairman. And
20 so we will look to this between 9076, 78 and
21 80. Those are the three Methodology Two maps
22 and in terms of counties whole, we see that
23 9076 has 50, 9078 has 51 and 9080 has 47.

24 Keeping in mind though that this is a
25 Methodology Two in which, you know, the

1 emphasis was not necessarily on keeping
2 counties whole, it was still something that we,
3 you know, attempted to do and potentially go
4 out and split a bunch of counties. But we did
5 so in a manner that spread those splits out
6 which has the effect of increasing the -- the
7 number of splits in terms of the aggregate
8 splits there because every time you split one
9 county with two districts, you get two
10 aggregate splits.

11 If you split one county with three
12 districts that counts as three. And so we see
13 that that has a higher number because we have
14 kept less counties whole in 9080. So that is
15 why that one is there in terms of the -- the
16 county metric.

17 In terms of cities, across these three
18 maps we see that 9076 has the most with 393.
19 9078 has 391 and 9080 has 392. Not drastic
20 differences, but in terms of one or two cities.

21 In looking at the political geographic
22 boundaries on this, again, you know, the
23 average in this is all up into the 90s. The
24 low water mark on both of these is 9076 and
25 9080 where I guess the highest low water mark

1 would be in plan 9078. It is the district that
2 scores the lowest in that plan is at
3 73 percent.

4 It does, that particular plan, 9078 does
5 have a noticeably kind of lower standard
6 deviation in terms of that metric than some of
7 the other plans, just something worth noting
8 that there is less variance among that and that
9 is likely due to the fact that its lowest
10 scoring district is at 73 percent.

11 We can turn next to the compactness
12 measurements on here and perhaps there is a
13 little bit more variation amongst the
14 Methodology Two plans. That may be due to the
15 fact that we are keep going less counties whole
16 and are therefore able to draw, you know, more
17 compact districts.

18 We aren't restricted by the county
19 boundaries that are in place. So the highest
20 scoring compactness average for those three
21 maps is 9080 which is at .46, and the lowest
22 one you see there is .42.

23 In terms of the deviations on that, there
24 again, you know, fairly low within a couple
25 hundredths of a point from each other and the

1 Convex Hull averages are also within a couple
2 hundredths of a point from each other.

3 The -- sorry. The Polsby-Popper scores
4 here as well are also within, you know, two
5 hundredths of a point in terms of the statewide
6 average. We see, you know, again, the low
7 point there is going to be .16 or .19. Again,
8 it is going to be attributable to geography, I
9 believe, and I will follow up if anybody is
10 interested on which districts those are.

11 And the same things with the medians and
12 standard deviations on there where they are
13 pretty close to each other in all of the plans.
14 The median maybe is a little bit higher in
15 9080, but that is just a function of the
16 ranking again.

17 So I think it is kind of the same case
18 here with the compactness scores across
19 Methodology Two, that they are all very
20 comparable to each other.

21 SENATOR GALVANO: I would like to ask
22 legal counsel to instruct us with regard to
23 visual compactness, and that is a term that is
24 used quite often in the judicial proceedings,
25 and what, where does that fit into this?

1 Justice Cantero.

2 JUSTICE CANTERO: Thank you, Mr. Chair.
3 Visual compactness is another measurement,
4 although obviously much more subjective of
5 determining whether a district is compact or
6 not, and sometimes looking at a district it
7 just looks non-compact or it looks compact and
8 the -- that is because the measurements of
9 compactness are not exact.

10 You know, the Reock score measures the
11 area of the district in compared to a circle
12 surrounding the district, and the Convex Hull
13 score measures the district area, the
14 comparison to the area of a convex polygon
15 surrounding the district. So both are, you
16 know, relatively good measurements of
17 compactness, but they are not exact and
18 sometimes you look at a -- at a district and it
19 just doesn't look right. It may have some
20 fingers jetting out of it, or things like that
21 that aren't really measurable, but they effect
22 how it looks.

23 The only problem with the visual
24 measurement as it is a subjective kind of
25 thing.

1 SENATOR GALVANO: And I think the example
2 that I always think of is with Convex Hull you
3 can have a perfect score, but have a district
4 that is two feet wide and stretches the
5 vertical length of Florida.

6 Mr. Ferrin, further comment on the
7 comparison or we can take some questions?

8 Any questions? Yes, President Lee.

9 SENATOR LEE: Thank you, Mr. Chair. I
10 suppose if I ask the same question as to the
11 preference of your map with either the legal
12 team or staff with respect to the Tier 2,
13 Methodology Number Two, I would get the same
14 answer of three children, you love them all and
15 it is a matter of beauty is in the eye of the
16 beholder?

17 SENATOR GALVANO: I think that is a safe
18 assumption.

19 MR. FERRIN: Yes.

20 SENATOR LEE: Thank you.

21 SENATOR GALVANO: Okay. At this point
22 what I would like to do, and Senator Simmons,
23 we are going to get into your issue. Yes,
24 Senator Gibson.?

25 SENATOR GIBSON: Thank you, Mr. Chair. So

1 since the methodologies appear to be very
2 similar, is there, since we were talking about
3 visual compactness within the maps, are there
4 any that are visually not compact that would
5 call into question that particular map or that
6 particular area?

7 SENATOR GALVANO: And again I guess that
8 is a subjective.

9 SENATOR GIBSON: Okay.

10 SENATOR GALVANO: Standard, but is there
11 something that has jumped out at you,
12 Mr. Ferrin, or legal counsel, that we should be
13 aware of with any of these plans?

14 MR. FERRIN: Nothing comes to mind, Mr.
15 Chairman, off the top of my head. I still
16 haven't quite figured out how to measure visual
17 compactness.

18 SENATOR GIBSON: So then my follow up.

19 SENATOR GALVANO: Follow up, yes.

20 SENATOR GIBSON: Thank you. As we go
21 about trying to put all of this together then,
22 how much weight do we have to give to the
23 subjective visual compactness?

24 SENATOR GALVANO: Justice Cantero.

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

1 think you give the weight that you want to give
2 it. I think that is in your -- your
3 discretion. It is a subjective measurement.
4 And to elaborate on the answer to the question
5 there are some, for example, Mr. Ferrin
6 mentioned Monroe County.

7 That district is visually compact,
8 non-compact, but there is really nothing you
9 can do about it, it has got the Florida Keys
10 and because of the geography of Florida some
11 districts are just not going to be compact and
12 that is okay because it is within the structure
13 of keeping, of following political boundaries,
14 it is fine to have a district that is not as
15 compact as the ideal.

16 Also, there -- I am sure there are some of
17 the minority districts. I can't think of one
18 in particular, but there may be some minority
19 districts that are not as compact as the
20 average, but that is because we had to comply
21 with the minority protections of Tier 1, which
22 would overrule Tier 2 compactness.

23 SENATOR GALVANO: Okay. Thank you. Okay,
24 members, I thought it would be appropriate to
25 see an analysis of how these maps compare to

1 the maps that have been submitted thus far by
2 the Plaintiffs in the litigation with the
3 Legislature over the Senate maps.

4 For the record I did extend an invitation
5 to the Plaintiffs to come here today as well as
6 Friday before this committee to present any
7 testimony or evidence that they would like to
8 present in support of their position.

9 Yesterday I received correspondence
10 respectfully not taking us up on that
11 invitation. And so to the extent that we can
12 take a look at what has been put in, it is
13 based on the maps that have been previously
14 submitted. So Mr. Ferrin, if you would move on
15 to --

16 Yes, Mr. President.

17 SENATOR LEE: Thank you, and I just
18 thought there might be -- here is -- here is
19 kind of the challenge that I think we are
20 faced. Not to insult the judiciary, but I feel
21 somewhat like a Judge here, and yet half of my
22 courtroom is empty.

23 I only have one side of the legal argument
24 here. So I am left to read through the
25 complaint, read through the settlement

1 agreement and read through the fairly recent
2 views of Judge Lewis as he works himself
3 through an outcome.

4 I am not going to quote from all of that,
5 except to say that he had the benefit of two
6 sides of the argument, and I only have one.

7 Typically when I am lobbied or when this
8 process works in its conventional fashion I
9 hear both sides of the argument and I can make
10 a decision from learned people. I feel like I
11 don't have that here, and that is why I am glad
12 that we invited the Plaintiffs, we asked for
13 their input.

14 I would have loved to have heard their
15 very different, their likely very different
16 perspective about choosing two methodologies.
17 I am sure that there is, they are not going to
18 go into the courtroom and say we totally agree
19 with the Senate lawyers about how this was
20 approached. But rather than second guessing
21 all of that I am trying to ferret this out for
22 myself.

23 So just suppose for the sake of discussion
24 that there is going to be as there was in the
25 congressional case, maps submitted by the

1 Plaintiffs, that they are not going to look at
2 our works of art and come to the conclusion
3 that they remedy the defects that they sought
4 to remedy in their complaint, and they are
5 going to present another view of the world for
6 the Court to consider. And that in that view
7 of the world they are going to ask how the
8 Senate addressed count five and six of the
9 complaint with respect to the 11 districts to
10 which specific Tier 2 violations were
11 delineated or denoted.

12 And I could go back through the ruling and
13 show where the Judge, despite his opinion that,
14 no, there were no Tier 1 violations, he was
15 compelled by the fact that there were better
16 Tier 2 performance metrics in the arguments
17 submitted by the Plaintiffs and that we lacked
18 the competent evidence to support our position.

19 SENATOR GALVANO: And that is on the
20 congressional?

21 SENATOR LEE: Correct. And so what is to
22 stop a reasoned Judge from doing that all over
23 again? Isn't that his or her job? And so if I
24 am to conclude that that -- we might have a
25 similar experience in the Senate map, it might

1 be reasonable for us to go back and ask with
2 respect to the city, county and compaction
3 scores of these six maps to also ask the staff
4 to tell us, although we may agree that it is
5 not relevant, it may be relevant to only one of
6 us or in our view of trying to mitigate which
7 or decide which map is the most compliant,
8 which of the six maps or other maps that may be
9 submitted addresses, best addresses the
10 infirmities that are identified with respect to
11 Tier 2 in counts five and six of the complaint,
12 those specific places where the Court found
13 that there were Tier 2 violations arising from
14 the Tier 1 intent.

15 And because it is those areas that really
16 trouble me most as to what we are likely facing
17 in the Court and absent the other side I am
18 left to try to decide on my own what is likely
19 to happen down the road with half of the
20 evidence in front of me.

21 Is that possible that the staff could go
22 back at some point and tell us of these maps
23 which do they believe addresses the defects in
24 District 6, 8, 12, 13, 14, 17, 22, 31, 32, 38
25 and 39 as identified by the Court, by the

1 Plaintiffs rather, and/or as alleged by the
2 Plaintiffs?

3 SENATOR GALVANO: That is correct, as
4 alleged. Counsel, would you like to speak to
5 that?

6 JUSTICE CANTERO: Well, thank you, Mr.
7 Chair. A couple of things. First, as
8 President Lee pointed out, these are
9 allegations of the complaint. They are not
10 proof, they were not proven and they were not
11 part of the consent judgment.

12 The consent judgment was limited to Tier 1
13 factors and did not consent that there were any
14 Tier 2 violations.

15 Number two, after that complaint was filed
16 the Plaintiffs elaborated, pursuant to Court
17 Order they had to elaborate on their -- their
18 allegations and I believe they narrowed down
19 some of the allegations from the complaint. I
20 don't -- I haven't looked at that recently but
21 I know that they contain more elaboration of
22 what they felt was unconstitutional about
23 districts, and they narrowed down, for example,
24 I don't remember, I think it was Districts 1,
25 2, 23 and 30 where in their, I think summary of

1 district challenges it was called, they were
2 kind of placeholder districts where they said,
3 well, right now we are not alleging anything
4 but we reserve the right to make more
5 allegations because Judge Reynolds, who is the
6 Judge in the Senate case, said now you have got
7 to put all of your allegations in now.

8 You are not going to add any later. So
9 there were four districts in which they made
10 allegations, but didn't elaborate and it didn't
11 seem like they were going to follow up on
12 those, and I think I -- I think I identified
13 them correctly as 1, 2, 23 and 30, but there
14 could have been others. So we have to go back
15 to that.

16 And then thirdly, the consent judgment did
17 not address Tier 2 factors. And then going
18 back to our drawing process, we had the goal of
19 drawing districts as compactly as possible and
20 complying with the another Tier 2 factors and,
21 of course, the Tier 1 factors. And so I think
22 what naturally occurred was that just about
23 every district was changed. Some were changed
24 in small ways, others were changed very
25 drastically.

1 And so in that process I think we
2 naturally addressed some of the allegations in
3 the complaint and those are just allegations.
4 I would not agree with the argument that the
5 Plaintiffs are correct in all or some of those
6 allegations.

7 They -- there is a lot of allegations that
8 are made in a complaint that are never proven
9 and sometimes are never intended to be proved.
10 They are just allegations to bring people to
11 the table. So we didn't go from those
12 allegations in redrawing the map.

13 SENATOR GALVANO: I guess to President
14 Lee's point and from a legal process standpoint
15 I think that is absolutely correct. I think
16 what he is doing is in an abundance of caution
17 anticipating that although these are
18 allegations, they are most likely going to be
19 arguments made at some point in the future.

20 And so I just, like him, I think we should
21 be comfortable that at least through this
22 process we have addressed what might be a
23 viable argument that has been alleged, proven
24 or not.

25 SENATOR BRADLEY: May I make a comment?

1 SENATOR GALVANO: Senator Bradley.

2 SENATOR BRADLEY: Yes, let's assume that
3 it is an appropriate exercise to pick up the
4 Plaintiffs' complaint and I have it here,
5 amended complaint for declaratory and
6 injunctive relief, and read the counts that
7 have a list of districts that they are
8 asserting are problematic.

9 Let's assume that it is an appropriate
10 exercise to read the complaint and see which
11 districts they are complaining about, and then
12 have that baked into the cake and then part of
13 our analysis and discussion.

14 Unless I am missing something I think this
15 is a question for Mr. Ferrin. I am looking at
16 a list of districts in this complaint and other
17 than perhaps District 3, which I don't know how
18 you could get more compact and compliant than
19 District 3 in the constitution, but other than
20 that it looks like all of these districts have
21 been changed in the -- in the six base maps.

22 So assuming, I mean, let's go there.
23 Assuming that it is a part of our
24 responsibility to look at the Plaintiffs'
25 complaint, say, oh, you have got a problem with

1 all of these districts, let's look at those
2 districts and address that.

3 We have, I mean, I look at all of the base
4 maps and all of the districts listed in this
5 complaint are different than the -- the enacted
6 plan. Am I missing something?

7 SENATOR GALVANO: Mr. Ferrin.

8 MR. FERRIN: Thank you, Mr. Chair.
9 District 3 is the only district that is the
10 same as it was in the enacted plan.

11 SENATOR BRADLEY: Okay, so in all of the
12 plans we are considering we have changed the
13 districts that they have complained about, they
14 being the League in their complaint except for
15 District 3 which, you know, somebody has got a
16 problem with District 3, then my gosh, I don't
17 know what else we can do in this world. And
18 so, if I may, Mr. Chairman.

19 SENATOR GALVANO: Yes.

20 SENATOR BRADLEY: I appreciate the fact
21 that you have invited the League to be here
22 again. This is my third committee. We
23 continually ask for them to come and state
24 their case here, and I wish at they would take
25 that up, because as President Lee says, we are

1 almost like a quasi judicial posture that we
2 find ourselves in right now, and it makes it
3 more difficult if you don't have all of the
4 parties present that are interested and have
5 brought us, have contributed, you know,
6 contributed to bringing us to this point.

7 And my first question for counsel is, did
8 the maps that were contained in Judge Lewis'
9 order that were provided by the Romo Plaintiffs
10 and the Coalition Plaintiffs, were those maps
11 offered after we had finished our work as a --
12 during the last special session?

13 SENATOR GALVANO: Justice Cantero.

14 JUSTICE CANTERO: Thank you, Mr. Chair.
15 Yes, sir, they were.

16 SENATOR BRADLEY: And so at no point the
17 maps that Justice Lewis looked at, at no point
18 did we see those at any point during our
19 proceedings, is that correct?

20 SENATOR GALVANO: Justice Cantero.

21 JUSTICE CANTERO: Yes, sir, that is
22 correct.

23 SENATOR BRADLEY: You know, I have been a
24 lawyer for a long time now, and you know, I
25 have to say I admire the strategy, the strategy

1 of sitting back letting us go through all of
2 this, pick the parts that you can live with and
3 rather than engage on the front end.

4 I suppose if this was a game which that is
5 apparently what it is to the Plaintiffs at this
6 point, if this was a game then I would engage
7 in that strategy, but this is the people of the
8 state of Florida. This is a very serious quasi
9 judicial process.

10 Look, I got elected in 2012. Whatever is
11 alleged in that complaint I wasn't even here, I
12 am here, most of us weren't.

13 SENATOR GALVANO: That is correct.

14 SENATOR BRADLEY: Please, come to us and
15 tell us what of these six maps you got a
16 problem with, where you got a problem with it.
17 I mean, they were, you know, do you think it
18 wasn't a sterile environment that produced
19 these maps? If so, explain why.

20 Judge Lewis obviously felt it was,
21 assuming he did the same thing he did last time
22 and that has the testimony, but, you know, at
23 some point in time I just urge and I hope the
24 Judge that hears this is watching, I hope the
25 Florida Supreme Court is watching, at some time

1 you have to say, you know, how fair is this?
2 If they refuse to come forward at this point in
3 time, at this stage in the proceeding, and if
4 they don't, what does that say about their
5 strategy, a gamesmanship strategy rather than
6 what is best for the people of the state of
7 Florida?

8 SENATOR GALVANO: Your point is well taken
9 with regard to the tactical disadvantage that
10 the Senate and the House find themselves in
11 with regard to the Plaintiffs. Vice Chair
12 Braynon then followed by President Lee.

13 SENATOR BRAYNON: Thank you. I might
14 somewhat disagree with that. I think that they
15 have said what is wrong with the map. They
16 have given us line by line, district by
17 district, what is wrong with the map.

18 It is the complaint that we have all read
19 or that we and some of us -- and we said and
20 our response was we don't believe in that and
21 we are not going to follow that. I asked
22 several times yesterday, did we use that in
23 drawing our map, and we didn't.

24 We said we didn't, we just decided to
25 start over and hope that what we do is not

1 going to have those some complaints. If, now,
2 if we -- if we did the exercise and we did that
3 from the beginning where they told us what is
4 wrong and we said, you know what, let's try to
5 remedy that, let's try to address those things.

6 When we go back to the Court, again, I am
7 not like you, I am not a lawyer. I assume that
8 if they told you what they are alleging you do
9 and you change it, and you don't do it this
10 time, you have a very good case for saying we,
11 we are right this time, but we have made a
12 conscious decision to say it is allegations, we
13 are not going to use that.

14 So when well go back to Court they can
15 literally bring up that whole argument again
16 and you know what, probably add some more
17 because we have done a whole another list of
18 things and that is why we go back, that is what
19 happened, that is what ended up in the
20 congressional case, that is what is probably
21 going to happen in this one.

22 So I don't know take we get to sit on our
23 high horse and say, they are not here, they
24 haven't told us what is wrong. They told us
25 what is wrong.

1 They told us what was wrong and we have
2 kind of said, we don't agree with you, we are
3 going to do what we think is right and that is
4 our prerogative, but we have to be -- we can't
5 continue to say they are not showing up yet, so
6 I wish they would show up and elaborate, that
7 would be, that would be good, but they have
8 told us what is wrong.

9 I think we have said what we are going to
10 do. So if we are going to address them and we
11 recall going to say that, you know, we are
12 going to be right this time and we are going to
13 win, I think we, we might want to focus a
14 little bit on those complaints.

15 SENATOR GALVANO: President Lee, you are
16 recognized.

17 SENATOR LEE: Well, I want to -- I just
18 wanted to get back to my -- where I was there
19 so we didn't get derailed from the concept, and
20 I appreciate what Senator Bradley is saying. I
21 think, you know, sometimes when you review the
22 game tape starting in the fourth quarter it
23 looks like the team played pretty well, but if
24 -- I think if you go back and review the whole
25 game tape from the history of this

1 reapportionment process you will find that we
2 have put ourselves in this position, and that
3 the unlevel playing field that may exist now is
4 at our own making and that blood is on our
5 hands.

6 We are responsible for that. You and I
7 weren't here, most of us I guess weren't here,
8 but, you know, that is the hand we are dealt
9 and we may not like it, but all we can do is
10 take a look at what happened in the
11 congressional case and say, gee, you know,
12 aren't we likely to be, you know, watching this
13 movie all over again in another month.

14 And as frustrating as that might be, I
15 think that is our reality and I am not
16 interested in proceeding forward in denial. So
17 I am assuming that that is the world I live in
18 right now. And so as I go back to the count
19 five and six, not count four, because count
20 four relates to Tier 1 issues for which there
21 weren't necessarily a Tier 2 violation alleged,
22 but count five and six narrows the complaint.

23 Justice Cantero says it is narrowed even
24 further than that in some subsequent dialogue,
25 which is fine, and I don't want to re-litigate,

1 you know, our conversation from the other day
2 about how the Court is going to review our
3 desire to settle this case and avoid having to
4 go through proving up every one of these counts
5 in favor of the Senate, the Legislature.

6 That will take place and I certainly hope
7 he is -- his view of the world is correct, but
8 suppose just for the sake of discussion that
9 Senator Bradley says, suppose that it is a
10 valid discussion to have with respect to either
11 the 11 districts that are enumerated in count
12 five and six, or a subset of that as is
13 narrowed down, to see how our maps
14 inadvertently, even though we don't think from
15 the experts that we have here it is relevant,
16 suppose some of us in order to -- in order to
17 agree to vote for any of these six Bills
18 insists upon hearing how these infirmities are
19 addressed in these six maps as a secondary
20 consideration beyond the Tier 2 considerations?

21 Are we in a position to do that as
22 Chairman has sort of recharacterized that just
23 sort of second guessing, you know, what might
24 be coming down the road? It might be a safe
25 harbor to have had a conversation about to what

1 extent do any of these six maps actually
2 address any of these Tier 2 violations alleged
3 in counts five and six if -- if it, just
4 supposing that we need the majority of the
5 legislators to support getting a map out of
6 this committee, and as a consideration to me
7 would they be willing to provide that
8 information even though they believe it is
9 totally irrelevant to the discussion?

10 SENATOR GALVANO: I think the first
11 question would be, is that something that can
12 be done, how practical is that to be done. I
13 don't think it is an unreasonable request.

14 SENATOR LEE: And can I give you a
15 specific example?

16 SENATOR GALVANO: Certainly.

17 SENATOR LEE: Senator Bradley understands
18 that a more thorough reading of this complaint
19 will take you back to paragraph 50, and two of
20 our maps make the same Tier 2 violation that
21 are alleged in this complaint, because Pinellas
22 County district crosses Tampa Bay back into
23 Hillsborough, and despite the de minimus
24 changes we make in the map, it is the same fly
25 in the face of the Plaintiffs' opinion that

1 that was a Tier 2 violation.

2 And so all of these maps may have changed,
3 but the concept that the Plaintiffs found
4 undesirable or unconstitutional have not always
5 been addressed in each of these maps, which is
6 understandable.

7 I am not -- you might well find that,
8 gosh, you just can't draw a map that addresses
9 everyone of these complaints without creating a
10 series of other problems that the cure is worse
11 than the disease. So, but I think that, you
12 know, to just simply say that we have changed
13 all of the maps, and therefore, we have
14 addressed those concerns, would be sort of
15 being over assessment of what the staff has
16 done here with these maps, and I would just
17 direct you to paragraph 50 in map 70, 9070, and
18 9072 and hold those up against the light,
19 against the unconstitutional map and you will
20 see that that infirmity remains in those two
21 maps.

22 SENATOR GALVANO: Tell me those numbers
23 again, please.

24 SENATOR LEE: Alleged infirmities, of
25 course, they are just alleged. They are just

1 alleged.

2 SENATOR GALVANO: The numbers.

3 SENATOR LEE: Oh, 9070 and 9072, paragraph
4 50, Senate District 22, I believe.

5 SENATOR GALVANO: Okay. I don't think it
6 is an unreasonable request. I think if you get
7 into it may be difficult and you would have to
8 make certain assumptions, one being that the
9 allegations, themselves, are not a veiled
10 attempt to improve performance and then thus we
11 are walking into a situation where we are
12 getting into a Tier 1.

13 But I think it is something, you know,
14 that we can have further discourse on. I would
15 ask that the attorneys take a look at that with
16 staff and give us some feedback. Obviously you
17 are not prepared to do that right now, but I
18 understand what the President is saying and,
19 you know, we can anticipate at least similar
20 arguments coming down the pike. So Justice
21 Cantero, do you want to comment?

22 JUSTICE CANTERO: Yes, Mr. Chair, thank
23 you. And perhaps as a part of that to the
24 extent that the -- that President Lee believes
25 that a certain change does not address the

1 Plaintiffs' allegations we may want Mr. Ferrin
2 or somebody to explain why that is, and for
3 example, after our discussion on Monday where
4 President Lee expressed the concerns about
5 Tampa Bay and I think you are right, it is
6 District 22, and crossing over from Pinellas
7 into Tampa Bay, my understanding just from a
8 conversation with Mr. Ferrin is that that is
9 necessary to keep whole Pasco County.

10 And so a lot of these decisions have
11 legitimate reasons behind them and that to me
12 that is the entire point, is not necessarily
13 accepting the Plaintiffs' version of facts, but
14 to be able to justify your version of facts.
15 And so if something is very similar to what the
16 Plaintiffs allege was wrong but we have a
17 rational justification for it, then I think it
18 is perfectly legitimate.

19 SENATOR GALVANO: And, but you are getting
20 to the heart of what President Lee is getting
21 at, you know. You cannot look at it at all is
22 one way, or you can take a look and then make
23 sure as you have that justification like you
24 just gave, whether we accept it or not as
25 voting members, but at least having had the

1 benefit of some -- some feedback on it.

2 Senator Gibson.

3 SENATOR GIBSON: Thank you, Mr. Chair.

4 And so to Justice Cantero's point.

5 SENATOR LEE: So there is three.

6 SENATOR GIBSON: My question goes to, what
7 did we agree to do? What --

8 SENATOR GALVANO: Yes.

9 SENATOR GIBSON: Are you ready?

10 SENATOR GALVANO: Yes.

11 SENATOR GIBSON: And there has been a lot
12 of discussion about, you know, folks not being
13 here and the allegations and that, and the
14 point that Justice Cantero just made, what is
15 it that we agreed to do?

16 Did we agree to take all of the
17 allegations and address them? Did we agree to
18 create a whole new map? What is it that we
19 actually agreed to do?

20 SENATOR GALVANO: What we -- thank you for
21 that question. What we agreed to do was to
22 accept that there were Tier 1 violations, and
23 one thing I point out that I think gets lost
24 with regard to the Tier 2.

25 The Supreme Court looked at the map when,

1 the enacted plan and took two looks at it and
2 the first time said you might need to make some
3 adjustments, we went back and made it.

4 When the Tier 1 issues came up the Court
5 found, okay, there is taint, and so now it is
6 not something that can stand. So what we
7 agreed to do was accept that based on how the
8 Court had been opining on the congressional
9 case, and to go back and redraw the map from
10 the beginning, and that is what the instruction
11 was.

12 The instruction was and the agreement was
13 not to go back and address the allegations in
14 the complaint, but what we are talking about
15 here, what President Lee has brought up is
16 that, you know, it may be a worthy exercise in
17 the decision-making process that we have to at
18 least consider some of those allegations. But
19 we didn't agree to address allegations, because
20 they are simply allegations.

21 SENATOR GIBSON: So -- may I ask you
22 another?

23 SENATOR GALVANO: Yes.

24 SENATOR GIBSON: So we agreed to fix Tier
25 1 issues and then make sure we draw a Tier 2

1 compliant map, is that what we agreed to do?

2 SENATOR GALVANO: You said that perfectly,
3 yes.

4 SENATOR GIBSON: So I guess I don't
5 understand why we wouldn't want to go through a
6 list of allegations when we can support, this
7 is where I am getting to Justice Cantero's
8 point, when we make changes that we are
9 supporting. Why do we have to go allegation by
10 allegation?

11 I am not -- I am not -- I don't get that.

12 SENATOR GALVANO: And you are right and we
13 are not, and we agree with that position, you
14 know, at least in general. The only point that
15 I am making and I don't want to speak for
16 President Lee, or Vice Chair Braynon, was that
17 there is -- there is this complaint out there,
18 and as we look at the factors that tell us what
19 maps do well in certain areas, maybe that is
20 something that we should look at as well.

21 But I am not saying that that is a guiding
22 factor and I don't think counsel is saying that
23 either.

24 SENATOR GIBSON: Okay.

25 SENATOR GALVANO: Justice Cantero wants to

1 comment on that.

2 JUSTICE CANTERO: That is correct. It
3 also reminds me of something I think needs to
4 be kept in mind that is very important. In
5 Apportionment Two which is when we went back in
6 2012, and maybe you drew eight districts that
7 the Supreme Court ordered us to redraw, there
8 was then another challenge in the Florida
9 Supreme Court.

10 And part of that challenge was based on
11 Tier 2 metrics to certain districts, and the
12 Supreme Court said as far as the Tier 2
13 metrics, they are fine, and we approve the map
14 including all of the changes that you made
15 given the Court's direction.

16 Subsequently when they filed a lawsuit we
17 argued that the Plaintiffs couldn't file the
18 lawsuit, that the Court had already determined
19 this issue and that they don't get another,
20 another shot. In rejecting our argument the
21 Florida Supreme Court did say that to the
22 extent you have further evidence, for example,
23 evidence of political intent or something like
24 that, you can present that evidence and you
25 have a new case.

1 But to the extent it is just the same
2 argument that you presented on objective
3 factors, you are not going to get to do that
4 over. And so I haven't gone back and compared
5 the complaint to that, but I am assuming that a
6 lot of the districts that they are challenging
7 on Tier 2 metrics in the complaint are the same
8 districts that they challenged on Tier 2
9 metrics in Apportionment Two in which the
10 Florida Supreme Court said it was okay, so
11 there is no reason to change those.

12 SENATOR GALVANO: Senator Bradley.

13 SENATOR BRADLEY: Thank you, Mr. Chairman.
14 And I want to revisit Senator Lee's comments
15 regarding allegation 50 and I appreciate him
16 bringing, you know, being specific because I
17 did turn to that part of the complaint and saw
18 the issue to which he was addressing.

19 And Senator, President Lee had mentioned
20 70 and 72. I think 76 also does that, and I
21 just want to confirm that my understanding of
22 the maps is correct. So there is actually
23 three maps that do that.

24 SENATOR GALVANO: I believe that is
25 correct and I would just ask Mr. Ferrin that.

1 SENATOR BRADLEY: 70, 72 and 76,
2 Mr. Ferrin?

3 SENATOR GALVANO: Yes, sir.

4 MR. FERRIN: Yes, if you are referring to
5 a district that comes into Hillsborough County
6 from Pinellas, you know, without a land path,
7 those three maps.

8 SENATOR BRADLEY: And so to the extent
9 that President Lee is suggesting that he thinks
10 it is, you know, we don't need to be sticking
11 our head in the sand, we need to be realistic,
12 we need to understand the playing field in
13 which we operate and I -- if that is the -- if
14 that is the road we are heading down, and I
15 appreciate you bringing it up.

16 It -- let's get it all out. That is part
17 of what I was saying earlier. Let's get it all
18 out, come, Plaintiffs, tell us what. But going
19 go down that road I think those are three maps
20 now that have that issue. Yes, sir.

21 SENATOR GALVANO: Mr. President Lee.

22 SENATOR LEE: Yes, I think that is -- I am
23 sorry, I was focused in on -- you are right,
24 there may be, there may be more maps, and --
25 and -- and I think this is a healthy exercise.

1 Again, no one else has to go down it. I am not
2 -- I hate to drag everybody else down it, but I
3 want to go down it. And so it is a part of a
4 second tier consideration to me once I get past
5 the methodology and the metrics, is to just how
6 well any of these maps may address any of these
7 infirmities that were alleged, and rightfully
8 or wrongfully, whether the Court is going to
9 consider them or not, I am going to do that,
10 and -- and, you know, as we go through the
11 analysis of that and we talk about the
12 justification, that gives me the ability to
13 say, okay, I understand.

14 So we cross Tampa Bay because we wanted to
15 keep Pasco County whole, just using this one
16 example. And I conclude in my own mind that
17 that is a bad trade. That crossing Tampa Bay
18 when you have been told not to, using a --
19 using a bridge to get there is much greater
20 transgression than carving up a county a little
21 bit if you have to do that, but that is a
22 personal opinion that I can't get into unless
23 we have this very discussion about how we got
24 to this map that crosses Tampa Bay.

25 And I keep picking on that, I am sorry for

1 that. Again, I look at, you step back away and
2 look at this as a Mosaic, in that particular
3 concern may -- may be dwarfed by improvements
4 that are made to the map other places in the
5 state.

6 Anytime you want to focus that myopically
7 or brokenly on something, it may stand out like
8 a sore thumb. So I don't mean to pick on it or
9 suggest that it is driving my thinking in any
10 regard.

11 It is just an example that once you look
12 at the whole map and how we address five and
13 six, counts five and six in these maps, you
14 know, that may go away in my mind. But I just,
15 you know, it gives me a chance to have that
16 very thought process about the trade-offs that
17 these map makers had to engage in as they chose
18 to go about the remedial process here.

19 SENATOR GALVANO: Thank you, any comment,
20 counsel?

21 Senator Simmons, you are recognized.

22 SENATOR SIMMONS: I think that it is a
23 good idea to go over what the Plaintiffs have
24 alleged, and I think it is important for us in
25 being able to go through the process. The

1 consent judgment in the Florida Supreme Court
2 made clear that once the Tier 1 violation
3 exists, then the entire plan is invalid and
4 then we have the burden of showing that what we
5 have done as we do this again is in fact better
6 than what the -- what the Plaintiffs are going
7 to propose.

8 I do wish that at they were here and that
9 I am glad that, Mr. Chair, you invited them to
10 attend because the fact of it is, is even if --
11 if they were here we could ask them what
12 infirmities they find about whatever plan or
13 plans we do propose.

14 And that is just a matter of fairness, it
15 is a matter of being able to do that which is
16 best for the state of Florida, because what I
17 have seen here is an effort to try to do what
18 is best for the state of Florida, and certainly
19 reaching out to the Plaintiffs to ask them to
20 participate in a process that is open to the
21 people of the state of Florida and, of course,
22 they have the opportunity to be here to be a
23 part of this process, to do what is right for
24 the people of the state of Florida in a process
25 that the Supreme Court has adopted.

1 And so this is important. It is important
2 to be here. It is important to say whether or
3 not what we have done is -- needs to be
4 corrected so we can correct it now rather than
5 just create issues to litigate a month or a
6 month and a half and now because of appeals and
7 everything else, probably well into the spring.

8 And so I think it is important that we
9 continue in good faith to do what is -- what is
10 necessary. If they are not here to, you know,
11 to voice their concerns about a particular
12 proposed event that we do that at least what we
13 do is search out what their concerns are, not
14 take the view that, well, if we just go back
15 and redo what we have done before, I really
16 believe that based upon being in the remedial
17 process we can't confuse the remedial process
18 if this had been a separate type of proceeding
19 without being in what is now called the
20 remedial process.

21 And being in the remedial process we have
22 to substantiate whatever we have done, not only
23 to ourselves, but to the people of the state of
24 Florida, ultimately to the Court. Let's go
25 through this and let's do what is best for the

1 people of the state of Florida and let's --
2 let's look and let's see if -- if we can
3 justify everything. Just like it was presented
4 to us that Jay had drawn a district in a
5 certain way along with House staff, then let's
6 hear why it was done that way so that we as
7 representatives of the people will be able to
8 say, you know what, this is the best way to do
9 it.

10 So I would like to just like Senator
11 Bradley and I see that Senator Lee is handing
12 me something in Judge Lewis' decision.

13 SENATOR GALVANO: And to your point,
14 Senator Simmons, that was one of the
15 considerations that we had when we made sure
16 that it was recorded, that the base map process
17 was recorded so that we have the full
18 discussion between the map drawers about why
19 certain things were done in a certain way.

20 SENATOR SIMMONS: And I can assure you
21 that if the Plaintiffs were here they would be
22 treated with the utmost respect, because there
23 are those of us who have all along wanted to do
24 that which is right, and I think everybody on
25 this committee is doing that which is right to

1 get a just result in accordance with the
2 instructions that we are getting from as
3 recently as Judge Lewis' ruling.

4 So let's -- let's continue this adventure
5 and let's -- let's see if we can address the
6 concerns that -- that the Plaintiffs have
7 raised in their complaint.

8 SENATOR GALVANO: Senator Montford.

9 SENATOR MONTFORD: Thank you, Mr. Chair.
10 At the risk of grossly oversimplifying this,
11 they are not coming. I mean, you know, they
12 are not coming. So let's don't waste anymore
13 time. We have got maps, we have got the
14 suggested maps up here, we have got two or
15 three more. We know what their complaints are,
16 we know, I mean, we have been through the
17 system, we know them by heart, we even know
18 what paragraph, paragraph 50.

19 Why can't we go through these and you guys
20 and the staff say, you know, this is where,
21 this is why we did this and this and this, this
22 is why we crossed over this, this is why we
23 didn't split up Pasco County because of this,
24 and, you know, let's -- we are big boys and
25 girls, let's lay it out and move on, and then

1 we will make a -- we will make a decision, and
2 I am ready to get into the meat of it.

3 Thank you, Mr. Chair.

4 SENATOR GALVANO: Thank you, Senator
5 Montford. Okay, we had started to get into the
6 comparison of the maps that we do have from the
7 Plaintiffs.

8 So at least we do have that input to take
9 a look at and I did ask Mr. Ferrin to compare
10 the scores between our six plans here with that
11 map, with those maps, multiple.

12 MR. FERRIN: Thank you, Mr. Chairman, and
13 I did go ahead late last night and pulled the
14 Tier 2 metrics together for these nine maps
15 that the League has submitted in litigation.

16 And in terms of, let's see here, let me
17 make sure I got the right -- okay, so the first
18 slide here now is the -- the kind of a county
19 level analysis and municipal analysis on the
20 nine League maps, and I think we see that in
21 their maps the most number of counties kept
22 whole is 48, the most number of cities kept
23 whole is 347.

24 In terms of the compactness measurements,
25 I am looking here to make sure that I grabbed

1 -- the tables are a little different here, but
2 the average statewide compactness scores in
3 terms of the League maps, their highest scoring
4 one is a .48, and I believe their lowest is
5 .44.

6 The Convex Hull I think they are .78 or
7 .77 across the board in all of their different
8 maps, and the Polsby-Popper is also about the
9 same, .38 or .39, and the political and
10 geographic boundary analysis shows that their
11 averages are in the -- in the low to mid 90s
12 across all of their maps.

13 This last slide here kind of puts the two,
14 the set of legislatively drawn base maps in
15 comparison across to the League maps which show
16 that the most number of counties kept whole in
17 the base map is 53. And as I mentioned
18 earlier, in the League map that is 48.

19 The whole cities in the base map is 395
20 and the League's maps it is 374. The
21 statewide, highest statewide Reock in the base
22 map is .46 and in the Plaintiffs' maps it is
23 .48.

24 In terms of Convex Hull, the highest
25 scoring Convex Hull is .80 and the Plaintiffs'

1 highest scoring is .78. Polsby-Popper is close
2 as well, there is .4 high score in terms of the
3 legislative base maps, and the Plaintiffs' maps
4 it is .39, about the same here in terms of
5 political and geographic boundaries.

6 The -- these are across the averages of
7 the maps. So this is with respect to
8 individual districts, and it shows that, I
9 think the general take-away here is that while
10 the Plaintiffs' maps have some higher
11 compactness scores, they do split more counties
12 which is the logical conclusion in that, you
13 know, in drawing better perfect circles you are
14 going to probably end up breaking more
15 counties.

16 And then in the legislative maps those
17 counties are kept whole and there is more
18 cities kept whole as well. So we kind of
19 wanted to pull this slide together so that
20 everybody could see it.

21 I didn't really delve into much beyond the
22 immediate Tier 2 metrics at the high levels on
23 the League maps for this presentation, so --
24 Vice Chair.

25 SENATOR GALVANO: All right, any questions

1 of Mr. Ferrin? President Lee?

2 SENATOR LEE: Well, I have to ask, these
3 aren't your children so you might have a little
4 different ability to assess. Do any of these
5 maps stand out to you as you and the legal team
6 as being any better than any others?

7 MR. FERRIN: Well, I can, and Senator Lee
8 and Mr. Vice Chair, I can look at the Tier 2
9 metric and point out which ones are higher and
10 lower.

11 SENATOR LEE: Okay.

12 MR. FERRIN: I have not dove into the Tier
13 1 stuff on test maps at this point, you know.

14 SENATOR LEE: Well, we determined Tier 1
15 because we -- that is my view is, that is what
16 I do that determines whether something is,
17 meets a Tier 1 standard and the Court will have
18 to review that, and I don't even, I couldn't
19 tell one map from the other.

20 So I am just simply going to try to look
21 at Tier 2 standards and try to determine which
22 maps best perform because it seems to me that
23 is what the Court did.

24 MR. FERRIN: And I was referring more to
25 the minority district provisions.

1 SENATOR LEE: Sure.

2 MR. FERRIN: In that rather than --

3 SENATOR LEE: I understand.

4 MR. FERRIN: -- the intent, I obvious --

5 SENATOR LEE: I got you, yes, sir. Yes,
6 sir.

7 MR. FERRIN: So if you want to look at it
8 from that level, I mean, the 2, 3, 6 and 7 keep
9 48 counties whole. 46 is in 10 and you have 45
10 whole in 5 and 8. The cities are in here, 374
11 kept whole, in 5 and 9.

12 So that would be if you are going to Judge
13 the qualities of the map based on how many
14 cities are kept whole, that is -- that is your
15 high number.

16 The Reock score, the highest they are
17 going to get is .48 in plan nine, and that is
18 on the statewide average. Plan or Convex Hull,
19 if that is your metric of choice, I think they
20 are all of the same statewide, except for map
21 10, which scores one one hundredth of a point
22 lower on the statewide average.

23 The Polsby-Popper is also going to be
24 marginally different amongst the different
25 plans with a, you know, a .39 in maps six and

1 seven and eight and nine. The political and
2 geographic boundaries, there is a two percent
3 variance across those averages. So I don't --
4 I don't know that I would have a favorite in
5 terms of that or one that I thought best
6 followed that compliance. And again we are
7 looking at kind of, these are just the numbers
8 on the screen.

9 I don't have the maps in front of me and I
10 am not, you know, conducting a visual
11 compactness test in this instance. And so I,
12 you know, kind of late last night was pulling
13 this together as best I could grabbing,
14 grabbing the best metrics as I could get them.

15 SENATOR LEE: If we applied our metrics --
16 if we applied our two methodologies to these
17 maps, would that change your view of, if we
18 viewed these maps through the prism of our two
19 methodologies, which one seems to, one seems to
20 perform best pursuant to our methodology?

21 If we viewed them through the same prism
22 as we drew our six maps?

23 MR. FERRIN: Mr. Chair and Senator Lee, I
24 think I would want to look a little bit more
25 closely at that in terms of how some of the

1 splits are divvied up. Like I said, in
2 addition to just the number of counties kept
3 whole in the one methodology, Methodology Two
4 really takes into account how those -- those
5 are distributed amongst the different
6 neighboring counties and things like that. So
7 it is, I kind of want to look a little bit
8 deeper into that before I try to provide an
9 answer.

10 SENATOR LEE: Okay.

11 SENATOR GALVANO: Further questions,
12 further questions? Nothing further on this?
13 Okay, here is what we are going to do then. I
14 think this is a good time to break for an
15 earlier lunch. We will return here at, say
16 12:30 and pick up on the agenda. So we are in
17 temporary informal recess until 12:30 p.m.

18 (Whereupon, the proceedings were in
19 recess.)
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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF LEON)

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

That the foregoing pages 2 through 104 represent a true, correct, and complete transcript of the tape-recording;

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

Dated this 6th day of November, 2015.

CLARA C. ROTRUCK
Notary Public
State of Florida at Large
Commission Expires:
November 13, 2018
Commission NO.: FF 174037