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Court Reporter

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

2 PRESIDENT HARIDOPOLIS: The Senate is
3 called to order. Senators and guests in the
4 gallery, please rise for the opening prayer
5 given this morning by Lewis Williams, Bishop,
6 Household of Faith Church, Jacksonville,
7 sponsored by the Senator from the First
8 District, Senator Gibson. Welcome, Bishop.

9 REVEREND BISHOP: For the President of the
10 Senate and to Senator Audrey Gibson, good
11 morning.

12 Father God we come before you now giving
13 you praise and honor, the creator and the maker
14 of heaven and earth, and God, I come now to
15 petition you, God, for the Senate, the Capitol,
16 those who work hard in the government asking
17 for guidance and direction as they work hard
18 throughout the day to make decisions.

19 But God, before we ask anything of you,
20 thank you for watching over us last night.
21 Thank you, God, for protecting us, Heavenly
22 Father, and watching over us.

23 Now, God, we ask that you may guide the
24 Senate. Thank you, God, for the President of
25 the Senate, all of the men and the women that

1 work. As they make decisions today, God, you
2 say that you are the vine and we are the
3 branches, but we are abiding you and us the
4 same shall bring forth much fruit, without you,
5 we are nothing.

6 So we need you, Heavenly Father, as they
7 make decisions. We need you, Heavenly Father
8 as they meet. We need you, Heavenly Father, as
9 they sit down to brainstorm. We need you now.

10 Moving our hearts, moving their hearts
11 that you may get the glory and the honor. I,
12 we ask this prayer in the name of the one that
13 created everything, Amen.

14 PRESIDENT HARIDOPOLIS: Thank you, Bishop
15 Williams. Thank you very much for being here.

16 Please remain standing for the Pledge of
17 Allegiance, led this morning by the youngest of
18 my three children, Reagan Haridopolos. She is
19 now five years old.

20 I pledge allegiance to the flag of the
21 United States of America and to the republic
22 for which it stands, one nation, under God,
23 indivisible, for liberty and justice for all.

24 PRESIDENT HARIDOPOLIS: Our Doctor today
25 is Dr. Michelle Mendez of Jacksonville,

1 sponsored by the Senator from the Fifth
2 District, Senator Wise.

3 Dr. Mendez specializes in family medicine.
4 Welcome to the Florida Senate. We will now
5 continue with the order of business. Are there
6 reports of committees?

7 SECRETARY: None on the desk,
8 Mr. President. None on the desk,
9 Mr. President.

10 PRESIDENT HARIDOPOLIS: Are there motions
11 relating to committee reference?

12 SECRETARY: None on the desk,
13 Mr. President.

14 PRESIDENT HARIDOPOLIS: Senators, the
15 Secretary will now read the Bills you wish to
16 withdraw from further consideration. Please
17 read the Senator's name and the Bill number.

18 SECRETARY: Senator Bennett, Senate Bill
19 690, solar energy systems.

20 PRESIDENT HARIDOPOLIS: Without objection
21 show the Bill withdrawn from the committees of
22 reference and from further consideration.

23 Senators, if you have any Bills which you
24 are offering for further consideration, please
25 give that information to our Secretary.

1 Are there messages from the Governor and
2 other executive communications?

3 SECRETARY: None on the desk,
4 Mr. President.

5 PRESIDENT HARIDOPOLIS: Are there messages
6 from the House of Representatives?

7 SECRETARY: None on the desk,
8 Mr. President.

9 PRESIDENT HARIDOPOLIS: Are there matters
10 on reconsideration?

11 SECRETARY: None on the desk,
12 Mr. President.

13 PRESIDENT HARIDOPOLIS: Senators, without
14 objection we are going to take up the special
15 order calendar and begin with CS/SJR 1176.
16 Read the Bill.

17 SECRETARY: Committee substitute for
18 Senate resolution on 1176, a joint resolution
19 of apportionment.

20 PRESIDENT HARIDOPOLIS: Senator from the
21 Fourth District, our Chair of Reapportionment,
22 Senator Gaetz, you are recognized to introduce
23 the Bill.

24 SENATOR GAETZ: Thank you very much,
25 Mr. President. Mr. President, thank you for

1 scheduling floor time for a report from the
2 Committee on Reapportionment and for the
3 Senate's consideration of Senate Joint
4 Resolution 1176, the Legislative Redistricting
5 Plan, and then later, Mr. President, Senate
6 Bill 1174, the Congressional Redistricting
7 Plan.

8 Before I begin may I please offer a word
9 of appreciation and a word of apology. The
10 word of apology first. I apologize that today
11 will be a long day. Tomorrow will be a long
12 day perhaps, and it is very likely that
13 Committee members and others who have been
14 closely engaged in every step of this long year
15 process will find us covering ground that is
16 all too familiar, and so for that I apologize.

17 But the Senate can take some comfort in
18 the fact that this happens only once in a
19 decade, and it is the last and only time you
20 will hear from me at such great length.
21 Senator Fasano has assured me of that.

22 A word of appreciation. First, to
23 President Margolis. President Margolis is Vice
24 Chair of our Committee and a veteran of wars
25 past. Her judgment and wisdom are

1 extraordinary, and Madam President, I can't
2 number the times when during our committee
3 meetings you have leaned over to me and said,
4 here is what is happening. Here is why it is
5 happening, and here is what is going to happen
6 next, and every time you were right. So thank
7 you for being such a great partner in this
8 process.

9 To Leader Gardiner and Leader Rich, always
10 reserving their rights as leaders of their
11 caucuses. They have been and are the fixed
12 keel keeping us on course to complete our tasks
13 sooner, better and fairer.

14 Senator Rich and Senator Gardiner made it
15 possible for our committee to operate
16 procedurally at all times by unanimous consent
17 agreements at an unprecedented level of
18 cooperation.

19 And finally, Mr. President, to John
20 Guthrie and his committee staff who have
21 created and managed a redistricting process
22 which by its openness, its transparency and its
23 inclusiveness is now a model for America.

24 If you do not like this product you can
25 blame me. You can blame committee members, but

1 if you find yourself as I am, amazed at what
2 has been accomplished and how it was
3 accomplished, credit President Margolis,
4 Senators Rich and Gardiner and John Guthrie and
5 his staff.

6 With your permission, Mr. President, we
7 would like to proceed in the following order
8 today.

9 First, a comprehensive report outlining
10 the legal frame work for redistricting, the
11 process we follow, the schedule we kept and the
12 public inclusiveness we have achieved.

13 And then if it is the Senate's pleasure we
14 will take up Senate Joint Resolution 1176, the
15 Legislative Redistricting Plan, describe the
16 plan district by district and take Senators'
17 questions.

18 Depending on the amount of questions we
19 have and the time on the clock we may ask your
20 indulgence and that of our two leaders to roll
21 SJR 1176 to third reading at some point today
22 or tomorrow for a vote.

23 By this time in the schedule I am not
24 exactly sure where we will be. That will be up
25 to the Senate, but some time late this

1 afternoon or perhaps tomorrow.

2 And then, Mr. President, we will ask your
3 permission to take up Senate Bill 1174, which
4 is the Congressional Redistricting Plan and
5 follow a similar procedure.

6 A district by district description of the
7 plan, questions from Senators, a request at
8 some point to roll to third reading, debate and
9 a vote.

10 Now, there is a Chairman's amendment on
11 the Congressional Redistricting Plan. It is a
12 technical amendment filed to the Congressional
13 Plan and I gather with the President's
14 permission and at pleasure of the Senate we
15 would take that amendment up on second reading
16 of Senate Bill 1174.

17 Relying on your indulgence and the
18 patience of the Chamber, the time we will take
19 for each step will be governed by the material
20 that we must cover legally and by Senators'
21 desire to ask questions and engage in debate.

22 The President has instructed me that we
23 will take all of the time that is necessary to,
24 explore question, to ensure that every point
25 that anyone wishes to make is made.

1 I would point out that the substance of
2 this legislation has been publically noticed
3 since November 28th, with the committee
4 substitute having been available to all members
5 of the Senate for their review for the past ten
6 days.

7 Mr. President, I hope our plan for
8 proceeding on these matters is agreeable with
9 you and Mr. President, with your permission, I
10 would ask the Chamber, are there questions that
11 any member would like to ask about how we will
12 proceed over the next two or three days? Are
13 there any questions about how we would proceed?

14 If not I invite you to settle back and get
15 comfortable. The United States, yes, the
16 Speaker says if anybody needs popcorn we will
17 be happy to supply it. Senator Fasano will be
18 calling his constituents. He will be able to
19 call all of his constituents.

20 Mr. President, the United States
21 Constitution and our State Constitution repose
22 in the Legislature the responsibility to draw
23 legislative and congressional districts
24 following each decennial census.

25 What is called redistricting is a

1 constitutionally required change caused by
2 increases, decreases or movements of
3 population.

4 Our founders foresaw that periodic
5 adjustments would be required to maintain the
6 principle of one person, one vote in our
7 representative democracy. The work this Senate
8 is doing today answers that charge that our
9 founders set for us.

10 Between 2000 and 2010, the last decade,
11 the population of Florida grew by 18 percent,
12 to 18.8 million people. The national
13 population by contrast grew at a slower rate by
14 about 10 percent.

15 So as a result starting with elections in
16 2012, Florida gains two additional seats in the
17 U. S. House of Representatives. We will now
18 have a total of 27, and two additional votes in
19 the electoral college, a total of 29.

20 In redistricting we not only must
21 accommodate the two new Congressional seats, we
22 must also account for uneven population growth
23 within our state. Areas that grew faster than
24 average are entitled to more representation;
25 areas that grew slower than average will lose

1 representation.

2 Not only do the U.S. Constitution and the
3 State Constitution put responsibility for
4 redistricting in the Legislature, the
5 Constitution of the United States, Federal
6 Court rulings, Federal Laws and our State
7 Constitution sets standards for us for doing
8 the job.

9 Under the United States Constitution,
10 district populations must be as nearly equal as
11 practicable, and race cannot be the dominant
12 factor when drawing lines unless narrowly
13 tailored to achieve a compelling state
14 interest.

15 Section II of the Federal Voting Rights
16 Act of 1965 as amended applies statewide in
17 Florida. It requires creation of a minority
18 district in cases where a geographically
19 compact, politically cohesive minority
20 population is large enough to constitute the
21 majority in a single member district that is
22 unable to elect its preferred candidates and
23 where minority voters have less opportunity
24 than others to participate in the political
25 process.

1 Section V of the Federal Voting Rights Act
2 applies additional requirements to districts
3 that include any part of Collier, Hardee,
4 Hendry, Hillsborough or Monroe County. For
5 those areas Federal law provides particular
6 prohibitions against something called
7 retrogression, or back-sliding in the ability
8 of racial minorities to elect representatives
9 of their choice and against purposeful
10 discrimination.

11 Before any law relating to voting in those
12 areas can take effect, and that includes all
13 statewide redistricting maps, those maps must
14 be approved by a Federal Court or by the United
15 States Department of Justice.

16 Now, under the Florida Constitution
17 districts have to be contiguous. The State
18 Supreme Court has interpreted this requirement
19 to mean that each district's territory all must
20 be in actual contact, uninterrupted by the
21 territory of another district. Contact at a
22 corner or a right angle is insufficient, but
23 districts may cross bodies of water.

24 In November 2010, the voters of Florida
25 approved additional standards for redistricting

1 called Amendments 5 and 6. They became
2 Sections 21 and 20 respectively in the State
3 Constitution.

4 Section 20 relates to Congressional
5 Districts. Section 21 to State Legislative
6 Districts. In both cases the standards are
7 exactly the same. Amendments 5 and 6 set up
8 two tiers of, or levels of compliance.

9 In the first tier these amendments
10 prohibit any line drawing with the intent to
11 favor or disfavor a political party or an
12 incumbent. The first tier in the Amendments
13 safeguards opportunities for racial and
14 language minorities. Districts may not be
15 drawn with the intent or the result of denying
16 or abridging the equal opportunity of
17 minorities to participate in the political
18 process or to diminish, or to diminish their
19 ability to elect representatives of their
20 choice.

21 In the second tier of Amendments 5 and 6
22 the new Amendments require that districts be as
23 nearly equal in population as practicable, be
24 compact and where feasible, utilize existing
25 political and geographic boundaries.

1 Importantly, when any action in
2 furtherance of a second tier requirement
3 conflicts with a first tier requirement, the
4 second tier requirement is trumped and no
5 longer applies.

6 Today the Committee on Reapportionment
7 will present Senate Joint Resolution 1176 on
8 this floor. This Joint Resolution is the
9 vehicle for legislative redistricting.

10 The SJR will contain two parts, the Senate
11 Plan and the House Plan. Before us today is
12 the Senate Plan. After we act on the Senate
13 Plan we will send it to the House and they will
14 add the House Plan and send the completed SJR
15 back to us for a final vote.

16 This is exactly the way President Margolis
17 explained how redistricting in a practical
18 fashion works, when the two Houses have
19 responsibilities for their districts. The
20 Legislative Redistricting Plan is not subject
21 to the approval of the Governor.

22 Now, after a Joint Resolution of
23 Apportionment passes both Houses, the SJR goes
24 to the Attorney General. The Attorney General
25 has 15 days during which to petition the

1 Florida Supreme Court to determine the validity
2 of the new maps.

3 I can announce to this Chamber today that
4 we expect that as the Legislature has
5 accelerated its schedule, we believe the
6 Attorney General will act with all deliberate
7 speed, will not take the full 15 days, but will
8 file the Petition to the Supreme Court
9 immediately upon our action on this floor.

10 Then once received, the Supreme Court has
11 up to 30 days to enter its judgment. Unlike
12 State Legislative Districts, Congressional
13 Districts are created in a Bill that is subject
14 to the Governor's approval.

15 Congressional Districts are not
16 automatically reviewed by the Florida Supreme
17 Court, and as mentioned previously, all
18 Statewide Redistricting plans, whether
19 legislative or congressional, must be
20 pre-cleared at the Federal level before they
21 can take effect.

22 Mr. President, those are the legal
23 requirements and that is the legal process
24 governing reapportionment and redistricting,
25 and with your permission may we stop here and

1 ask if any members have questions about that
2 process?

3 PRESIDENT HARIDOPOLIS: Are there
4 questions? Senator, the floor is recognized to
5 continue.

6 SENATOR GAETZ: Thank you, Mr. President.
7 More than a year ago you, you appointed the
8 Senate Committee on Reapportionment. You asked
9 President Margolis to serve as Vice Chair and
10 me as Chair and he gave us a large committee.

11 He gave us a large committee because he
12 gave us a large task, and the process and the
13 product are to the credit of every member of
14 the committee, every Democrat and every
15 Republican.

16 Members of this committee traveled across
17 the state of Florida, they engaged
18 constructively. They may have had differing
19 views or differing opinions, but everyone
20 operated in good faith, every Democrat and
21 every Republican.

22 President Haridopolos and Speaker Cannon
23 asked Chairman Weatherford from the House and
24 me to work together, to work together House and
25 Senate, Democrats and Republicans to conduct

1 this redistricting process in the sunshine.

2 Florida would not accept, Florida should
3 not accept what happened in other states. Like
4 Illinois wherein that one party state maps were
5 drawn in back rooms at Party headquarters.

6 There was no invitation or even tolerance
7 for public participation. The maps were sprung
8 as last minute surprises and voted on with
9 little or no public input or discussion.
10 Florida would never stand for that and we
11 shouldn't and we haven't.

12 By contrast, Mr. President, you instructed
13 our committee that this was to be the most
14 open, transparent and inclusive redistricting
15 process ever conducted, not just in Florida,
16 but you said it should be the most open,
17 transparent and inclusive redistricting process
18 ever conducted in America.

19 Mr. President, we believe our report to
20 you today offers proof that your committee has
21 accomplished the mission that you set out for
22 us.

23 Our first committee meeting was held on
24 December 9th, 2010. The agenda for that day
25 included three items: a timeline for

1 redistricting, and introduction to
2 redistricting law and an introduction to
3 redistricting technology.

4 That technology became very important as
5 we moved through this process. At that meeting
6 President Margolis and I and all of the
7 Committee members set a tone from which we have
8 not wavered one bit. A tone that every
9 political outlook, every interest group, every
10 citizen would be invited and welcomed to
11 comment, to criticize, to suggest, to propose,
12 so that in the end our product would be to
13 borrow a phrase, fair districts.

14 When we began in December 2010, we did not
15 have population or demographic data from the
16 Census Bureau yet. Florida is one of the last
17 states to receive population and demographic
18 data, but we did not know how many
19 congressional seats would be apportioned. We
20 did not know if the changes made by Amendments
21 5 and 6 would be pre-cleared by the Department
22 of Justice, but we pressed forward anyway.

23 Our staff continued their work developing
24 our redistricting web application and we
25 presumed and under the President's direction,

1 we presumed that the Constitutional Amendments
2 adopted in November, would be pre-cleared and
3 we have operated every day under the guidance
4 of Amendment 5 and Amendment 6 from the
5 beginning of our process until this moment.

6 When voters placed those Amendments in our
7 Constitution, those in the Senate who had
8 previously opposed them embraced them as our
9 oaths of office required us to do. We held
10 three more committee meetings during the 2011
11 regular session.

12 At our January and February meetings, we
13 discussed the technical aspects of the data we
14 would be using and provided to Senators, the
15 press and the public, hands on demonstrations
16 of the software that would be used to redraw
17 Legislative and Congressional Districts.

18 For the first time in this country, not
19 only all of the census and demographic
20 information defining and describing the people
21 of Florida was made available publicly, but the
22 specific software and tools that professional
23 staff and Legislators would use in drawing
24 districts was made available to the press and
25 the public.

1 Never happened before in American history,
2 but we wanted everyone to have the same tools
3 and the same chance.

4 In January, the Governor received the
5 official certificate entitling Florida to 27
6 members of the U. S. House.

7 In February, a District Builder beta
8 version was opened up to Senators and the
9 public for testing, and by April, by April we
10 had received our official geographic and
11 population data from the Census Bureau. Staff
12 spent the final weeks of the regular session
13 working with their counterparts in the House,
14 cooperatively to reserve sites and to schedule
15 an unprecedented number of public hearings.

16 Then on the morning of May 6th, the last
17 day of the last legislative session the Senate
18 Reapportionment Committee and the House
19 Redistricting Committee met jointly in the
20 House Chamber to officially have the President
21 and the Speaker announce the statewide public
22 hearing schedule that included 26 communities
23 in every region of the state.

24 At the Joint meeting we also unveiled the
25 full version of District Builder complete with

1 2010 census data. The Legislature, the
2 Legislature took the initiative to ask the
3 Justice Department to pre-clear Amendments 5
4 and 6. We did that.

5 We asked the Justice Department to
6 pre-clear those Amendments as being compliant
7 with Federal law, meaning the Federal
8 government determined the changes made by the
9 Amendments would not and could not result in
10 retrogression or back-sliding in the voting
11 opportunities for racial minorities.

12 In the Legislature's request for
13 pre-clearance we took the position that
14 Amendments 5 and 6, and I quote, "Preserve
15 without change the Legislature's prior-ability
16 to construct effective minority districts, and
17 that", and I continue to quote, "In promoting
18 minority voting strength the Legislature may
19 continue to employ whatever means were
20 previously at its disposal", end quote.

21 The United States Justice Department
22 approved that pre-clearance Petition. Then
23 during the month of May last we also created
24 the Senate Redistricting Website, implemented
25 an electronic pre-registration system for our

1 public hearings and last May, we received the
2 first two of what would become over 170
3 publicly submitted maps.

4 On June 6th, we accelerated our campaign
5 to involve the public. Chairman Weatherford
6 and I wrote personal letters to over 100
7 leaders of public interest groups and advocacy
8 organizations in this state.

9 The NAACP, Latino and Hispanic advocacy
10 groups, the League of Women Voters, the Fair
11 Districts Organization, Common Cause, both
12 political parties. We invited them and the
13 members of their organizations to attend our
14 first public hearing in Tallahassee.

15 We expressed our desire, we invited them
16 to give us suggestions on how maps could best
17 be drawn to suit the representational needs of
18 Floridians according to Amendments 5 and 6. We
19 implored them to participate by submitting
20 their own maps.

21 June 6th, was the first of 32 times this
22 Committee formally invited proposals from these
23 groups and from Floridians. Our 26 public
24 hearings were held in every part of Florida,
25 from auditoriums in urban neighborhoods and

1 large cities, to schools and suburban
2 communities, to gathering places for farmers in
3 small towns.

4 Before our northwest Florida public
5 hearings began in June, our committee sent out
6 invitations to over 700 individuals in
7 northwest Florida, individuals who were in
8 elected office, advocacy groups and community
9 leadership positions in the panhandle.

10 The first hearing was held in Tallahassee
11 on Monday, June 20th, and it was attended by
12 154 people, 63 of which spoke in front of more
13 than 60 members of the House and Senate who
14 were in a attendance.

15 From there we traveled to Pensacola where
16 we held our hearing at 10:00 a.m. the next
17 morning at WSRE TV studios where our hearing
18 was broadcast. The hearing was attended by 141
19 individuals. Thirty-six provided testimony.

20 After finishing in Pensacola we traveled
21 east to Ft. Walton Beach and held a hearing at
22 Ft. Walton Beach High School, the home of the
23 Vikings. Between 6:00 and 9:00 p.m. that
24 evening we were joined by 110 Floridians.

25 From there we went to Panama City, and on

1 Wednesday morning we held our hearing at Gulf
2 Coast Community College, 36 speakers shared
3 their testimony with members of the Senate and
4 House committees.

5 In total we heard testimony from 182
6 concerned citizens in our four stops on the
7 first leg, the panhandle leg of our statewide
8 tour.

9 Before traveling to northeast Florida for
10 our next hearings the Committee sent 1,000 more
11 invitations to participate to School Board
12 members, Supervisors of Elections, City and
13 County officials, members of advocacy groups,
14 left and right, and both political parties.
15 Come to the hearings. Bring your proposals and
16 suggestions, your criticisms and ideas.

17 On Monday, July 11, 350 people filled out
18 attendance cards at our Jacksonville hearing.
19 Nearly 100 of them testified. The next morning
20 in St. Augustine we were joined by 88 people
21 who woke up early to join us at Flagler College
22 at 8:00 a.m.

23 That same day we traveled to Daytona Beach
24 where we heard from 62 of the 189 individuals
25 in attendance. On the morning of July 13th, we

1 opened our hearing at 8:00 a.m. in The
2 Villages, and we heard testimony from 55 of the
3 114 people who made it to the hearing, Senator
4 Hays, before their tee times.

5 The final stop, the final stop on our trip
6 through northeast Florida took us to Santa Fe
7 College in Gainesville the evening of
8 July 13th. There in the performing arts
9 theater, 71 speakers, including Martin Luther
10 King the III addressed the Committee for three
11 hours, and there, Mr. President, we learned
12 from a member of the Democratic Executive
13 Committee of Alachua County the history of
14 gerrymandering.

15 We heard that it was Patrick Henry who was
16 trying to out flank James Madison when Patrick
17 Henry was Governor of Virginia, who originally
18 designed districts that favored or disfavored
19 incumbents. We appreciated that history
20 lesson.

21 In the five stops on our northeastern tour
22 we heard from 319 people and while we were on
23 the road that week, nine redistricting plans
24 were submitted by members of the public.

25 Before embarking on our central Florida

1 leg of the statewide tour we conducted another
2 outreach effort, this time sending more
3 invitations, 800 more invitations to advocacy
4 groups, elected officials, the League of Women
5 Voters, elected leaders, come, share your
6 ideas, bring your plans, hold them up in the
7 public square and let us all see them, let the
8 public observe what your proposals might be.

9 In late July, members of the House and
10 Senate Redistricting Committees headed to
11 central Florida beginning with a stop in
12 Lakeland on a Monday afternoon. There 143
13 individuals attended the hearing at Polk State
14 College.

15 Early on the morning of July 26th, your
16 Committee was at the Hardee County Civic Center
17 in Wachula where the interest of rural
18 communities were most important on testifiers'
19 minds.

20 Next we traveled to Wesley Chapel, the
21 hometown of Speaker Designate Weatherford, and
22 between 6:00 and 9:00 that evening we heard
23 from 74 of the 214 people in attendance at
24 Wiregrass Ranch High School.

25 The following day, July 27th, we met at

1 the Performing Arts Center in downtown Orlando.
2 There we held the biggest hearing of our entire
3 26 city tour. The theater was packed with 621
4 people filling out attendance cards and even
5 more were there.

6 During the four hours of testimony we
7 managed to hear from 153 speakers, because we
8 ran out of time, another 35 citizens were kind
9 enough to supply written testimony.

10 The next day we made the last stop on our
11 trip through central Florida, we went to
12 Melbourne, and there at the Brevard County
13 Government Center in Viera, we were joined by
14 198 people between 10:00 and 1:00 p.m. In all,
15 354 more individuals testified before members
16 of the House and Senate Redistricting
17 Committees at the five stops in central
18 Florida, and by the time we returned from that
19 trip the count of citizen submitted maps had
20 reached 17.

21 The fourth leg of our summer long
22 statewide tour took us to South Florida, and
23 again we repeated our outreach effort and again
24 we sent out invitations, this time over 900 of
25 them to interested parties in the region.

1 We began in Stuart at the Blake Library
2 with a hearing that evening, August 15th, 180
3 Floridians turned out in Senator Negron's
4 hometown.

5 In Palm Beach County 237 people came to
6 the hearing at Florida Atlantic University, the
7 morning of August 16th. Over 100 people signed
8 up to speak at the hearing. We managed to hear
9 93 of them before we ran out of time, and
10 again, those who didn't have a chance to speak
11 verbally were invited and they submitted
12 written testimony, and their comments, like all
13 of the comments we have received, are posted on
14 the Senate's Redistricting Website.

15 This is the record of public testimony,
16 public involvement and public inclusiveness of
17 this committee.

18 It is on the website for every Floridian,
19 it is here in hard copy for your examination.
20 That evening, the evening of August 16th, we
21 traveled to Broward County and held a
22 well-attended hearing at the main campus of
23 Broward College where 83 individuals shared
24 their insights.

25 The following morning, Miami-Dade College

1 hosted us at their downtown campus and we heard
2 testimony from 59 members of the diverse groups
3 in attendance before heading west on Calle Ocho
4 toward our next hearing at FIU, and there at
5 the College of Law Legislators heard testimony
6 from 68 members of that community.

7 And our last stop on the tour through
8 South Florida took us to the southern-most
9 point of the continental United States, in Key
10 West, and though it may be a vacation
11 destination for some, I can tell you that the
12 residents in Key West care deeply about
13 redistricting as much as other Floridians and
14 they were passionate in their testimony about
15 not being forgotten as we redistricted the
16 state of Florida.

17 At six stops in four days in South Florida
18 the Committee and staff heard testimony from
19 another 382 individuals. By the time this leg
20 of the trip was over the Legislature had
21 received a total of 33 maps from the public.
22 And then before hitting the road and heading to
23 southwest Florida on our final leg of our
24 journey we sent out 600 more invitations to
25 public interest groups; the League of Women

1 Voters, Common Cause, both political parties,
2 City and County officials, Supervisors of
3 Elections. These messages again requested
4 participation, both at hearings and by
5 submitting maps.

6 Our trip through the southwest began on
7 August 29th, in Tampa where Senator Joyner
8 helped us arrange a well-publicized meeting at
9 Jefferson High School, a hearing that was
10 attended by over 200 citizens.

11 The next hearing in Largo was held at the
12 Epicenter at St. Pete College the morning
13 August 30th, and like the other hearings, it
14 was well-attended and Legislators heard from 66
15 people who chose to testify. And that evening
16 at New College in Sarasota committee members
17 were treated to a lively crowd of well over 300
18 citizens. At the three-hour hearing, 85 more
19 individuals testified.

20 From there we traveled south to Naples and
21 we held an early morning hearing at the Naples
22 Daily News Community Room arranged by Senator
23 Richter. Over half of the 115 attendees
24 provided us with valuable input at that
25 hearing.

1 The day ended with a hearing in Lehigh
2 Acres where 69 of the 191 attendees spoke. We
3 held our 26th and final hearing in Clewiston at
4 the Hendry County Health Department which had
5 been the second time I had had the chance to
6 visit.

7 President Haridopolos will remember,
8 others will remember. Senator Negron will
9 remember that we were there on our Medicaid
10 tour as well. The hearing was attended by 45
11 individuals. A big crowd for Hendry County out
12 in the middle of Florida, and the testimony
13 from those that spoke at the hearing was every
14 bit as valuable to us as the information we
15 gathered at the other 25 hearings.

16 The week before every set of hearings
17 committee staff sent reminders to the people
18 who had pre-registered for each hearing.

19 We purchased legal ads in newspapers. We
20 posted directions and a map to the hearing site
21 on the Internet, and Chairman Weatherford and I
22 submitted op eds to major news outlets, 16 of
23 them in each region of the state and conducted
24 numerous interviews to raise awareness about
25 the hearings and invite Floridians and interest

1 groups to participate in drawing the political
2 landscape of our state.

3 The week after each set of hearings our
4 professional staff assembled and published
5 hearing reports on the Senate Redistricting
6 website. The reports include an overview of
7 the turn out and outreach efforts, as well as
8 every bit of the written testimony gathered and
9 each of the verbal presentations at the
10 hearing.

11 The video and audio recordings are posted
12 with the accompanying transcript for each
13 hearing on the public hearings page of the
14 Senate Redistricting website, and I must say
15 how pleased I am and how, you know, how
16 respectful I am of the Senators who have gone
17 to those hearing records and sat if they didn't
18 have a chance to go to a particular hearing,
19 they have watched the hearing record on video,
20 they have read the transcript to become
21 familiar with the input of the people of
22 Florida.

23 During our statewide listening tour your
24 committee traveled over 4,000 miles, listened
25 to over 71 hours of testimony from 1,637

1 speakers. Not everyone at each hearing
2 completed an attendance card. There were many
3 people who came who did not, but I can
4 confidently report that over 5,000 people
5 actually attended the hearings.

6 Your committee traveled further, reached
7 out to more Floridians, drew larger crowds and
8 heard more testimony than any redistricting
9 panel in American history. We further exceeded
10 our own standards when the Legislature had
11 received 50 publicly submitted redistricting
12 plans by the conclusion of our public hearings.

13 I would remind you that ten years ago the
14 first publicly drawn maps did not surface until
15 January 23rd, 2002, and only four maps were
16 considered. By the end of our activities, by
17 the deadline that our committee established
18 unanimously, we had received 157 maps, and
19 every one of those maps was reviewed by our
20 committee staff and was part of the public
21 record and was reviewed by members of the
22 committee.

23 We were picketed in Gainesville, given a
24 standing ovation in Ft. Walton Beach and we
25 elicited every response in between. Not a mile

1 or a minute was wasted, every citizen was
2 listened to respectfully, every suggestion was
3 acknowledged.

4 We also heard from many who objected to
5 the Committee's decision to hear unrestricted
6 public testimony free of the preconceptions
7 created by politicians.

8 We were chastised by some who belittled
9 the suggestion that ordinary citizens should be
10 consulted. One man bitterly pronounced to the
11 committee in his testimony, he said, and I
12 quote from the transcript, "We don't want to
13 see maps from teachers and construction
14 workers." Yet teachers and construction
15 workers did come forward by the dozens, by the
16 scores, by the hundreds.

17 One woman told us, she couldn't understand
18 how to draw maps, and she had a Ph.D., and then
19 a 13-year-old home schooled student rose from
20 his seat and presented 120 House District maps
21 which he drew himself and were consistent with
22 the Constitution.

23 As to the value of our public hearings, I
24 agree with the principle author of Florida's
25 new redistricting standards, the Chairperson of

1 Fair Districts, Ellen Freidin. She testified
2 before our Committee that a map drawn before
3 public hearings are held would not be, and
4 these are her words, would not be compliant or
5 appropriate.

6 And I agree with the President of the
7 League of Women Voters of Georgia, who's
8 organization was among the first to propose
9 redistricting plans early in that state's
10 redistricting process and who sponsored a day
11 at the Georgia Capitol where citizens were
12 encouraged by the League of Women Voters to
13 bring their ideas and propose their maps before
14 legislative committees committed themselves to
15 a plan.

16 Therefore, taking public testimony before
17 drawing maps was the right thing to do. We did
18 our homework, Mr. President, before we took the
19 exam. The insights gathered this summer were
20 critical, and Mr. President, I want to thank
21 you for allowing us and encouraging us to go to
22 Florida's communities and Florida's
23 neighborhoods and listen first and then lead.

24 Listening to the people of Florida is
25 enlightening, but I have to tell you, it is

1 always humbling. In this Tallahassee echo
2 chamber in which we operate we hear the sounds
3 of our own voices and sometimes we get confused
4 and think it is the voice of God.

5 Going on the road provided us insights
6 into communities. The importance of waterways
7 and highways identified by citizens living next
8 to them in defining those communities. We
9 learned the nuances of neighborhoods and
10 because every word of input was transcribed and
11 studied by our committee members, every minute
12 of testimony was carried over the Internet and
13 every meeting was televised by the Florida
14 Channel and kept in our archives, quite
15 literally, Mr. President, the voices of
16 hundreds and hundreds of Floridians are ringing
17 in our ears as this committee has prepared,
18 discussed, debated and then recommended the
19 proposals before you today.

20 Mr. President, our first interim committee
21 meeting was held on September 22nd, following
22 completion of the public hearings. At that
23 time the Legislature had received 64 publicly
24 submitted plans.

25 At the September committee meeting we laid

1 out the schedule and we agreed unanimously on a
2 series of procedures to follow through the
3 remainder of our work. By a unanimous consent
4 agreement, and again, I credit Senator Rich and
5 Senator Gardiner for their cooperation, by a
6 unanimous consent agreement we established
7 November 1st, as the deadline for the public,
8 for interest groups and for Senators to submit
9 maps for consideration by the committee.

10 That gave six months to submit plans and
11 maps. Our goal in doing so in providing this
12 extensive period of time was to give the
13 committee an opportunity to maturely consider
14 suggestions made in maps drawn by other
15 Senators, by the public, advocacy groups and
16 Civil Rights organizations before the committee
17 developed and presented its work product.

18 On September 20th, Chairman Weatherford
19 and I sent another letter to Civil Rights
20 organizations, the League of Women Voters,
21 Common Cause and other interest groups to
22 communicate the unanimously agreed upon
23 deadline and for the 29th time invited them to
24 submit maps.

25 The committee unanimously agreed that

1 meeting notices should be published seven
2 calendar days prior to each meeting and should
3 indicate particular plans on the agenda for the
4 meeting.

5 The purpose for doing so was to give
6 Senators and the press and the public an
7 opportunity to review any maps and look at any
8 statistics and reports that would be on the
9 agenda at those meetings.

10 The committee also reached a unanimous
11 consent agreement, again, thanks to Senator
12 Gardiner and Senator Rich, regarding
13 amendments. The policy adopted required
14 amendments to be filed at least 48 hours prior
15 to the notice to the committee meeting in order
16 to keep the process open and transparent and to
17 provide ample opportunity to question, consider
18 and debate the consequences of any amendment.

19 Early in this process every Democrat and
20 every Republican on our committee agreed by
21 unanimous consent not to compromise the
22 openness of this process. We agreed
23 unanimously there would be no surprises, no
24 gotchas, no last minute plans, sprung suddenly
25 from the Brow of Zeus.

1 We wanted every proposal by everyone,
2 Senators, interest groups, political parties,
3 individual citizens, every proposal by everyone
4 to be held up in the public square in time for
5 all interested parties to examine and
6 understand the consequences prior to any vote.

7 The policy agreed to by the members of the
8 committee, however, did not limit Senators'
9 ability to file amendments. Each Senator had
10 the right at any time to present her or his own
11 maps if there was a feeling that those maps
12 might improve on the committee's work.

13 At the September 22nd meeting, the
14 committee also by consensus adopted the Bill
15 format presented by staff and again offered any
16 Senator, any member of the public, any interest
17 group the opportunity to present a map at that
18 meeting.

19 The policies and schedules set at this
20 meeting were memorialized in a memo sent to all
21 committee members with copies to all members of
22 the Senate. It was sent to all public interest
23 groups, Civil Rights organizations, City and
24 County elected officials, School Board members
25 and Supervisors of Elections on September 27th,

1 so that everyone knew the rules that had been
2 agreed to by every Democrat and every
3 Republican on the committee.

4 Prior to the committee meetings at which a
5 particular region of the state was discussed,
6 the individuals who attended any of the public
7 hearings in that region and gave us their
8 contact information were contacted to say we
9 are going to talk about your region now, so if
10 you would like to provide more information to
11 us or if you would like to attend the meeting,
12 if you would like to speak, you are invited,
13 you are welcomed.

14 At the interim meeting on October 5,
15 committee staff reviewed the 69 plans the
16 Legislature had received at that point and
17 selected a sample of redistricting scenarios
18 representative of the public testimony and maps
19 proposed for northwest Florida.

20 The samples of Congressional and State
21 Redistricting Plans were presented by staff
22 before the committee took public testimony from
23 16 more people who came to offer their
24 insights.

25 The testimony and ensuing discussion of

1 the maps that staff presented on that day led
2 the committee to decide again by unanimous
3 consent that the Senate map proposed by the
4 Legislature should contain horizontally
5 oriented districts in the panhandle to reflect
6 the division between coastal and urban
7 communities -- coastal and rural communities.

8 On October 18th, the Committee on
9 Reapportionment met to examine redistricting
10 scenarios for northeast and for central
11 Florida. After reviewing the 88 plans received
12 by the Legislature prior to that meeting's
13 notice deadline, professional staff selected a
14 sample of redistricting scenarios
15 representative of the testimony and maps
16 proposed for that region.

17 The sample was presented to the committee
18 before hearing testimony from eight more
19 members of the public who traveled to the
20 meeting. And again, operating by unanimous
21 consent the committee directed staff to
22 maintain minority opportunity districts and
23 preserve minority voting rights in all regions
24 of the state as required by Amendments 5 and 6.

25 Speaker Thrasher placed in easy to

1 understand language the mandates of Amendments
2 5 and 6 and indicated to us a template that we
3 could use and that template was agreed to
4 unanimously, to maintain minority opportunity
5 districts and preserve without delusion
6 minority voting rights in all regions of the
7 state as specifically required by Amendments 5
8 and 6.

9 The committee next met to discuss
10 redistricting scenarios for southeast Florida
11 and that meeting was on November 2nd. Before
12 the meeting professional staff reviewed the 109
13 plans received by the Legislature prior to the
14 meeting's noticed deadline, selecting a sample
15 of public submissions representative of the
16 testimony we heard for the southeast part of
17 the state.

18 After hearing testimony from five more
19 individuals and discussing the maps that were
20 presented by staff, the committee unanimously
21 directed staff to preserve minority voting
22 rights without subordination to traditional
23 race neutral redistricting principles.

24 The committee by consensus also directed
25 staff to keep as many counties as possible

1 along the Nature Coast together in any
2 redistricting plan, and you will see that as
3 the plan is described.

4 The committee met to discuss redistricting
5 scenarios for southwest Florida on
6 November 15th. Before the meeting professional
7 staff reviewed the by now 157 plans received by
8 the Legislature prior to the meeting's noticed
9 deadline and selected a sample of public
10 submissions representative of the testimony
11 heard for the southwest region. At that
12 hearing we heard from five more individuals and
13 by consensus members of the committee directed
14 staff to avoid increasing the number of Senate
15 Districts in Hillsborough County if possible
16 and to divide Pasco County into eastern,
17 western districts or eastern middle western
18 districts if at all possible.

19 The committee also instructed staff to
20 eliminate any cross state districts resembling
21 the existing Senate District 27.

22 PRESIDENT HARIDOPOLIS: Senator Gaetz.

23 SENATOR GAETZ: Yes, sir.

24 PRESIDENT HARIDOPOLIS: Take a break for
25 one second to catch your breath.

1 Senator from the first, Senator Gibson, I
2 believe you have recognition of some friends in
3 the gallery. You are recognized.

4 SENATOR GIBSON: Thank you, Mr. President,
5 and several have gone, but with the Florida
6 Association of the American Institute of
7 Architects, please stand.

8 They are celebrating their 100th year
9 anniversary, and certainly our community is
10 better because of architects.

11 Thank you, Mr. President.

12 PRESIDENT HARIDOPOLIS: Thank you, and
13 welcome to the Florida Senate. I am not sure
14 if he is still here, but I know that former
15 Senator Clary was in the audience with us
16 earlier, if he is still here from the
17 panhandle.

18 Any other Senators while we are, before we
19 get back to Senator Gaetz' good work?

20 Senator Braynon, you are recognized.

21 SENATOR BRAYNON: Thank you,
22 Mr. President. I want to take a moment just to
23 recognize my aunt, Andrea Braynon, who is in
24 the audience, came out of the way from Ft.
25 Lauderdale.

1 Her daughter is a Page with us this week,
2 Marena Braynon, Marena Braynon-Moore.

3 PRESIDENT HARIDOPOLIS: Thank you, Senator
4 Braynon and welcome to the Florida Senate.
5 Other announcements or recognitions before we
6 go back to our Chair?

7 Senator Gaetz, again you are recognized.

8 SENATOR GAETZ: Thank you, Mr. President
9 and thank you, Senator Gibson and thank you,
10 Senator Braynon, for that break. I appreciated
11 it.

12 At the -- at the November 15th meeting,
13 the committee also unanimously agreed to make
14 filing deadlines 5:00 Friday if the previously
15 adopted 48-hour rule would cause it to fall on
16 a weekend. Again, we were extending ourselves,
17 all of us, Democrats and Republicans, as much
18 as we could to make sure that there were no
19 last minute plans, no last minute amendments of
20 people coming in at the last hour with their
21 hair on fire saying we have got a plan. We
22 wanted to make sure that everyone had the
23 opportunity to examine every idea.

24 At the meeting on November 15th, the
25 committee discussed the process for publishing

1 the committee's proposed Bills and for
2 gathering a second round of public feedback on
3 the plans. We decided that once the proposed
4 Committee Bill had been published on
5 November 28th, we would again solicit public
6 comment in any way we could get it.

7 We would invite e-mails, telephone calls,
8 we set up a toll free line, by mail or by
9 social media. We looked for every convenient
10 way for the public to continue to be fully
11 engaged in the redistricting process.

12 The committee used these comments and with
13 some help from our friends at the Florida
14 Channel we assembled a video production to play
15 before voting on to introduce the PCBs at the
16 December 6th committee meeting.

17 In other words, we had done the tour
18 across Florida, then we had a proposed
19 Committee Bill and before voting on the
20 proposed Committee Bill we again asked the
21 public to provide us with input and over 500
22 people responded.

23 Immediately after publishing the proposed
24 Committee Bills on November 28th, our staff
25 sent almost 5,000 messages to members of the

1 public inviting them to comment on our
2 proposals by all of the methods that I
3 indicated.

4 Members the public quickly took advantage
5 of this opportunity and by the time we met on
6 December 6th, we had received over 600 comments
7 through the different lines of communication
8 that we had established, and since the meeting
9 the public has continued to offer input and we
10 now have received over 1,500 comments.

11 So if you are counting, if you are keeping
12 track, the redistricting plans before you today
13 were developed only after receiving the oral
14 and written testimony of over 3,000 Floridians.
15 No one in American redistricting history has
16 been more inclusive.

17 Before voting to introduce the Bills at
18 the end of our meeting on December 6th, some of
19 you will recall that we watched a Florida
20 Channel video presentation of many of the
21 comments. We heard from 18 more individuals
22 who came to testify at that meeting. Much of
23 what we heard and saw took the form of general
24 commentary in favor or opposed to the proposed
25 maps, but we also received a significant amount

1 of specific suggestions for how to fine tune
2 the proposed Committee Bill into the Committee
3 Substitute that is before you today.

4 Specifically we received extraordinarily
5 valuable feedback from Supervisors of Elections
6 after our professional staff director, John
7 Guthrie, traveled to Orlando to present the
8 proposed Committee Bill and our process and our
9 schedule at their annual conference on
10 December 10th.

11 These and other specific recommendations
12 were considered by staff for inclusion in the
13 revised plans. Our professional staff worked
14 over the holiday break to develop the proposed
15 Committee Substitutes before the end of the
16 year.

17 Our committee staff had no Thanksgiving,
18 they had no Christmas or Hanukkah, they had no
19 New Year's, instead they worked almost around
20 the clock every single day to make sure that
21 every idea, every suggestion that came from
22 Senators, that came from public interest
23 groups, that came from Supervisors of
24 Elections, and members of the public were
25 included so that we could put in front of you

1 the best Committee Substitute possible.

2 Mr. President, the increased level of
3 participation is a result of how open and
4 accessible staff has made our District Builder,
5 our on-line application for the creation and
6 submission of redistricting maps. Citizens can
7 access the same redistricting software and
8 demographic information used by Legislators and
9 professional staff for free, without asking for
10 a disk, in their own homes, in public
11 libraries, on their own time.

12 Never before have citizens had free,
13 complete and easy on-line access to the exact
14 same computer programs and data that
15 Legislators and professional staff used to draw
16 lines.

17 Ten years ago the Legislature received
18 four maps from the public, all of them in
19 January. This time we received 157 plans
20 before our November 1st unanimously agreed
21 submission deadline, and we have continued to
22 receive plans right up until yesterday.

23 At this moment we are now up to 174 and we
24 are grateful for each and every submission,
25 even the late ones which we would have loved to

1 have received earlier in the process prior to
2 our unanimously agreed to deadline.

3 These maps are the single most effective
4 form of public participation in any
5 redistricting process, which is why
6 organizations like the NAACP, Legal Defense
7 Fund and the Brennan Center for Justice have
8 encouraged advocacy groups and interested
9 parties to be engaged and to submit plans, not
10 to sit on the side lines.

11 The President of the League of Women
12 Voters of Georgia, of Georgia, also agreed,
13 saying, quote, "Our goal throughout this whole
14 process is to ensure that citizens have a voice
15 and what better way to do this than bringing
16 people and maps to the Capitol." That was her
17 quote.

18 From the beginning the public has had a
19 voice and we have heard their voice. We were
20 asked to speed up the process and so public
21 hearings began early. Interim committee
22 meetings began early. The session began two
23 months early and here we are, Mr. President, on
24 the Senate floor ready to vote on our plans
25 months, months earlier than ever before.

1 Ten years ago the Redistricting Bills did
2 not reach the floor of this Chamber until late
3 March. We were asked to take public input
4 after publishing our own maps. After
5 publishing our maps in November, we took public
6 input and Incorporated it into our refined
7 proposals.

8 We were asked to draw maps that complied
9 with Amendments 5 and 6. The maps we will
10 discuss today do not diminish minorities
11 opportunities to elect candidates of their
12 choice. The maps we will discuss today respect
13 voters' desires to have compact districts but
14 follow political and geographic boundaries
15 whenever feasible, and perhaps for the first
16 time in our state's history we drew maps not to
17 benefit incumbents and political parties, but
18 to give effect within legal constraints to the
19 will of the public and the publicly expressed
20 collaboratively developed views of our
21 committee in accordance with Amendments 5 and
22 6.

23 The maps before us were drawn by
24 professional committee staff with the Senate's
25 District Builder web application, the same

1 application available to the public. All
2 members of the press and the public can verify
3 for themselves that District Builder contains
4 no election results and no voter registration
5 data.

6 It provides neither visual nor statistical
7 information about incumbents or about political
8 parties. We have no lists of incumbents' home
9 addresses. I don't know where you live unless
10 you have invited me to your house.

11 Discussions between Senators and
12 professional staff were conducted on the
13 expressed premise and with a specific
14 admonition that personal or partisan advantage
15 would not be discussed and would not be
16 considered, and I assure the Democratic Leader
17 and I assure the Republican Leader in our
18 committee meetings, that every single member of
19 our committee and every member of the Senate
20 who engaged adhered faithfully to that
21 admonition.

22 We have honored the command of our
23 Constitution to draw maps without intentional
24 favoritism. Throughout the process the
25 Minority Leader, the Majority Leader and all

1 members of our committee, in compliance with
2 the law and responsiveness to the guidance
3 offered by Floridians ahead of party interests.

4 Throughout the process the Reapportionment
5 Committee operated by consensus and to keep our
6 process open, transparent and inclusive we
7 unanimously agreed, these are the unanimous
8 consent agreements.

9 First, that the deadlines for submitted
10 maps by Senators and by the public would be
11 November 1st, 2011. That we would use Bill
12 templates consistent with prior decades, we
13 would use counties, VTDS and census blocks to
14 describe districts, not weird squiggly lines.

15 That professional staff would prepare
16 Committee Bills based on the law, the extensive
17 public record and direction provided by the
18 committee unanimously during our interim
19 meetings.

20 And finally, that we would publish
21 committee maps seven calendar days prior to
22 meetings and amendments two days prior to
23 meetings to avoid last minute surprises,
24 gotchas and maps that suddenly appeared from
25 nowhere.

1 On the opening day of the 2012 Session,
2 the entire Senate unanimously agreed that we
3 would publish floor amendments four days prior
4 to today. The result is new Senate and
5 Congressional Plans that are not Democratic
6 plans and are not Republican plans.

7 They are truly non-partisan plans that
8 were introduced and brought to this floor by a
9 solid majority including Democrats and
10 Republicans. The proposed maps have won
11 support for many who last year supported
12 Amendments 5 and 6, as well as by many who last
13 year opposed Amendments 5 and 6, and with that,
14 Mr. President, with your permission I am ready
15 to take up the Bills.

16 PRESIDENT HARIDOPOLIS: Are there
17 questions before we proceed? Senator Gaetz, do
18 you wish to take up CS/SJR 1176, is that
19 accurate?

20 SENATOR GAETZ: Yes, sir, Mr. President.

21 PRESIDENT HARIDOPOLIS: All right, without
22 objection, read the Bill.

23 SECRETARY: Committee substitute for
24 Senate Joint Resolution 1176, a joint
25 resolution of apportionment.

1 PRESIDENT HARIDOPOLIS: Senator for the
2 fourth, you are recognized for the Bill.

3 SENATOR GAETZ: Thank you, Mr. President,
4 with your permission I yield to the rules
5 chair, Senator Thrasher, who will describe the
6 Senate Districts contained in the Committee
7 Substitute for Senate joint Resolution 1176. I
8 yield to Senator Thrasher.

9 PRESIDENT HARIDOPOLIS: And with that
10 members, Senators, I know you will have
11 questions. If the Senator from the Eighth
12 rules chair can proceed with all 40 districts,
13 from there he will be happy to take any and all
14 questions and we will proceed from there.

15 But if you could just give him your
16 attention and we will move forward with the 40
17 districts and then we will go one question at a
18 time.

19 Again, we have the entire day and tomorrow
20 to answer each and every question you all might
21 have. Senator from the Eighth, you are
22 recognized to explain.

23 SENATOR THRASHER: Thank you,
24 Mr. President. And just so everybody knows,
25 the reason Senator Gaetz asked myself and

1 perhaps if my voice goes, Senator Negron also
2 to do this is because his voice is going.

3 So no secret here, it is just a matter of
4 making sure that you understand each and every
5 District and what it does, and for the record,
6 that we place this on the record in respect to
7 our intent.

8 So here we go, members, we will go through
9 every single District in some detail, not in a
10 great detail, but in some detail.

11 If we compare first of all just a few
12 observations. If we compare the Senate map in
13 CS/SJR 1176 with current districts in the
14 benchmark plan, the benchmark plan, by the way,
15 is the 2002 plan, it is obvious that Amendment
16 5, Amendment 5 made a difference.

17 The new map decreases the number of split
18 counties. The benchmark ten years ago kept 22
19 counties whole in a single district. The
20 committee substitute keeps 36 counties whole.

21 The new map decreases the number of split
22 cities. There were 126 split cities in the
23 benchmark. There are 78 in the current Bill as
24 it is filed.

25 The Committee Substitute lowered the

1 number of split cities to even further, to 54.
2 The new district lines better follow county and
3 a city boundaries, as well as geographical
4 boundaries, like water bodies and major roads.
5 Again, adherence to Amendment 5.

6 Relative to Senate Joint Resolution 1176
7 as filed, the Committee Substitute makes some
8 minor changes.

9 It lowers the population deviations to
10 plus or minus one percent. It incorporates
11 feedback from the public, Supervisors of
12 Elections in The Villages, the Golden Triangle,
13 Wahneta. How do you see that, W-a-h-n-e-t-a.
14 Who lives in that district? Dadgum if I know.

15 And Palatka, I do know where Palatka is, I
16 promise you that, and it assigns the district
17 numbers based on a uniform and equitable rule
18 which is explained in detail in the Bill
19 analysis.

20 Here we go to the districts. District 1
21 compromises the coastal communities of the
22 Florida panhandle in Escambia, Santa Rosa,
23 Okaloosa, Walton and Bay Counties.

24 The District is bound on the west by the
25 state border, on the east by the eastern

1 boundary of Bay County, and on the south by the
2 Gulf of Mexico and on the north by the
3 intercoastal waterway, the Yellow River and
4 Interstate 10.

5 Fourteen municipalities are wholly within
6 District 1, only two municipalities are split.
7 At each of the three public hearings in
8 northwest Florida and at our committee meetings
9 in Tallahassee we heard testimony about how the
10 Senate districts in the panhandle should be
11 shaped either vertically or horizontally.

12 Members of the public painted a picture of
13 two distinct communities, a northern district
14 and a southern district, separated between
15 north and south by waterways, military
16 reservations and municipal boundaries.

17 Extensive public testimony from the
18 interest as varied as the head of the area Tea
19 Party, a Democratic legislative candidate an
20 official of the Tax Collector's office, the
21 leader of the Regional Homeowners and Condo
22 Owners Association Council, officers of the
23 Farm Bureau and Supervisors of Elections all
24 favored a southern coastal district with its
25 focused on tourism, larger community issues and

1 a northern inland district with its focus on
2 agricultural and rural interests.

3 The agreement of these otherwise very
4 diverse interests and the stark differences of
5 the communities in the panhandle led the
6 Committee to unanimously agree to instruct the
7 professional staff to divide the districts
8 horizontally as shown in the proposed map.

9 District 1 follows political and
10 geographical boundaries for almost its entire
11 border, making extensive use of natural
12 waterways that divide the two regions.

13 The specific district boundaries came from
14 proposals made by the public, particularly
15 plans submitted by Henry Kelley, Jeff Sessions
16 and the Florida Gulf Coast University student
17 redistricting class.

18 Mr. Chairman and Mr. President, I don't
19 know if you want to take questions after
20 individual districts are explained, if there
21 are any? Just move, okay. At the end.

22 Let's go to District 2. District 2
23 comprises rural communities of north Florida
24 and the Nature Coast, right, Senator Dean,
25 Nature Coast, know where that is.

1 The district is made up almost entirely of
2 the whole counties of Baker, Citrus, Columbia,
3 Dixie, Gilchrist, Lafayette, Levy, Suwannee and
4 Union counties. The only split is Marion
5 County, and it is divided by I-75 in the
6 boundary of the City of Ocala.

7 Throughout our public hearings in the
8 northeast we heard of constant refrain to
9 maintain the integrity of rural counties in
10 north Florida. Exemplifying this overwhelming
11 testimony, Mr. C. J. Thompson of Jacksonville,
12 at the Jacksonville meeting requested that
13 Baker County be kept separate from
14 Jacksonville.

15 Tommy Langford and John Wasser at the
16 Gainesville public hearings wanted to keep
17 Gilchrist and Union Counties separate from
18 major cities. These individuals, much like
19 those in the northern part of the panhandle,
20 pointed out that rural counties, because of
21 their small population would be drowned out if
22 grouped with the bigger neighbors. Only by
23 grouping them together would they have a
24 collective voice.

25 Additionally we heard testimony,

1 especially at our October 18th committee
2 meeting, requesting that we keep the Nature
3 Coast together. Though Taylor County was
4 placed in District 5, this plan keeps together
5 the majority of the Nature Coast and groups it
6 with other rural areas.

7 The district divides only one county and
8 no municipalities and nearly all of its
9 boundaries are political and geographic ones.
10 The district lines were based largely upon
11 public submission by Alex Patton, that also
12 contained these counties and used I-75 as a
13 dividing line for Marion County.

14 District 3. Next is District 3, which
15 compromises the rural panhandle communities of
16 Escambia, Santa Rosa, Okaloosa, Walton, Bay,
17 Washington, Holmes and Jackson Counties.

18 If District 1 is the coastal or southern
19 panhandle district, District 3 then becomes the
20 northern or rural panhandle district. The
21 district follows lines or boundaries of the
22 state on the western, northern and eastern
23 sides of the district and follows the Yellow
24 River, Interstate 10 and the intercoastal
25 waterway and city lines in Pensacola and Bay

1 County on the south side.

2 As noted when we were describing District
3 1, the compelling testimony about the
4 differences between the two regions led the
5 Committee to divide them horizontally with
6 District 3 being the predominantly rural
7 district with the communities that centered on
8 agriculture.

9 Again, like District 1, District 3 follows
10 political or geographic boundaries for almost
11 the entire border. As noted, the borders in
12 the district are based upon maps submitted by
13 the public. Notably, Henry Kelley, Jeff
14 Sessions and a student and faculty researchers
15 at the Florida Gulf Coast University.

16 District 4. District 4 includes all of
17 Nassau and a portion of Duval County not
18 included in a minority opportunity, opportunity
19 district. The district is bounded by the state
20 of Georgia on the west, the north and the
21 Atlantic ocean on the east and Duval County
22 line on the south.

23 The District is a reflection of two
24 redistricting principles. One, to respond to
25 public testimony, the public record of our

1 Jacksonville hearing includes proposals from
2 citizens such as Jim Last, Mary Downy, Andrew
3 Curtin, who requested that we keep Nassau
4 County whole.

5 The Committee's desire to have a district
6 to the south that follows traditional race
7 neutral redistricting principles while also
8 refraining from abridging or denying
9 African-American community of the region
10 ability to elect a candidate of their choice.

11 The district therefore keeps Nassau
12 County, which is the northern part of Florida,
13 whole and takes portions of Duval not in the
14 minority opportunity district necessary to
15 equalize population.

16 To give the Senate some idea of the
17 improvement of the Committee's proposal over
18 the current map of northeast Florida, the 2002
19 districts under which we are operating now
20 splits three cities and four counties.

21 District 4 as we propose it would split
22 only the City of Jacksonville and no other
23 counties or cities. Several maps submitted by
24 the public have similar districts to District
25 4.

1 Next is District 5 which comprises
2 counties of the Capitol region that associate
3 with Tallahassee. The district is made up
4 entirely of 11 whole counties, Calhoun,
5 Franklin, Gadsden, Gulf, Hamilton, Jefferson,
6 Leon, Liberty, Madison, Taylor and Wakulla.

7 In nearly every public hearing across the
8 state citizens complained about oddly shaped
9 districts, like the current configuration of
10 districts bisecting and trisecting the Capitol
11 area.

12 At our very first public hearing in
13 Tallahassee, Teri Carlota complained that the
14 finger of District 3 which now pushes all the
15 way from Ocala to Marion County in Tallahassee.

16 The proposed District 5 completely
17 eliminates any such fingers, resulting in
18 districts where all of its boundaries are
19 county lines and not a single, not a single
20 municipality is split.

21 Additionally, we heard testimony about the
22 shared focus, much of this region has with
23 Tallahassee and the way that I-10 traverses and
24 links many of the counties together.

25 District 6 is next. District 6 ties

1 communities of similar socioeconomic
2 characteristics in the northeastern portion of
3 the state from the St. Johns River Basin to
4 Interstate 95 between Daytona Beach and
5 Jacksonville.

6 The District is consistent with a
7 traditional race neutral redistricting
8 principles and prevents the abridgment of
9 denial of African-American community of the
10 region's right to participate in a process of
11 the ability to elect a candidate of their
12 choice.

13 At our northeast and central Florida
14 public hearings we heard from members of the
15 public who disagreed with the concept of a
16 minority access District, but 12 members of the
17 public, including representatives from ACLU,
18 Congresswoman Corrine Brown testified that any
19 minority retrogression in this district would
20 violate the spirit and intent of Florida's
21 progress in electing African-Americans to State
22 and National office.

23 We also heard from citizens pointing out
24 the importance of the river front community
25 that has grown up along the St. Johns River

1 Basin and the communities of interest along
2 Interstate 95.

3 District boundaries in this district are
4 based on several plan submissions including
5 HPUBS-0090 by Christy Jones that followed the
6 St. Johns River and Plan Number 142 by Avica
7 Fishman that made use of I-95 and Plan 155 by
8 the Florida Conference of the NAACP.

9 The District is more effective in
10 following political and geographical boundaries
11 than similar previous plans from the 2002 era.

12 Under the 2002 plan District 1 used
13 political and geographic boundaries for just
14 over half of its borders while the proposed
15 District uses them for over two-thirds of its
16 boundaries.

17 The district has near majority
18 African-American voting age population of 47.7
19 percent, an increase over the 2002 plan.

20 District 7. Next is District 7, which
21 includes all of Alachua, Bradford and Clay
22 Counties in north central Florida. The
23 districts makes use of only county lines to and
24 from its entire boundary and splits no counties
25 and no cities.

1 Similarly to District 2, this district is
2 a reflection of the desire of the members of
3 the public to provide rural communities with a
4 voice as well as a desire to keep counties and
5 cities whole.

6 As reflected in the record of public
7 testimony, citizens from Alachua, Bradford and
8 Clay Counties all requested that we group their
9 counties with others like them so they would
10 not be lumped with larger municipality such as
11 Jacksonville and Orlando, and thereby lose
12 their ability to be effectively and fairly
13 represented in the Legislature.

14 These concerns about smaller and rural
15 areas reflect comments we heard across the
16 state from the panhandle to South Florida.

17 District 8, District 8 ties communities
18 south and west of Daytona Beach and Volusia
19 County with the northern Brevard County and
20 eastern Orange County. The district follows
21 the western border of Volusia County and the
22 northern boarder of Orange County. The
23 Econolockhatchee River, is that right, is that
24 right, Econolockhatchee River, I ain't never
25 been there, the Beachline Expressway through

1 Orange and Brevard Counties, the northern
2 boundary of Cape Canaveral and the Atlantic
3 ocean and follows the city lines of DeBary,
4 Port Orange, Daytona Beach and Daytona Beach
5 Shores.

6 A persistent theme of public testimony
7 from our Daytona Beach hearing was that Volusia
8 County not be divided among too many districts
9 and that cities within the county not be
10 divided, and that the majority of at least one
11 District would be of Volusia County.

12 District 8 balances the Committee's desire
13 to have a district to the north that follows
14 traditional race neutral redistricting
15 principles, while also refraining from
16 abridging or denying the African-American
17 communities of the region's right to
18 participate in the process or their ability to
19 elect a candidate of their choice.

20 The district accomplishes these
21 objectives. Over 69 percent of District 8 is
22 made up of residents of Volusia County and not
23 a single Volusia municipality is divided.

24 The district uses political or geographic
25 lines for nearly all of its boundaries. Public

1 testimony provided that the basis for using
2 natural boundaries such as the river I referred
3 to earlier.

4 District 9. District 9. District 9
5 comprises the coastal communities of northeast
6 Florida from the mouth of the St. Johns River
7 to Daytona Beach. The district is adjacent to
8 a minority opportunity district to its west.
9 It is bordered by the Atlantic ocean to its
10 east and is traversed by Interstate 95.

11 Much as in the panhandle we heard from
12 individuals in northeast Florida who spoke
13 about the importance of coastal communities
14 like Jane Mealy at our Daytona Beach public
15 hearing who wanted to make sure we kept Flagler
16 County beaches together.

17 We heard about the appropriateness of I-95
18 as a boundary. Much of the district's shape
19 comes from the coastal nature and a desire to
20 have a district to the west that follows
21 traditional race neutral redistricting
22 principles, while also refraining from
23 abridging or denying the African-American
24 community of the region's right to participate
25 in the process and to elect a candidate of

1 their choice.

2 The District keeps 11 municipalities
3 whole, splitting only four, a substantial
4 improvement over the current District 8 which
5 keeps only six municipalities whole and splits
6 nine.

7 District 10. District 10 includes the
8 communities of Lake, Orange counties, from
9 Leesburg to Orlando. The district is adjacent
10 to two minority opportunity districts,
11 Districts 12 and District 14.

12 The district follows the western boundary
13 of Lake County and the southern boundaries of
14 Lake and Orange Counties and is traversed by
15 the Florida turnpike, Interstate 4 and Highway
16 441.

17 This district is consistent with the plans
18 to receive from the public, including plan
19 number 146, I won't read the entire numbers to
20 you, but it is plan 146 by Barbara Martin and
21 plan 155 by the Florida Conference of the
22 NAACP.

23 The district keeps the City of Leesburg
24 together and allowed us to draw a district to
25 the north that preserved The Villages

1 community, two neighboring districts to the
2 east of that, while following traditional race
3 neutral redistricting principles, also
4 refraining from abridging or denying the
5 African-American community of the region's
6 right to participate in the process or their
7 ability to elect a candidate of their choice.

8 Lake County is only divided once in this
9 plan, a reflection of individuals, such as John
10 Wood, Charlene Walker and Catherine Williamson
11 at The Villages public hearing who wanted Lake
12 County kept together as much as possible.

13 District 11. District 11 includes rural
14 areas in eastern Marion County, western Putnam
15 County and northern and eastern Lake Counties.
16 The District follows the lake and Putnam County
17 lines on the northeast and south and uses I-75
18 and the boundary of the City of Ocala in the
19 west.

20 The most emphasized feature of this
21 district is the fact that it keeps The Villages
22 community together in a single Senate District.
23 Fourteen citizens at The Villages public
24 hearing pointed out the cohesive nature and
25 shared interest of The Villages were roundly

1 cheered by a standing room only crowd when they
2 urged that the new maps include the entire
3 Villages community in one Senate District.

4 Once again, otherwise diversified interests
5 such as Lake County DEC and the Sumter County
6 REC agreed on this configuration.

7 The Committee drew the boundaries of the
8 District 11 to reflect this overwhelming desire
9 by area residents. Additionally, this district
10 -- additionally, this District uses political
11 and geographical boundaries for nearly all of
12 its borders and splits only one municipality,
13 and that is Wildwood.

14 For comparison, none of the previous
15 districts from the region in 2002 maps split
16 fewer than five municipalities. This district
17 closely resembles a public submission by
18 Mr. Alex Patton that also contained these
19 counties and used I-75 as a dividing line for
20 Marion County. That was plan number 143.

21 Next is District 12 which unites the urban
22 communities of similar socioeconomic
23 characteristics in Orange and Seminole
24 Counties. This district is consistent with the
25 traditional race-neutral redistricting

1 principles and prevents the abridgment or
2 denial of the African-American community of the
3 region's right to participate in the process of
4 their ability to elect a candidate of their
5 choice.

6 The District follows political and
7 geographical boundaries for over two-thirds of
8 its border. We heard from eight members of the
9 public at our Orlando public hearing who
10 emphasized the importance of minority
11 communities in the Orlando area and urged the
12 Legislature to continue to provide an
13 opportunity for their voice to be heard without
14 retrogression.

15 As proposed the District has a black
16 voting age population of 40 percent. Several
17 members of the public mentioned the cities of
18 Apopka, Winter Garden, Ocoee, Oakland, along
19 with the historic city of Eatonville and urged
20 that these communities are similar and should
21 be grouped together, which this proposal
22 accomplishes.

23 District 13 includes portions of Seminole
24 County and Orange Counties, including the
25 communities of Altamonte Springs, Casselberry,

1 Lake Mary, Maitland, Longwood, Oviedo and
2 Winter Springs.

3 The district makes extensive use of the
4 Seminole County line. That has got to be good
5 then, for its boundary, except where it borders
6 minority opportunity District 12 to the west
7 and where it takes part of Orange County
8 necessary to equalize population.

9 Public testimony emphasized that a
10 district should include a majority of Seminole
11 County. The Committee used a number of
12 submitted plans, including Senate plan number
13 64 by John Libby, plan number 72 by Matthew
14 Boyle, plan number 147 by Remzey Samarra, and
15 as the basis of the Seminole centric district.

16 This district is a reflection of those
17 desires to keep most of Seminole County
18 together, while at the same time have a
19 district to the west that reflects traditional
20 race neutral redistricting principles, while
21 also refraining from abridging or denying
22 African-American community of the region's
23 right to participate in the process or their
24 ability to elect a candidate of their choice.

25 District 14. District 14 recognizes and

1 unites the communities in Orange, Osceola and
2 Polk Counties with similar language, cultural
3 and socioeconomic characteristics. At our
4 central Florida public hearings supplemented by
5 testimony given at a committee meeting in
6 Tallahassee we heard a convincing case for a
7 Senate District that would provide increased
8 opportunity for representation of the Hispanic
9 community in central Florida.

10 This was augmented by a substantial number
11 of e-mails as well as submitted plans that tied
12 these communities together, such as plan number
13 102 by Emilio, Emilio Perez and Anthony Suarez
14 of Central Florida Redistricting Council and
15 plan number 123 by Delena May.

16 Many of these individuals pointed out the
17 similarities of the Hispanic communities in
18 central Florida and how they shared similar
19 vocations, needs and interests. Consistent
20 with traditional race neutral redistricting
21 principles such as grouping communities of
22 interest, this district brings the similar
23 communities together in a single district. The
24 proposed District 14 has a Hispanic voting age
25 population of 50.5 percent.

1 Next is District 15 which consists of
2 communities in northwest Hillsborough County
3 and south Pasco Counties. The district is
4 bounded by the Hillsborough County line on the
5 west, State Road 52, U. S. Highway 98 and city
6 lines on the north and the Pasco line and
7 Interstate 275 on the east and is adjacent to a
8 minority opportunity district to the south.

9 We heard testimony that the central --
10 that central Pasco County has become
11 increasingly developed, suggesting that it
12 become, that it has become similar
13 demographically and economically to northwest
14 Hillsborough County.

15 Additionally, though the district combines
16 Pasco County with Hillsborough, a concern for
17 some who fear Pasco's interest is being
18 overwhelmed by those in Hillsborough, the
19 population split between the two is roughly
20 equal, meaning that the voices of Pasco County
21 citizens will not be subordinated in the
22 proposal for District 15.

23 District 16 comprises the rural
24 communities of Osceola, Polk and Orange
25 Counties. The district uses as its border the

1 Polk County and Osceola lines, the Beach Line
2 Expressway, State Road 60 and is traversed by
3 the Florida turnpike and Interstate 4.

4 The District is also bordered by a
5 minority opportunity District, District 14.
6 Much like Districts 2, 3 and 7, we heard from
7 numerous members of the public in the region
8 requesting that we keep rural communities
9 together.

10 They pointed out the rural nature of much
11 of the Osceola County and Polk County outside
12 of Lakeland. The district accommodates that
13 interest and provides representation separate
14 and distinct from the cities of Orlando and
15 Tampa.

16 Additionally, the lines that define
17 District 16, that which define District 16
18 allow for a district to the north that follows
19 traditional race neutral redistricting
20 principles while also allowing for Hispanic
21 opportunities to have a voice in the political
22 process.

23 District 17 ties together the communities
24 of northern Pinellas, including the cities of
25 Bellaire, Bellaire Bluffs, Clearwater, Dunedin,

1 Largo, Olsmar, Safety Harbor and Tarpon
2 Springs.

3 The District is bounded by Pinellas County
4 line on the north and east and the Gulf of
5 Mexico and the intercoastal waterway to the
6 west and municipal boundaries on the south.

7 At our Largo public hearing we heard
8 public testimony advocating a district that was
9 located only in Pinellas County. The Committee
10 responded to the request of citizens in the
11 area and the Committee proposal locates
12 District 17 entirely within the county and does
13 not split a single municipality.

14 There were also a number of public
15 submissions that reflected the desire for a
16 district wholly within Pinellas County,
17 including map number 83 by Ryan Terrell, map
18 number 91 by John Libby, and map number 92 by
19 Michael Winebaum and map 07 by Henry Kelley.

20 The District uses political and
21 geographical boundaries for nearly all of its
22 borders.

23 District 18. District 18 ties the Space
24 Coast communities along US 1 and Interstate 95
25 in southern Brevard County with northern and

1 western Indian River County.

2 The District follows the borders of
3 Brevard and Indian River Counties on the west
4 and the south. It is bounded on the east by
5 the Atlantic ocean and Interstate 95 is bounded
6 on the north by the Beach Line Expressway, the
7 Cocoa City line and the barge canal that
8 crosses Merritt Island and empties into the
9 Atlantic ocean at Port Canaveral.

10 Citizens at our Melbourne public hearing
11 urged the Legislature to keep the Space Coast
12 region whole and to limit the divisions in
13 Brevard County. District 18 meets these
14 desires.

15 Brevard County is divided only twice and
16 the majority of the Space Coast is placed in a
17 single district. We received an e-mail --
18 e-mails from several individuals, including
19 Cindy Wherry and Tom Braidor who, pressed how
20 pleased they were with the divisions of Brevard
21 County.

22 The district does not divide any
23 municipalities and nearly its entire border is
24 made up of political and geographical
25 boundaries such as the Brevard County line.

1 District 19. District 19 ties urban
2 communities in Tampa Bay area of similar
3 socioeconomic characteristics. Though we
4 received vigorous testimony requesting that we
5 avoid districts that cross the Tampa Bay, we
6 also received testimony pointing out the shared
7 interest of the downtown communities in both
8 Tampa and St. Petersburg, as well as four
9 public submissions including map number 85 by
10 Andrew Ladd, map number 155 by the Florida
11 Conference of the NAACP, that included downtown
12 areas of both Tampa and St. Petersburg.

13 Additionally, the district, consistent
14 with traditional race-neutral redistricting
15 principles prevents the abridgment or denial of
16 the African-American and Hispanic communities
17 of the region's right to participate in the
18 process or their ability to elect a candidate
19 of their choice.

20 Hillsborough County is one of five
21 counties in the state covered by Section V of
22 the Voting Rights Act, thereby requiring the
23 county to avoid any retrogression, either in
24 intent or effect in this district.

25 Much of our north, northeast and central

1 Florida public hearings we heard from
2 individuals who expressed their concern for the
3 minority community in the region, including six
4 at our Largo public hearing and three at our
5 Tampa public hearing.

6 The district has a black voting age
7 population of 32.7 percent, and a Hispanic
8 voting age population of 27.4 percent. The
9 district uses political and geographical
10 boundaries over two thirds of its borders.

11 District 20. District 20 links
12 communities of the northern and western Pasco
13 counties with all of Hernando County and most
14 of Sumter County. The district is bounded by
15 the Gulf of Mexico on the west and boundaries
16 of Hernando and Sumter Counties on the north
17 and east, State Road 52, U.S. Highway 98, and
18 the city lines of San Antonio, St. Leo and
19 Pasco Counties on the south.

20 We heard from a number of individuals
21 requesting a strict east/west division of Pasco
22 County, but the Committee also reviewed
23 testimony from citizens who pointed out that
24 shared values of the rural portions of Pasco,
25 Hernando and Sumter counties.

1 The district uses political and
2 geographical boundaries for almost all of its
3 borders.

4 Mr. President, that includes the first 20
5 districts. Senator Negrón I think is going to
6 do Districts 21 through 40.

7 PRESIDENT HARIDOPOLIS: Senator Negrón,
8 before we begin with 21 through 40, just so
9 that for everyone's information, we are going
10 to go straight through today. We are not going
11 to take be taking a break for lunch.

12 However, if you wish there is now food in
13 the member's lounge that you can feel free for
14 both the Majority and Minority offices if you
15 choose to take a break and get something to eat
16 while Senator Negrón and Senator Thrasher, of
17 course, Senator Gaetz are working on this.

18 But as we have talked about from the
19 beginning and Senator Gaetz has led us to this
20 spot where we are being exhausted as far as
21 questions and answers, we are not going to
22 spare a minute on the floor so that we have
23 every opportunity for every single Senator to
24 ask every question they choose to ask.

25 So with that, members, you are recognized

1 to or if you would like you are more than
2 welcome to go back in the back and have lunch,
3 but we are going to stay in session and make
4 sure that all questions that will be asked will
5 be answered in due time.

6 So Senator Negrón, with that, you are
7 recognized to explain Senate Districts 21
8 through 40, and again, the members are
9 recognized if they would like to go out and
10 back and make sure they catch up with their
11 meal.

12 So with that, Senator Negrón, you are
13 recognized.

14 SENATOR NEGRÓN: Thank you very much,
15 Mr. President, Senate District 21 unites
16 Hillsborough County communities east and south
17 of Tampa including Brandon, Sun City Center and
18 Apollo Beach.

19 The district follows the boundaries of
20 Hillsborough County on the north and south,
21 Interstate 275, a minority opportunity district
22 that generally abuts Interstate 75, and Tampa
23 Bay on the west and State Road 39 and the
24 outskirts of Plant City on the east.

25 The district reflects the desires

1 expressed by members of the public at the Tampa
2 public hearing for a district in eastern
3 Hillsborough County that was primarily agrarian
4 and separate from the more urban interests west
5 of I-75.

6 The Florida Gulf Coast University
7 redistricting class plan is similar, but also
8 contains territory in Pasco and Polk Counties.
9 The district uses political and geographic
10 boundaries for over two-thirds of its borders.
11 It is located entirely within Hillsborough
12 County and splits no additional counties.

13 Senate District 22 ties the southern and
14 beach communities in Pinellas County with south
15 Tampa. The district is bounded on the west by
16 the Gulf of Mexico and follows city lines
17 across Pinellas County and Interstate 275,
18 State Road 60 and Tampa Bay in Hillsborough
19 County.

20 The Committee received testimony in Largo
21 about the commonality shared among the beach
22 communities in the western coast of Pinellas
23 County. The district combines these beach
24 communities from Bellaire Beach all of the way
25 to St. Pete Beach.

1 We received a great deal of testimony
2 urging that we refrain from drawing districts
3 that cross the bay, but we also received a
4 number of submissions from the public that did
5 just that, including one from Akiva Fischman
6 and also a proposal by the Florida Conference
7 of the NAACP.

8 Additionally, by drawing the district
9 across the bay we were able to draw the
10 minority opportunity District 19 to the south
11 and District 17 which is entirely located
12 within Pinellas County to the north.

13 The district uses political and geographic
14 boundaries for nearly all of its borders.
15 Every District in the area in the 2002 map
16 divided at least six cities.

17 The Committee's proposed District 22 keeps
18 14 cities whole and only divides three which is
19 a substantial improvement.

20 District 23 is composed of southern
21 Charlotte and eastern Lee Counties. The
22 district follows the county boundaries of Lee
23 and Charlotte Counties on the east and south
24 and the Loxahatchee River, the municipal
25 boundary of Cape Coral and Charlotte Harbor on

1 the west and is traversed by Interstate 75.

2 We heard extensive testimony from our
3 Lehigh Acres public hearing requesting that we
4 keep the communities of Lehigh Acres, Ft. Myers
5 and Bonita Springs whole.

6 Additionally, Ben Nelson of the City of
7 Bonita Springs suggested further that these
8 communities all shared common geographic
9 features and a common watershed. This district
10 combines these communities together including
11 all of Ft. Myers and over 97 percent of the
12 populations of Bonita Springs.

13 The district also allows for a coastal
14 District to its east that combines the like
15 beach communities in Lee and Collier Counties.
16 The District uses political and geographic
17 boundaries for over two-thirds of its borders.

18 Moving to Senate District 24, this
19 includes a portion of Manatee County not
20 included in the minority opportunity district
21 with communities in eastern Hillsborough and
22 western Polk County.

23 The district follows the boundaries of
24 Manatee County, follows highways and outskirts
25 of Plant City in Hillsborough County and

1 follows highways and passes between Mulberry
2 and Bartow in Polk County.

3 At the Tampa hearing the Committee heard
4 from members the public who testified that the
5 eastern Hillsborough County is agrarian and the
6 rural communities around Plant City associate
7 more closely with each other with neighboring
8 Tampa.

9 At the public hearing in Sarasota the
10 Committee heard similar testimony about the
11 rural communities of eastern Manatee, including
12 testimony that the rural communities of Mayaca
13 Head, Old Mayaca and Mayaca City and Manatee
14 share similarities with rural areas of southern
15 Polk and eastern Hillsborough Counties.

16 This district combines those two
17 communities together, creating a mostly
18 agrarian district that encircles the Tampa Bay
19 region. The district uses political and
20 geographic boundaries for over two-thirds of
21 its borders.

22 District 25 links the Treasure Coast
23 communities of Indian River, St. Lucie, Martin
24 and Northern Palm Beach Counties. The district
25 is bounded on the east by the Atlantic ocean

1 and is generally bounded on the west by the
2 Florida turnpike and Interstate 95.

3 Through e-mail and public testimony, 18
4 individuals came forward requesting that the
5 Treasure Coast communities be grouped together
6 because of their shared interest in coastal
7 concerns.

8 The Committee used public submitted maps
9 by Delena May as the basis for District 25.
10 The map also reflects public testimony favoring
11 a Treasure Coast district including the Palm
12 Beach County Commission to group northern Palm
13 Beach County into the Treasure Coast.

14 The 2002 map which we are currently using
15 draws districts which split eight or more
16 municipalities. By contrast, the Committee's
17 proposed District 25 splits only two
18 municipalities and uses county and city lines
19 for two-thirds of its boundaries.

20 District 26 includes rural agricultural
21 areas from the Kissimmee basin to Lake
22 Okeechobee and central Florida. The district
23 includes all of Hardee, Desoto, Glades,
24 Highlands and Okeechobee counties, as well as
25 southern Polk County, northern Charlotte County

1 and eastern Martin and St. Lucie Counties.

2 The district follows the western
3 boundaries of Hardee and Desoto Counties, the
4 southern boundaries of Glades and Martin
5 Counties, and the northern boundaries of St.
6 Lucie and Okeechobee Counties and follows State
7 Road 60 through much of Polk County and County
8 Road 74 through most of Charlotte county.

9 This district reflects the desires of
10 members of the public in the region such as
11 Russell Smith, Wachula City Commissioner who
12 requested that we group the inland rural
13 communities and counties like Hardee, Highlands
14 and Glades with each other as opposed to
15 joining them to coastal and urban communities.

16 The district splits only two
17 municipalities while keeping 15 cities whole.
18 The district uses political and geographic
19 boundaries for over two-thirds of its borders.

20 Senate District 27 includes communities in
21 southern and central Palm Beach County between
22 Interstate I-95 and the Florida turnpike.

23 The district is adjacent to the minority
24 opportunity district to the east, follows the
25 municipal boundaries of Boca Raton, Greenacres

1 and other cities, combines the Century Village
2 retirement communities in Palm Beach County, as
3 well as western Boca Raton and its suburbs.

4 It is traversed by major transportation
5 routes that run from north to south through the
6 heavily populated areas in Palm Beach County.

7 The 2002 map that we are currently under
8 split 11 municipalities. This current district
9 proposed in District 27 splits only four
10 counties and is located entirely within Palm
11 Beach County.

12 Following publication of the Committee
13 proposal for this district we received input
14 favoring how the district had been configured.
15 Public submission maps were received by Akiva
16 Fischman, Barbara Martin and Remzey Samarra
17 which use I-95 and the Florida turnpike for
18 eastern and western boundaries were used as
19 bases for the Committee's proposed district
20 lines. The district uses political and
21 geographic boundaries for over two-thirds of
22 its borders.

23 Senate District 28 includes all of
24 Sarasota County and the western portion of
25 Charlotte County. The district follows the

1 Gulf of Mexico on the west, the boundary of
2 Sarasota County on the north and east and
3 Charlotte Harbor on the south.

4 The district ties together the communities
5 of Longboat Key, Sarasota, Venice, North Port
6 and Port Charlotte and is traversed by
7 Interstate 75.

8 The Committee received varied public
9 testimony at our Sarasota hearing on the
10 question of grouping and divided the county.
11 Citizens requested that Sarasota comprise the
12 majority of one district, but some suggested
13 that Sarasota be grouped with Manatee and
14 others that it be grouped with Charlotte
15 County.

16 The Committee's proposal is to group
17 Sarasota with the coastal communities of
18 Charlotte County with a majority of the
19 population of the district being located in
20 Sarasota County.

21 The district splits only one municipality
22 and uses political and geographic boundaries
23 for nearly its entire border.

24 Senate District 29 recognizes the natural
25 linkage of the coastal communities of Broward

1 and Palm Beach Counties. The district is
2 adjacent to a minority operation district,
3 opportunity district to its west, and the
4 Atlantic ocean to the east and follows the
5 municipal boundaries of West Palm Beach and
6 Palm Beach Gardens on the northwest, the
7 Loxahatchee River on the northeast and the Ft.
8 Lauderdale City boundary in the south.

9 We heard extensive public testimony in the
10 region, including 17 individuals at our Boca
11 Raton public hearing who requested that we
12 group the coastal communities in Broward and
13 Palm Beach Counties together.

14 Additionally, the boundaries of the
15 district allow for a district to the west that
16 follows traditional race neutral redistricting
17 principles while also refraining from abridging
18 or denying in any way the African-American
19 community of the region's right to participate
20 in the process or their ability to elect a
21 candidate of their choice.

22 The district was designed to meet the two
23 desires of allowing for minority access
24 consistent with Federal laws and the Florida
25 Constitution, while respecting the wishes of

1 the public for a coastal district in South
2 Florida.

3 The Committee received four submissions
4 that draw the district in substantially the
5 same way with minor variation between them on
6 how far north or south they travel, including
7 plans by the Florida Gulf Coast University
8 redistricting class and also the Florida
9 Conference of the NAACP. The district uses
10 political and geographic boundaries for over
11 two-thirds of its borders.

12 Senate District 30 is comprised of the
13 coastal communities of Lee and Collier
14 Counties. The district is bounded on the west
15 by the Gulf of Mexico, on the north by the Lee
16 County line and on the south by the Collier
17 County line.

18 It is adjacent to a minority opportunity
19 district. The district includes all of Naples
20 and Marco Island in Collier County, it includes
21 the barrier islands west of the intercoastal
22 waterway and the entire city of Cape Coral in
23 Lee County and is traversed by Interstate 75
24 and the Tamiami Trail.

25 Similar to District 29 we received

1 testimony urging a division between the coastal
2 communities like Cape Coral, Marco Island,
3 Sanibel and Ft. Myers Beach on the one hand and
4 inland communities on the other hand which
5 testimony indicated had distinct needs and
6 different interests from representation than
7 coastal areas.

8 Also like District 29 the boundaries of
9 this district allow for a minority opportunity
10 district to the east. This district splits
11 only a small portion of Bonita Springs and no
12 other municipalities and uses political and
13 geographic boundaries for over two-thirds of
14 its borders.

15 District 31 ties together the inland
16 communities in north Broward County including
17 Coconut Creek, Coral Springs, Margate, North
18 Lauderdale, Parkland and Tamarac. The district
19 follows the Sawgrass Expressway on the west,
20 the Broward County line on the north, a
21 minority opportunity district on the east and
22 city lines on the south.

23 It is traversed by the Florida turnpike,
24 Interstate 95 and the Sawgrass Expressway. The
25 district is located entirely within Broward

1 County combining the inland communities located
2 in the northern part of the county.

3 We heard substantial testimony requesting
4 that Coconut Creek, Coral Springs, Margate,
5 North Ft. Lauderdale, Parkland and Tamarac be
6 kept whole, kept together and that their shared
7 common interests and amenities would be best
8 served by combining them into a single
9 district.

10 Consistent with this public input each of
11 these municipalities is kept whole and is
12 included in District 31. The Committee
13 utilized a publicly submitted map by Delena May
14 as the basis for proposed District 31.

15 District 32 includes the western portions
16 of Palm Beach and Broward county. The
17 District follows the Broward and Palm Beach
18 County lines to the north, south and west and
19 city lines on the east.

20 The district includes the cities of
21 Loxahatchee Groves, Royal Palm Beach, Southwest
22 Ranches, Wellington and Weston and portions of
23 Pembroke Pines, Davie and Sunrise.

24 The orientation the district reflects
25 public testimony at the Boca Raton meeting

1 where citizens pointed out that the areas of
2 Palm Beach County west of the Florida turnpike
3 had an agricultural interest distinct from the
4 economic focus of the communities east of the
5 turnpike and that western communities should be
6 grouped together.

7 Following this public testimony the
8 communities in western Palm Beach and western
9 Broward have been grouped together using the
10 public submissions by David Kulscar and Keith
11 Laytham as the basis.

12 The district uses political and geographic
13 boundaries for almost all of its borders. In
14 the 2002 map no district in the region splits
15 fewer than seven municipalities. By contrast,
16 the Committee's proposal today for District 32
17 only splits four, a substantial improvement in
18 keeping the cities together.

19 Senate District 33 includes communities in
20 northwest Miami-Dade County of similar
21 language, cultural and socioeconomic
22 characteristics.

23 The district follows the Miami-Dade County
24 boundary on the north and State Road 997 on the
25 west and is adjacent to minority opportunity

1 districts to the east and south.

2 The district includes the municipalities
3 of Hialeah, Hialeah Gardens, Miami Springs,
4 Medley, Miami Lakes, Virginia Gardens and most
5 of Doral.

6 We received public testimony at our Miami
7 hearings requesting that these communities be
8 grouped together. Additionally, consistent
9 with traditional race neutral redistricting
10 principles the district prevents the abridgment
11 or denial of the Hispanic community of the
12 region's right to participate in the process or
13 their ability to elect the candidate of their
14 choice.

15 We heard from 48 members of the public
16 during our southeast Florida public hearings
17 who all urged the maintenance of minority
18 opportunities in South Florida. This map is a
19 reflection of both this suggestion by the
20 public and the principles of Federal law and
21 the Florida Constitution.

22 The district has an 86.9 percent Hispanic
23 voting age population. The district splits
24 only a single municipality, is located entirely
25 within Miami-Dade County and follows political

1 and geographic boundaries for over two-thirds
2 of its border.

3 Senate District 34 ties together
4 communities of similar socioeconomic
5 characteristics along Interstate 95 and US-1 in
6 Palm Beach and Broward counties. Much as with
7 District 33, we heard from numerous individuals
8 requesting that we preserve minority
9 opportunities in the region.

10 Additionally, we received public
11 submissions by Micah Ketchel, by John Libby,
12 Delena May, Remzey Samarrai, and also a
13 proposal from the Florida Conference of the
14 NAACP that were used as the bases for drawing
15 this district from southern Palm Beach County
16 down to Ft. Lauderdale along Interstate 95.

17 This district is consistent with
18 traditional race neutral redistricting
19 principles and allows for a division between
20 the coastal communities to the east and the
21 more rural communities to the west.

22 It prevents the abridgment or denial of
23 the African-American community of their right
24 to participate in the process and their ability
25 to elect a candidate of their choice. The

1 District has a 55.8 percent black voting age
2 population.

3 Senate District 35 includes all of the
4 coastal communities in Miami-Dade County. The
5 district generally includes areas east of US-1
6 from the Miami-Dade County boundary on the
7 north to Homestead in the south and is bounded
8 on the east by the Atlantic ocean.

9 The district is the result of testimony in
10 South Florida regions similar to what we have
11 heard across the state requesting that we tie
12 coastal communities together because of their
13 shared interest which differentiates them from
14 more inland communities.

15 Additionally, several submitted plans have
16 coastal districts in Miami County, plan, Senate
17 plan 84 by Micah Ketchel, a plan by Andrew
18 Ladd, and the Florida Gulf Coast University
19 redistricting class plan that we have
20 previously referred to.

21 The district uses political geographic
22 boundaries for most of its boundary lines. We
23 heard from several individuals at our south
24 Miami public hearing who advocated the use of a
25 major highway artery such as US 1 for district

1 boundaries. The committee did in fact utilize
2 this input in drawing those lines.

3 Senate District 36 includes communities in
4 south Broward County including Cooper City,
5 Dania Beach, Davie, Hallendale Beach,
6 Hollywood, Miramar and Pembroke Pines.

7 The district followed the Broward County
8 line and the boundary of a minority district in
9 the south, the Atlantic ocean in the east and
10 the city boundaries and Interstate 595 on the
11 north and is traversed by Interstates 75, 95
12 and 595.

13 At our Davie public hearing we heard
14 testimony urging that Davie, Cooper City, Dania
15 Beach and Plantation all be grouped together in
16 one district as the Committee's proposal does.

17 The District is located entirely within
18 Broward County and its southern boundary is the
19 county line in the minority opportunity
20 District number 38. The district follows
21 political geographic boundaries for over
22 two-thirds of its border.

23 Next we have District 37. That ties
24 together neighborhoods of similar language,
25 cultural and socioeconomic characteristics,

1 consistent with traditional race neutral
2 redistricting principles, including among other
3 places, Allapattah, Little Havana, South Miami
4 and West Miami, the portions of Coral Gables
5 north of US 1 and the unincorporated areas of
6 Miami-Dade County south of the Miami
7 International Airport.

8 The district follows US 1, the South Miami
9 and Coral Gables City lines and Coral Way,
10 Southwest 97th Avenue and Southwest 107th
11 Avenue.

12 Plans submitted by Eric Pine, Mimi
13 Hernandez which tie south Miami and west Miami
14 together were used by the Committee in
15 developing District 37.

16 The district, consistent with traditional,
17 race-neutral redistricting principles and the
18 large body of public testimony on the matter
19 prevent the abridgment or denial of the
20 Hispanic community of the region's right to
21 participate in the process or their ability to
22 elect the candidate of their choice. This
23 district has a Hispanic voting age population
24 of 83.7 percent.

25 Next we have District 38. It recognizes

1 the linkage of communities in northern
2 Miami-Dade and south Broward counties of
3 similar socioeconomic characteristics.

4 The district includes all of Miami
5 Gardens, Opa Locka, Biscayne Park, West Park
6 and Pembroke Park, plus portions of North
7 Miami, North Miami Beach, Hallendale Beach,
8 Hollywood, Miramar and Pembroke Pines.

9 The district is based on the publicly
10 submitted map by the Florida Conference of the
11 NAACP. The district consistent with
12 traditional race neutral redistricting
13 principles prevents the abridgment or denial of
14 the African-American community of their right
15 to participate in the process and their ability
16 to elect the candidate of their choice. The
17 district has a black voting age population of
18 58.3 percent.

19 Next we have District 39. That recognizes
20 communities in western Miami Dade County of
21 similar language, cultural and socioeconomic
22 characteristics.

23 The district follows the Tamiami Trail,
24 the Dolphin Expressway, Southwest 97th Avenue,
25 Southwest 107th Avenue, the Homestead extension

1 and State Road 997.

2 The Committee used publicly submitted map
3 by Andrew Ladd in configuring this District.
4 This district and others in the area,
5 consistent with traditional race neutral
6 redistricting principles follows the unanimous
7 consent agreement reached in the Redistricting
8 Committee to instruct professional staff to
9 draw districts in which minorities are as
10 likely as in the current districts to elect the
11 candidates of their choice while taking into
12 account traditional redistricting principles as
13 found under the law. The district has a
14 Hispanic voting age population of 83.3 percent.

15 The district splits no municipalities and
16 is contained entirely within Miami-Dade County.

17 Senate District 40 includes the Miami
18 neighborhoods of Brownsville, Gladeview,
19 Liberty City, Little Haiti, Overtown, and
20 Pinewood, the City of El Portal, agricultural
21 and conservation areas in Miami-Dade and
22 Collier Counties, including the Everglades
23 National Park and the Big Cypress National
24 Reserve and all of Hendry and Monroe Counties.

25 Consistent with traditional race neutral

1 redistricting principles it prevents the
2 abridgment or denial of the minority
3 communities of this region to participate into
4 the process and to elect a candidate of their
5 own choice.

6 Specifically three counties within this
7 district, Collier, Hendry and Monroe Counties
8 all fall under Section 5 of the Voting Rights
9 Act.

10 Therefore, this district was drawn
11 specifically to avoid minority regression
12 either by intent or by result.

13 District 40 has an African-American voting
14 age population of 35.1 percent and a Hispanic
15 voting age population of 39.8 percent, and that
16 completes the explanation of Senate Districts
17 21 through 40.

18 Thank you, Mr. President.

19 PRESIDENT HARIDOPOLIS: Thank you, Senator
20 Negron, Senator Gaetz for --

21 SENATOR GAETZ: Thank you very much,
22 Mr. President. Mr. President, I ask unanimous
23 consent that the Senate do stand in recess for
24 five minutes.

25 PRESIDENT HARIDOPOLIS: Without objection,

1 without objection, we stand in recess for five
2 minutes.

3 (Brief recess taken.)

4 PRESIDENT HARIDOPOLIS: All right,
5 members, we are back. Are there questions with
6 the Senator from the 34th? Senator from the
7 34th, you are recognized for a question.

8 First I will recognize Senator Rich for a
9 question and then Senator Bullard, you will be
10 recognized after Senator Rich.

11 SENATOR BULLARD: Thank you.

12 PRESIDENT HARIDOPOLIS: Senator from the
13 34th, you are recognized, Leader Rich.

14 SENATOR RICH: Mr. President, and I just
15 have a few kind of general questions first
16 before a number of us have some questions on
17 individual districts, Senator Gaetz.

18 And I guess my first question would be,
19 are these districts all equal in population?

20 PRESIDENT HARIDOPOLIS: Senator from the
21 4th, you are recognized.

22 SENATOR GAETZ: Thank you, Mr. President.
23 They are not exactly equal but they are within
24 the one percent allowable by Federal law, well
25 within that one percent. So they are not

1 precisely equal, but they meet every legal and
2 constitutional requirement for one person, one
3 vote.

4 PRESIDENT HARIDOPOLIS: Senator from the
5 34th, you are recognized for a question.

6 SENATOR RICH: Thank you, Mr. President.
7 Can you address the issue of how compactness is
8 measured in these maps?

9 PRESIDENT HARIDOPOLIS: Senator from the
10 4th, you are recognized.

11 SENATOR GAETZ: Compactness is, as you
12 pointed out, Leader Rich, is something that is
13 in the eyes of the beholder, and it seems to me
14 that -- it seems to me that it can be elusive.

15 You had suggested at one point that you
16 know it when you see it and while I know you
17 were being facetious, I think there was truth
18 in your statement.

19 Florida courts have not defined
20 compactness, Leader, but our committee
21 discussions, as you well know, and our review
22 of court decisions in other states have pointed
23 out a number of factors that need to be
24 considered when compactness is assessed.

25 First there is geometric consideration,

1 and here we ask questions like whether the
2 shape of the district is regular or irregular,
3 whether the territory of the district is
4 closely united, and equally important, there
5 are the so-called functional considerations of
6 compactness.

7 Districts after all have to be drawn for
8 real people who live in real neighborhoods with
9 real interests, and as indicated by your first
10 question, there is a necessity to make sure the
11 districts are approximately equal in
12 population, meet one person, one vote
13 requirements, and so that sometimes requires
14 something in terms of compactness or in terms
15 of geometric shape that is not precise.

16 And we have the ultimate objective, of
17 course, of providing effective and meaningful
18 representation to those voters. So therefore,
19 we have to consider these factors.

20 Whether constituents in the districts are
21 able to relate to and interact with each other.
22 Whether constituents in the district are able
23 to access and communicate with their elected
24 officials. Whether the district is
25 interconnected through commerce or

1 transportation, communication or culture, and
2 compactness is also influenced by physical
3 limitations.

4 You know, we are not Nebraska, we are not
5 shaped like Nebraska. So the shape of a
6 district may be affected by the physical
7 boundaries of the state, and Florida is one of
8 the least compact states when you look at the
9 map of the United States.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 34th, you are recognized for a question.

12 SENATOR RICH: Thank you, Mr. President.
13 Thank you for that explanation. I think that
14 there will be some questions on the individual
15 districts based on the issue of compactness.

16 I would like to know if the -- there was
17 data on party registration available to the
18 drafters, and I ask that because we continue to
19 talk about making sure that there is no
20 retrogression and that we don't impact our
21 racial or language minorities.

22 So I am trying to, you know, figure out
23 what was used to make sure that we get that
24 right.

25 PRESIDENT HARIDOPOLIS: Senator 4th, you

1 are recognized to respond.

2 SENATOR GAETZ: Thank you, Mr. President.
3 Thank you, Leader Rich. As you know, as a
4 member of the Committee, we made the decision
5 not to include any party registration or
6 electoral information in our software, and
7 therefore, the districts were drawn without
8 reference to party registration or electoral
9 successes or failures.

10 My understanding is that there might have
11 been alternative maps that some folks might
12 have developed, not the Committee, which
13 perhaps were developed by political parties, by
14 one political party in particular, where there
15 was an effort made to increase that political
16 party's ability to elect members of their
17 party. That was not the Committee and that was
18 not my party.

19 PRESIDENT HARIDOPOLIS: Senator from the
20 34th, you are recognized for a question.

21 SENATOR RICH: Thank you, Mr. President.
22 I know that you have repeatedly said that you
23 don't know where any Senators live on these
24 maps.

25 But I do have a question about how many

1 Senators, current Senators have been drawn.
2 Are there any that have been drawn into
3 districts with other incumbents in our map?

4 PRESIDENT HARIDOPOLIS: Senator from the
5 4th, you are recognized.

6 SENATOR GAETZ: Thank you very much,
7 Mr. President and Leader Rich. There was no
8 effort made to find out where incumbents lived
9 or where challengers lived. And so
10 consequently the lines were drawn without
11 reference to that and I can't tell you whether
12 there are incumbents or challengers who find
13 themselves inconvenienced.

14 According to what I read in the
15 newspapers, there are some, but our plans are
16 developed without reference to that convenience
17 or inconvenience.

18 PRESIDENT HARIDOPOLIS: Senator from the
19 34th, you are recognized for a question.

20 SENATOR RICH: Thank you, Mr. President.
21 And I guess if you could just reiterate how you
22 see these maps using communities of interest to
23 define boundaries.

24 PRESIDENT HARIDOPOLIS: Senator from the
25 4th, you are recognized.

1 SENATOR GAETZ: Thank you, Mr. President,
2 thank you, Leader Rich. Communities of
3 interest are, as you know, not specifically
4 mentioned in Amendments 5 and 6. Amendments 5
5 and 6 discuss in Tier 1 not having any
6 backsliding or retrogression in minority voting
7 capability, the ability to elect candidates of
8 their own choosing, not favoring or disfavoring
9 incumbents or political parties.

10 And then as well the Tier 2 requirements
11 of compactness and following geographic and
12 political boundaries. The term communities of
13 interest is not in Amendments 5 and 6.

14 However, there is no prohibition to the
15 Legislature using communities of interest as a
16 good redistricting principle if we have also
17 followed Amendments 5 and 6 and where public
18 testimony has been overwhelming in that regard,
19 we have attempted to follow the input and
20 direction we have heard from the public as to
21 communities that are linked together with
22 transportation, with commercial interest, with
23 cultural interest when we could do so without
24 violating Amendments 5 and 6 or the Federal
25 Voting Rights Act.

1 PRESIDENT HARIDOPOLIS: Senator 34th for a
2 question.

3 SENATOR RICH: Thank you, Mr. President.
4 Also I would like to know, was the census
5 geographic information, such as locations of
6 the metropolitan statistical areas considered
7 when drawing these maps?

8 PRESIDENT HARIDOPOLIS: Senator from the
9 4th, you are recognized to respond.

10 SENATOR GAETZ: Thank you very much,
11 Mr. President, and thank you, Senator Rich.
12 SMSA data specifically was not used. In other
13 words, we weren't, as you well know as a member
14 of the Committee, we weren't interested so much
15 in SMSAs as we were in city and county
16 boundaries and in the natural divisions that
17 are occasioned by rivers and harbors and
18 waterways and military reservations and major
19 thoroughfares.

20 PRESIDENT HARIDOPOLIS: Senator from the
21 34th for a question.

22 SENATOR RICH: Thank you, and if you could
23 just share with the members the decision on
24 which districts were assigned which numbers
25 and, you know, the influence that that has on

1 how many years a Senator can serve.

2 PRESIDENT HARIDOPOLIS: Senator from the
3 4th, you are recognized to respond.

4 SENATOR GAETZ: Thank you very much,
5 Mr. President. The professional staff of the
6 Senate Reapportionment Committee developed a
7 plan which was designed to ensure that Senators
8 who had been elected to two year terms and
9 either the Florida Constitution, as you know,
10 provides that Senators are elected to four year
11 terms.

12 And so therefore, Senators who had just
13 been elected to for two years and then their
14 term was broken by the decennial census and the
15 consequent reapportionment were given four year
16 terms, and those who had been in four year
17 terms and up for election this year, those
18 districts were given two year terms for the
19 most part.

20 PRESIDENT HARIDOPOLIS: Senator from the
21 34th for a question.

22 SENATOR RICH: Yes, we have a number of
23 Senators who would like to ask about specific
24 districts.

25 I would like to just start by -- by

1 looking at the panhandle and Districts 1 and 3,
2 and I guess my first question would be, would
3 you agree that District 1 is similar to the
4 current District 4?

5 PRESIDENT HARIDOPOLIS: Senator from the
6 4th, you are recognized to respond.

7 SENATOR RICH: And also to address what
8 the differences are.

9 SENATOR GAETZ: Thank you very much,
10 Mr. President, Senator Rich. District 1 is
11 similar to the old District 4, and as you know,
12 the weight of testimony from public hearings
13 suggested that there ought to be that division
14 between coastal and rural areas, and a
15 unanimous consent agreement directed staff to
16 follow that division. Consequently, you see it
17 in front of you in the proposed maps.

18 PRESIDENT HARIDOPOLIS: Senator from the
19 34th, you are recognized for a question.

20 SENATOR RICH: Thank you, Mr. President.
21 I actually did want to address that, because as
22 we went back to look at some of the comments on
23 those two districts, there were 21 comments, I
24 believe opposing and 21 -- and 21 in support of
25 splitting the districts the way you had

1 suggested.

2 The same thing on the other, on the other
3 side with the other district. So I guess I am,
4 you know, I wonder why they were drawn this way
5 because I recall at the committee meeting we
6 had an overwhelming number, a handful of
7 people, but all of those were certainly in
8 favor of the, I believe of the southern, the
9 north/south split.

10 But then when you go back and look at the
11 testimony it was different. So I wonder why,
12 you know, it ended up the way, you know, the
13 way it is now.

14 PRESIDENT HARIDOPOLIS: Senator, you are
15 recognized.

16 SENATOR GAETZ: Thank you, Mr. President,
17 thank you, Leader Rich. As noted when Speaker
18 Thrasher explained the configuration of
19 proposed Districts 1 and 3, we had -- we had
20 extensive public testimony from varied
21 interests and we weighed.

22 The varied interests included the head of
23 the Tea Party in the region, a Democratic
24 legislative candidate who is on the other end
25 of the political spectrum, an official of the

1 Tax Collector's Office, the leader of the
2 Regional Homeowners and Condo Association
3 Council, officers of the Farm Bureau and the
4 Supervisor of Elections all favored the split
5 which is before you which was directed to the
6 staff by unanimous consent agreement and you
7 were in the room.

8 So if you would have objected at the time
9 obviously it would not have been a unanimous
10 consent agreement.

11 PRESIDENT HARIDOPOLIS: Senator from the
12 34th, you are recognized.

13 SENATOR RICH: Yes, well, regardless of
14 that, as I look at the districts, each of those
15 districts splits five counties. So, you know,
16 our understanding is, of course, is that
17 Amendment 5 requires that we keep counties
18 whole wherever feasible.

19 So I, you know, would wonder and it
20 appears in other parts other than the
21 panhandle, other parts of the panhandle or the
22 Treasure Coast we didn't do that. So it just,
23 you know, I guess that begs the question about
24 why we did it here.

25 PRESIDENT HARIDOPOLIS: Senator from the

1 4th, you are recognized.

2 SENATOR GAETZ: Thank you, Mr. President.
3 With great respect, Senator Rich, that is not
4 what the Constitution requires. The
5 Constitution requires that we use political and
6 geographic boundaries.

7 Ninety-eight percent of the boundary that
8 separates this proposed District 1 or proposed
9 District 3 is a geographic or political
10 boundary. And so I would call your attention
11 to the precise wording of the Constitutional
12 Amendment.

13 PRESIDENT HARIDOPOLIS: Senator from the
14 34th, you are recognized for another question.

15 SENATOR RICH: I am going to -- I would
16 like to yield over to Senator Smith for the
17 next question and reserve the right, if you
18 will, to come back as we move along the
19 districts.

20 PRESIDENT HARIDOPOLIS: All right, Senator
21 Smith, you are recognized. You are recognized.

22 SENATOR SMITH: Am I on yet? Okay, thank
23 you, Mr. Chair. Just a quick question, a
24 couple of questions about the minority voting
25 districts and the data that was used.

1 What data, what minority data did we use
2 in looking at these access districts? Was
3 voting performance used or just minority census
4 population used?

5 PRESIDENT HARIDOPOLIS: Senator from the
6 4th, you are recognized.

7 SENATOR GAETZ: Thank you, Mr. President.
8 Thank you, Senator Smith. The, as a member of
9 the Committee, I am sorry, you were not on the
10 Committee. So you didn't have a chance to hear
11 the extended conversation about this very
12 topic. The decision that was used was voting
13 age population. That was the metric.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 29th, you are recognized for a follow up.

16 SENATOR SMITH: In interpreting the
17 Constitution for these districts did you
18 interpret it that these districts should have
19 no less than the minority age voting age
20 population as it did in 2002, or how did you do
21 that?

22 PRESIDENT HARIDOPOLIS: Senator from the
23 4th, you are recognized.

24 SENATOR GAETZ: Thank you, Mr. President.
25 Senator Smith, we took the words of the

1 Constitution seriously and we were guided by
2 the NAACP's analysis of what the Constitution
3 required us to do and guided by the direction
4 we received from Hispanic advocacy groups as
5 well.

6 And so consequently we felt that we should
7 be risk averse and we should not take the
8 chance of having any material backsliding in
9 minority voting opportunity.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 29th.

12 SENATOR SMITH: Thank you. Could you
13 define for me access seats or as opposed to
14 majority minority seats? How did we define
15 those?

16 PRESIDENT HARIDOPOLIS: Senator from the
17 4th.

18 SENATOR GAETZ: Thank you very much,
19 Mr. President. Senator Smith, my understanding
20 as a layman and this calls for a legal
21 conclusion, so I may want to defer to members
22 of the Bar who are on our committee, but as a
23 layman my understanding of a minority-majority
24 district is a district in which a majority of
25 the voting age population are members of

1 constitutionally recognized minorities.

2 Whereas an opportunity district, again,
3 this is my layman's understanding and I would,
4 I will soon yield to Senator Thrasher or
5 Senator Negron. My understanding as a layman
6 is that an opportunity district is a district
7 that would provide an opportunity, a reasonable
8 chance for minorities to select a candidate of
9 their choice.

10 That is my layman's understanding, but
11 with the President's permission I would yield
12 to either Senator Thrasher or Senator Negron,
13 if you would care to improve on that
14 explanation. They don't, that is very sad.

15 PRESIDENT HARIDOPOLIS: Senator from the
16 29th, you are recognized for a follow up.

17 SENATOR SMITH: Thank you. I guess I
18 would ask you to expand or somebody to expand
19 on reasonable chance, exactly how you defined
20 that or what were the numbers you looked at for
21 that?

22 SENATOR GAETZ: Senator.

23 PRESIDENT HARIDOPOLIS: Senator from the
24 4th.

25 SENATOR GAETZ: Mr. President, thank you.

1 Senator Smith, we tried to keep the minority
2 communities that were together, together, and
3 reasonable chance is my term. It is not a term
4 of art and it is not a legal term.

5 PRESIDENT HARIDOPOLIS: Senator from the
6 29th, you are recognized.

7 SENATOR SMITH: I guess that still begs
8 the question. Maybe over the next couple of
9 days I can get a definition of access, because
10 that, that is what would help me understand
11 what you mean by reasonable and what
12 percentages do we consider or did the Committee
13 consider as access or not.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 4th.

16 SENATOR GAETZ: Thank you, Mr. President.
17 That, Senator Smith, is a discussion that we
18 had at some length in the Committee, but as one
19 looks across the cases, and again, I am not a
20 lawyer, but as one looks across the cases that
21 have been argued in this matter, there is no
22 magic percentage.

23 And so consequently, what the Committee
24 decided to do with a bi-partisan vote and a
25 unanimous consent agreement, was not to take

1 the risk of having any backsliding.

2 PRESIDENT HARIDOPOLIS: Senator from the
3 29th, you are recognized.

4 SENATOR SMITH: Last question. I guess
5 when we were talking about, I guess the
6 question was asked about where do Senators live
7 in those particular districts, and we have
8 stated constantly that we don't know where they
9 live in those districts, but then when we
10 talked about the district numbers and the years
11 associated with that, it looks like that we did
12 look at who is in what district or in what
13 area.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 4th.

16 SENATOR GAETZ: Thank you, Mr. President.
17 I apologize if my answer gave you that
18 impression. Instead we looked at the
19 districts, themselves, and at the voters within
20 that district and whether they had elected an
21 individual for a four year term, a term that
22 was then bisected by the decennial census.

23 But in no way, shape or form did we draw
24 districts based upon where incumbents or
25 challengers live. Therefore, not favoring or

1 disfavoring them.

2 PRESIDENT HARIDOPOLIS: Senator from the
3 29th, you are recognized.

4 SENATOR SMITH: Yes, I apologize. I had
5 specific, about a specific district I had
6 forgot, that you were talking about it.

7 District, Senate District 8, which is the
8 Volusia County seat as Volusia, Brevard and
9 Orlando, I was wondering, it looks like that
10 district goes over now to take in University of
11 Central Florida, which is in, you know,
12 considered an Orlando based school, but is now
13 located in a coastal, a more coastal community.
14 What communities of interest do we tie those
15 two together with?

16 PRESIDENT HARIDOPOLIS: Senator from the
17 4th.

18 SENATOR GAETZ: Thank you, Mr. President.
19 To my knowledge there was not an effort made to
20 address communities of interest as it applied
21 to the University of Central Florida.

22 It simply fell within the district
23 boundaries which use political and geographic
24 lines for nearly all of its borders.

25 PRESIDENT HARIDOPOLIS: All right, the

1 Senator from the 39th, you are recognized.

2 SENATOR BULLARD: Thank you,
3 Mr. President. Members, yesterday we
4 celebrated MLK day and birthday and I say today
5 that I want to thank the hard work of those who
6 worked on this, in this process to come where
7 we are today.

8 To our Chairman, I want to thank you, to
9 our Leader Rich, I want to thank her and the
10 two, Senator Gardiner, all of whom and the
11 staff, all of whom have worked so hard on what
12 Senator Gaetz earlier explained and expressed.

13 There was transparency. I must admit to
14 you that I appreciate the transparency that was
15 shown, and to have explained earlier today the
16 process by which you took to get where we are,
17 I am saying to you at this moment, I appreciate
18 that as a Senator of this body.

19 I am here today because of the Voting
20 Rights Act, but I look at the districts. I
21 want to first look at District 39 and 40, and I
22 want to also thank Senator Simmons, Thrasher
23 and Benacquisto for assisting me as I have
24 walked through this process.

25 I know that in 2002, there was a switch in

1 the districts from 40 to 39, and I remember at
2 that time things were done much differently
3 than they are today.

4 So how will that impact the constituents
5 in terms of recognizing that when it is time to
6 vote, how long will we -- first I guess I want
7 to ask, how long will we be determining where
8 we are going to go with the maps?

9 Will they be available to constituents
10 timely? That is my first question. Let me
11 just ask that first.

12 PRESIDENT HARIDOPOLIS: Senator from the
13 4th, you are recognized.

14 SENATOR GAETZ: Thank you, Mr. President.
15 Thank you, Senator Bullard, for your leadership
16 on the Committee, for your passion and for that
17 question.

18 The maps have been substantively available
19 to the public since November 28th, and assuming
20 that this body acts favorably on the
21 Committee's bi-partisan, non-partisan
22 recommendation, the final maps would be
23 available as soon as the Legislature were to
24 adopt them.

25 But if you are a voter in your district

1 and any other district in the state or district
2 that is represented by anybody who is here,
3 those district lines have been substantively
4 available on the Internet since November 28th.

5 PRESIDENT HARIDOPOLIS: Senator from the
6 39th, you are recognized.

7 SENATOR BULLARD: Thank you. Thank you,
8 Mr. President, and Senator Gaetz, I appreciate
9 that, but, you know, there are so many people
10 who would never know how to read this.

11 I mean, I am having difficulty, so if I am
12 having difficulty I could not imagine what some
13 of the constituents would have, but
14 nevertheless, will they be informed if a
15 district has changed, if a number has changed,
16 how will the constituents of that district be
17 informed of that change?

18 PRESIDENT HARIDOPOLIS: Senator from the
19 4th, you are recognized.

20 SENATOR GAETZ: Thank you, Mr. President.
21 Thank you, Senator Bullard. The Supervisors of
22 Elections in each county will place in the
23 newspaper of record a notice and showing any
24 changes in voting precincts, in voting lines,
25 in voting districts well in advance of sending

1 out absentee ballots for the 2012 election.

2 So it is an obligation of the Supervisors
3 of Elections to inform people in the county of
4 any changes in where they would vote in
5 district lines or in district numbers, and our
6 professional staff director, Mr. Guthrie, has
7 been working very closely with the Supervisors
8 of Elections to ensure that that information
9 will get to voters in a timely fashion.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 39th, you are recognized.

12 SENATOR BULLARD: Thank you,
13 Mr. President, and Senator Gaetz. I want to
14 say that I would hope, and, because I have
15 experienced this, and to have a district change
16 and then by the time the individuals understand
17 that their district has changed, it is almost
18 into the next election cycle.

19 Will they receive voter registration cards
20 or some type of indication or announcement that
21 the districts have been changed via mail or via
22 the Supervisor of Elections, because that is
23 the only way they will know?

24 PRESIDENT HARIDOPOLIS: Senator from the
25 4th, you are recognized.

1 SENATOR GAETZ: Thank you, Mr. President.
2 Senator Bullard, the Supervisors of Elections
3 will provide in writing information to voters
4 through the newspapers of record, and if they
5 need to make a change in their voter card that
6 will be provided by the Supervisors of
7 Elections, but this process has also been
8 extraordinarily well covered by our friends of
9 the media and I am confident that through the
10 popular press there will be information
11 provided, but the specific legal information
12 provided in writing will be provided by the
13 Supervisors of Elections.

14 PRESIDENT HARIDOPOLIS: Senator from the
15 39th, you are recognized.

16 SENATOR BULLARD: Thank you,
17 Mr. President. Okay, I have one little area in
18 my district which I might just -- I am speaking
19 39, which I am presently serving in.

20 Years ago, then the late John Cosgrove, he
21 was serving that area and one side of the
22 district, one half of the district, it was
23 Gools, Gools, you may not have ever heard of
24 that, but anyway, I have talked about it on
25 this floor before. One part was in 118 and the

1 other part was in 119.

2 Well, the people felt that they did not
3 know where to go for support because it was
4 drawn right down the middle.

5 So I want to know, when they speak of
6 splitting, have we covered that?

7 PRESIDENT HARIDOPOLIS: Senator from the
8 4th, you are recognized.

9 SENATOR GAETZ: Thank you, Mr. President.
10 Thank you for bringing that up. That is the
11 kind of neighborhood information that we gained
12 by listening to people at 26 public hearings
13 and then hear in Tallahassee.

14 In the Senate maps we followed city
15 boundaries, municipal boundaries faithfully in
16 that part of Miami-Dade County. I can't speak
17 for our partners in the House of
18 Representatives, I think it was House maps that
19 you just referenced.

20 I don't know what the House maps will be
21 like, but I can tell you that the Senate maps
22 that are before you today respected city and
23 municipal boundaries, and so therefore, that
24 confusion should not exist as a consequence of
25 Senate maps in that part of Dade County.

1 PRESIDENT HARIDOPOLIS: All right, any
2 other questions, members? Senator from the
3 33rd, you are recognized.

4 SENATOR BRAYNON: Thank you,
5 Mr. President. Mr. Chairman, I have a few
6 questions, some of which you may have heard in
7 the committee meeting.

8 The first question is, have we interpreted
9 the Voting Rights Act and the Constitution to
10 say that we have to draw the exact amount of
11 minority access and minority districts as were
12 drawn in 2002, or could we have possibly drawn
13 more?

14 PRESIDENT HARIDOPOLIS: Senator from the
15 4th, you are recognized.

16 SENATOR GAETZ: Thank you very much,
17 Mr. President. There are two minority,
18 majority districts in the Senate plan before
19 you. There are two minority, majority
20 districts in the 2002 foundational plan, that
21 govern our districts today.

22 PRESIDENT HARIDOPOLIS: Senator from the
23 33rd, you are recognized.

24 SENATOR BRAYNON: So to follow up on that,
25 so we utilize the 2002 map, as a basis for how

1 we drew the minority access districts for this
2 map?

3 PRESIDENT HARIDOPOLIS: Senator from the
4 4th, you are recognized.

5 SENATOR GAETZ: Thank you very much,
6 Mr. President. Senator, let me be as clear as
7 I can. What we used were the voting age
8 population numbers. It happens that there were
9 two minority, majority districts in the 2002
10 maps. It happens that there are two now.

11 Within each district we, as I indicated in
12 response to prior questions, we were risk
13 averse in taking the risk of having any
14 backsliding, we agreed with the NAACP.

15 We agreed with the Hispanic interest
16 groups and Latino interest groups in their
17 interpretation of Amendments 5 and 6 that there
18 ought to be no backsliding.

19 But the basis for the plans that are
20 before you today are the voting age populations
21 in the state of Florida in various communities,
22 Amendments 5 and 6, the Federal Voting Rights
23 Act and the input we received from 3,000
24 Floridians.

25 PRESIDENT HARIDOPOLIS: Senator from the

1 33rd, you are recognized.

2 SENATOR BRAYNON: Thank you. That leads
3 me to another question. I know that we
4 mentioned public input quite a bit, and don't
5 get me wrong, I love the public as any other
6 elected public official does, but was that ever
7 mentioned specifically either in the
8 Constitution, Voting Rights Act or Amendments 5
9 and 6 that public input, and if it wasn't, then
10 where do we rank it, because I know we did a
11 ranking system that or we mentioned that
12 minority access to minority, with the minority
13 seats was ranked number one? Where do we put
14 public input when we created our maps?

15 PRESIDENT HARIDOPOLIS: Senator from the
16 4th, you are recognized.

17 SENATOR GAETZ: Vox populi, vox dei, the
18 voice of the people is the voice of God.

19 PRESIDENT HARIDOPOLIS: Senator from the
20 33rd, you are recognized.

21 SENATOR BRAYNON: I guess my Latin is a
22 little rusty, so I am still trying to figure
23 out exactly what it was.

24 SENATOR GAETZ: That is all I remember.

25 SENATOR BRAYNON: Okay, okay. Now to some

1 specific districts and I just want to ask some
2 very simple questions on.

3 On, currently on District 27 in the
4 current resolution, is the City of Boca Raton
5 kept whole in District 27? Since you are
6 opening to 27, I asked you the other question
7 so you can look there, too.

8 Boca Raton and Greenacres and how many
9 cities are split in District 27?

10 PRESIDENT HARIDOPOLIS: Senator from the
11 4th, you are recognized.

12 SENATOR GAETZ: Thank you very much,
13 Mr. President. Senator, the 2002 map out of
14 which we are operating now split 11
15 municipalities. This district proposed before
16 you splits only four and is located entirely
17 within Palm Beach County. The district follows
18 the municipal boundaries of Boca Raton.

19 PRESIDENT HARIDOPOLIS: Senator from the
20 33rd, you are recognized.

21 SENATOR BRAYNON: Greenacres.

22 SENATOR GAETZ: If you will give us a
23 second we will get to --

24 PRESIDENT HARIDOPOLIS: Senator from the
25 4th, you are recognized.

1 SENATOR GAETZ: Thank you, Mr. President,
2 thank your, Senator, for that question. The
3 City of Greenacres is entirely contained within
4 proposed District 27.

5 PRESIDENT HARIDOPOLIS: Senator from the
6 33rd, you are recognized.

7 SENATOR BRAYNON: Thank you, I wanted to
8 move to District 29. I know that when we
9 talked about District 29 we mentioned it as a
10 coastal, I think we said it was a coastal
11 community was what Senator Negrón mentioned. I
12 am trying to pull it up on my map.

13 But the crux of my question is, I know it
14 includes some communities such as Palm Beach
15 Gardens which are not along the coast. Can you
16 explain to me why there are some non coastal
17 cities within a coastal, what we called,
18 referenced a coastal community?

19 PRESIDENT HARIDOPOLIS: Senator from the
20 4th, you are recognized.

21 SENATOR GAETZ: Thank you very much,
22 Mr. President. District 29 as you have
23 referenced, Senator Braynon, does recognize the
24 natural linkage of the coastal communities of
25 Broward and Palm Beach County, but the district

1 is also adjacent to a minority opportunity
2 district to its west and the Atlantic ocean to
3 the east and attempts to follow municipal
4 boundaries.

5 We follow the municipal boundaries of West
6 Palm Beach and Palm Beach Gardens in the
7 northwest and the Loxahatchee River in the
8 northeast and the Ft. Lauderdale city boundary
9 on the south.

10 Those boundaries are not perfect and so
11 consequently you have a geometry there that is
12 not exactly what, you know, a geometry
13 professor might say is geometrically compact,
14 but we are trying to follow the mandates of
15 Amendments 5 and 6 as I have just described.

16 PRESIDENT HARIDOPOLIS: Senator from the
17 33rd, you are recognized.

18 SENATOR BRAYNON: Thank you. Would it --
19 could we have possibly drawn District 29 all
20 encompassing in West Palm Beach and we didn't,
21 and my question is why, why not?

22 PRESIDENT HARIDOPOLIS: Senator from the
23 4th, you are recognized.

24 SENATOR GAETZ: I don't know how to say
25 anything is possible in Latin. But yes,

1 Senator Braynon, I suspect it would be possible
2 to do so. Whether we would have wound up with
3 a district that met the same criteria and then
4 allowed us in the neighboring districts to meet
5 the requirements that we met, that I don't
6 know.

7 But we did not receive any amendment or
8 proposal to draw District 29 differently. So
9 consequently neither the professional staff nor
10 the Committee would have had an opportunity to
11 evaluate your suggestion, but certainly almost
12 anything is possible, although not everything
13 is legal or sensible.

14 PRESIDENT HARIDOPOLIS: All right, any
15 other questions? Any other questions, yes,
16 Senator from the 1st, you are recognized.

17 SENATOR GIBSON: Thank you, Mr. President.
18 Does an incumbent Senator live in District 10?

19 PRESIDENT HARIDOPOLIS: Senator from the
20 4th, you are recognized.

21 SENATOR GAETZ: I don't know.

22 PRESIDENT HARIDOPOLIS: Senator from the
23 1st, you are recognized.

24 SENATOR GIBSON: Thank you, Mr. President.

25 Would you agree that the portion of this

1 district north of State Road 528 and I-4
2 contains an incumbent?

3 PRESIDENT HARIDOPOLIS: Senator from the
4 4th, you are recognized.

5 SENATOR GAETZ: If so it is news to me.

6 PRESIDENT HARIDOPOLIS: Senator from the
7 1st.

8 SENATOR GIBSON: Thank you, Mr. President.
9 Is a road used to connect the portions of this
10 district, District 10, east of I-4 with the
11 western part of the district?

12 PRESIDENT HARIDOPOLIS: Senator from the
13 4th, you are recognized.

14 SENATOR GAETZ: I apologize, Senator,
15 could you restate your question? Were you
16 asking whether a road is used to connect the
17 portions?

18 PRESIDENT HARIDOPOLIS: You are
19 recognized.

20 SENATOR GAETZ: Thank you, Mr. President.
21 District 10 certainly does use major
22 thoroughfares and political and natural
23 boundaries, but it is also, the district, you
24 need to understand sort of where it fits within
25 the context of the map.

1 District 10 is really the result of
2 several influences. District 12 and District
3 14 are minority opportunity districts.

4 District 12, as you know, ensures the
5 ability of African-Americans to elect a
6 candidate of their choice and that that
7 opportunity not be diminished, and District 14
8 reflects the Hispanic opportunity proposed by
9 Latino Justice.

10 And so Districts 12 and 14 are separated,
11 Senator, by an area that includes Edgewood,
12 Belle Isle and part of Orlando and Winter Park
13 and that area has to be represented by
14 somebody, and clearly it must either be
15 District 10 or District 13.

16 District 13 moves south from the northern
17 boundary of Seminole County, while District 10
18 moves east from the western boundary of Lake
19 County.

20 So as you see when you look at the map, we
21 followed political and geographic boundaries
22 where feasible, and therefore, Senator, to
23 ensure that District 10 and District 13 each
24 have the necessary population, District 10 and
25 not District 13 extends into the area between

1 the minority opportunity districts, and I
2 believe that is the reference that you just
3 made.

4 District 10, therefore, results from our
5 adherence to minority voting rights as required
6 by Tier 1 of Amendments 5 and 6, and also our
7 adherence to political and geographic
8 boundaries as required by Tier 2, Amendment 5.

9 PRESIDENT HARIDOPOLIS: Senator from the
10 1st, you are recognized.

11 SENATOR GIBSON: Thank you, Mr. President.
12 And with that said then, why are downtown
13 Orlando and Winter Park in the same district as
14 Windermere, Ocoee and western Orange County?
15 Is there public testimony that supports that,
16 Ocoee, I am sorry.

17 PRESIDENT HARIDOPOLIS: Senator from the
18 4th, you are recognized.

19 SENATOR GAETZ: Thank you very much,
20 Mr. President. As I just attempted to point
21 out, when you have two minority opportunity
22 districts, and therefore, you have created in a
23 sense the rest of the map as what is left, you
24 often have geometry which would not be pleasing
25 to a geometry professor.

1 But I can't expand upon or improve upon
2 the explanation of how those districts were
3 positioned, the explanation which I just gave.

4 PRESIDENT HARIDOPOLIS: Senator from the
5 1st, you are recognized.

6 SENATOR GIBSON: Thank you, Mr. President.
7 And thank you for that explanation. Moving on
8 to District 13, can you tell me if the
9 population of Seminole County is 422,000, why
10 wasn't all of Seminole County kept in one
11 district?

12 PRESIDENT HARIDOPOLIS: Senator from the
13 4th, you are recognized.

14 SENATOR GAETZ: Thank you very much,
15 Mr. President. The answer to that question
16 comes from our unanimous consent agreement to
17 which you did not object, which provides that
18 we would ensure that areas that were, that
19 provided or circumstances, venues that provided
20 minorities with an opportunity to elect
21 candidates of their choice would not be
22 compromised.

23 And so if you look at the map of District
24 13 and of Seminole County, you will see that
25 the area in the north part of Seminole County

1 and the south part and south of Volusia County
2 and the north part of Seminole County is a
3 minority -- is an area that needed to be
4 included in a minority access district.

5 So that would be the reason, because we
6 were following the Constitution.

7 PRESIDENT HARIDOPOLIS: Senator from the
8 1st, you are recognized.

9 SENATOR GIBSON: Thank you, Mr. President.
10 And, no, I didn't object. I am just getting a
11 little bit of clarity.

12 And my next question is, why not connect
13 Seminole County with downtown Orlando area to
14 make up the population difference?

15 PRESIDENT HARIDOPOLIS: Senator from the
16 4th, you are recognized.

17 SENATOR GAETZ: Again, that is a
18 hypothetical question. Had an amendment to
19 that effect been introduced it could have been
20 vetted. Individuals who live in the area could
21 have testified for or against it.

22 The Committee staff could have determined
23 the extent to which it followed good
24 redistricting principles and we could have
25 voted it up or down, but a hypothetical

1 question about why we didn't do this or that
2 presupposes a debate which did not occur in a
3 presentation of a proposal which was not made.

4 PRESIDENT HARIDOPOLIS: Senator from the
5 1st, you are recognized.

6 SENATOR GIBSON: Thank you, Mr. President.
7 My last couple of questions. Don't a lot of
8 people live in Seminole County and work in
9 Orange County and thereby would be better
10 benefited in a different district and aren't
11 the communities of Maitland and Winter Park in
12 both counties? Thank you.

13 PRESIDENT HARIDOPOLIS: Senator from the
14 4th, you are recognized.

15 SENATOR GAETZ: Well, Senator, as we have
16 examined Amendments 5 and 6 and as we have
17 examined the public testimony that we have
18 received from that area, we cannot find any
19 strong indication that we ought to have made a
20 change in the map based on the fact that some
21 people live in Seminole County and work in
22 Orange County.

23 We have the public testimony here. Could
24 you point, please, Senator, to the public
25 testimony that supports your question?

1 PRESIDENT HARIDOPOLIS: Senator from the
2 1st, you are recognized.

3 SENATOR GIBSON: I am sorry, point to the
4 public testimony?

5 PRESIDENT HARIDOPOLIS: That is what he
6 asked.

7 SENATOR GIBSON: The public testimony that
8 supports my question?

9 PRESIDENT HARIDOPOLIS: Go ahead, you are
10 recognized, Senator from the 4th.

11 SENATOR GAETZ: Thank you very much. Your
12 question presupposes that it would be in the
13 public's interest to have individuals from
14 Seminole County, from the northern part of
15 Seminole County, included in the Orlando
16 district or some part of Seminole County.

17 And I am simply asking you if you can
18 point to any part of Amendments 5 and 6, any
19 redistricting principles agreed to by the
20 Committee or any public testimony that would
21 support the premise of your question.

22 PRESIDENT HARIDOPOLIS: Senator from the
23 1st, you are recognized.

24 SENATOR GIBSON: The premise of my
25 question is simply based on the maps the way

1 that they are drawn and my review of them as
2 well.

3 I didn't premise my question on the fact
4 that it was public testimony. I just simply
5 asked the question.

6 PRESIDENT HARIDOPOLIS: All right, Senator
7 from the 1st, you are recognized for a
8 question.

9 SENATOR GIBSON: Thank you, Mr. President.
10 I have already asked my question. Thank you.

11 PRESIDENT HARIDOPOLIS: All right, Senator
12 from the 4th, have you got follow up?

13 SENATOR GAETZ: Only to say,
14 Mr. President, that, that I can't improve on
15 the answer that I gave and we have to have a
16 reason why we do something, and unless there is
17 a reason, then with all great respect to the
18 Senator, it is a hypothetical question which
19 does not appear to have a reason or a premise
20 in the question.

21 The Senator has ever right to ask the
22 question, but the answer to the question as
23 best as we can determine it is there was no
24 reason to do so and no public testimony urging
25 us to do so.

1 PRESIDENT HARIDOPOLIS: All right, Senator
2 from the 19th, you are recognized.

3 SENATOR SIPLIN: Thank you, Mr. President.
4 And as I was sitting here, as I believe Speaker
5 Thrasher was describing the new 19 which is
6 number 12, of course, I was there during the
7 testimony.

8 Was there any specific reason why the
9 current contour of District 12 was developed
10 with respect to any African-Americans that I
11 heard when I was there at the meeting in
12 Orlando?

13 PRESIDENT HARIDOPOLIS: Senator from the
14 4th, you are recognized.

15 SENATOR GAETZ: Thank you. As best as I
16 can understand the question, the answer would
17 be no, but if you would like to follow up and
18 be more specific I would be happy to look in
19 the record and see if I can find any testimony
20 that would support the premise of the question.

21 PRESIDENT HARIDOPOLIS: Senator from the
22 19th, you are recognized.

23 SENATOR SIPLIN: Thank you, Mr. President.
24 I was asking Senator Thrasher during his
25 discussion he referred to communities, black

1 communities that wanted to be -- had the same
2 interest, wanted to be represented in the same
3 area, such as Ocoee, Winter Garden, and the
4 historical town of Eatonville.

5 SENATOR GAETZ: Mr. President.

6 PRESIDENT HARIDOPOLIS: Yes, Senator from
7 the 4th, you are recognized.

8 SENATOR GAETZ: Mr. President, with all
9 due respect I will be happy to yield to Speaker
10 Thrasher, but he was extending a courtesy to me
11 in reading the district descriptions, and if he
12 would care to comment that would be fine, but
13 otherwise I think your answer was laced into
14 the question.

15 And that is that there is a common
16 cultural and racial and ethnic characteristic
17 that unites the communities of that area.

18 PRESIDENT HARIDOPOLIS: All right, are
19 there any other questions? Any other
20 questions? Yes, Senator from the 15th, you are
21 recognized.

22 SENATOR DOCKERY: Thank you,
23 Mr. President.

24 Senator Gaetz, first of all, I want to
25 congratulate you on doing such a tremendous job

1 of seeking and gaining public input, and the
2 numbers and statistics that you read to us
3 earlier today were very amazing and I
4 appreciate you taking that input.

5 And it does seem from the reading of the
6 districts that some of that input was used in
7 the making of the districts, but I have to say
8 from the part of the state represented by Polk
9 County, I feel the need to speak up in -- on
10 behalf of my residents of Polk County in how
11 Polk County is treated in these maps.

12 I would preface this by saying that I
13 understand when you are drawing maps,
14 80 percent of the population of the state of
15 Florida lives within 20 miles of the coast, and
16 that you have to start from one point and work
17 your way inward.

18 Polk County not only is in the middle of
19 the state from north to south, but also in the
20 middle of the state from east to west and we
21 are used to having very strange looking
22 districts, and District 15 right now includes
23 five counties, one of which I skip over a
24 county to get to.

25 So we were hoping that under Fair

1 Districts that District 15 or whatever the
2 number associated with what would be District
3 15 would look a little bit more compact and
4 deal with communities of interest.

5 My direct question is this. Polk County
6 is split into four different Senate Districts.
7 Polk County has 602,000 residents, and a Senate
8 District is 470,000 residents.

9 Why was it necessary to split Polk County
10 into four different districts?

11 PRESIDENT HARIDOPOLIS: Senator from the
12 4th, you are recognized to respond.

13 SENATOR GAETZ: Thank you very much,
14 Senator Dockery. You accurately reflected the
15 difficulty of redistricting when one starts in
16 the northwest or if one starts in the southeast
17 or if one starts at either coast, you wind up
18 in Polk County and it is the place of
19 convergence.

20 In redistricting as you have suggested in
21 your question requires us to balance priorities
22 and this area of the state as you have
23 suggested does represent a convergence and a
24 reconciliation of many different priorities.

25 So I would ask with respect that you, that

1 you consider that there are three minority
2 opportunity districts in the vicinity.
3 District 19 of the Tampa Bay area, Districts 12
4 and 14 in central Florida. That is the first
5 consideration.

6 The second consideration is that District
7 16 and 21 follow the northern boundaries of
8 Hillsborough and Polk Counties consistent with
9 the Constitutional requirement to utilize
10 political and geographic boundaries where
11 possible.

12 Third, District 21 is based entirely in
13 Hillsborough County, respecting the county
14 boundary. These are all factors then that
15 drive what happens in Polk County.

16 Fourth, District 26 was designed to
17 reflect the rural interests of the interior of
18 the state.

19 And fifth, we sought to minimize city
20 splits along the boundary between District 16
21 and 26 and along this line the plan keeps, and
22 these are communities that you know well,
23 Bartow, Eagle Lake, Winter Haven, Dundee and
24 Highland Park whole, splitting only Lake Wales.

25 These various factors combined to result

1 in a district boundary in the Lakeland area,
2 and I would only say that we could have started
3 in Polk County and gone out.

4 And I think you make an excellent
5 argument, Senator Dockery, that we could have
6 done that, but at this point any change to this
7 part of the region would have ripple affects
8 throughout the entire area and in the bordering
9 districts, and we believe that this arrangement
10 that is in the proposal represented the best
11 reconciliation of priorities.

12 PRESIDENT HARIDOPOLIS: Further questions?
13 Senator from the 15th, you are recognized for a
14 question.

15 SENATOR DOCKERY: Thank you,
16 Mr. President. Senator Gaetz, understanding
17 that Polk County is split into four different
18 districts, also within the county, three
19 different cities in Polk County are split,
20 including Lakeland, and what concerns me the
21 most is that Lakeland, our population center,
22 is split into two districts that have a
23 minority percentage of representation of their
24 voters in Polk County.

25 So those two districts that would have

1 parts of Lakeland are being called rural
2 communities. However, if Lakeland had been
3 kept whole as I think Fair District Amendments
4 would have directed it to be, that that would
5 not have been a rural community, that would
6 have been our main population center.

7 PRESIDENT HARIDOPOLIS: Senator from the
8 4th to respond.

9 SENATOR GAETZ: That can you very much,
10 and Senator Dockery, I wish you could have had
11 the opportunity to be at the hearing that we
12 held in Lakeland and the other hearings, and I
13 think had you been there you would have, you
14 would have seen even more that the points you
15 make are accurate.

16 That there is a tension between the
17 various redistricting principles that are
18 included in Amendments 5 and 6 and the
19 expectations of those who supported Amendments
20 5 and 6.

21 I believe that Susan MacManus, who is a
22 political science professor is quoted in the
23 popular press today as saying that the
24 expectations of those who supported the Fair
25 Districts plans probably will not be met

1 because everyone had the expectation that in
2 their part of the state there would be no --
3 there would be no crossing of lines and that
4 somehow rather the district that they
5 envisioned for their neighborhood or for their
6 city would be perfect, notwithstanding its
7 affects on neighboring districts and the rest
8 of the state.

9 That is why, Senator Dockery, as we were
10 developing the Committee Substitute and
11 realizing the points that you have made we went
12 to the Supervisor of Elections of Polk County
13 and we said, given the givens, given the
14 variables that we are working with and the
15 characteristics of the community, what is your
16 evaluation of the work that we have done.

17 And I have her response here which I am
18 happy to share with you. She says, "This is
19 even better than I could have imagined. You
20 have captured the annexations by following the
21 city lines. I really appreciate that. Your
22 maps look great."

23 And then she goes on to say, "You have
24 managed to focus dealing with each and every
25 county in the state seems overwhelming, but you

1 have managed to focus on our exact concerns,
2 meaning the concerns in Polk County and help
3 with solutions, hats off to you, you are doing
4 a great job with these maps. Your work is very
5 much appreciated."

6 So again, it is hard to make everyone
7 happy and so that is why, given the concerns
8 that you have expressed which certainly are
9 legitimate concerns if one started,
10 particularly if one started in Polk County and
11 then spread out with a redistricting plan, that
12 is why we went to the Supervisor of Elections
13 who is the expert in this area and she felt
14 that the plan before you is a substantial
15 improvement.

16 PRESIDENT HARIDOPOLIS: Senator from the
17 15th for a question, you are recognized.

18 SENATOR DOCKERY: Thank you,
19 Mr. President, and thank you for that, Senator
20 Gaetz, but I would say that for every letter
21 that you can read from Polk County, I have some
22 that are very unhappy, and one community in
23 particular is Solivita.

24 Solivita is a mini villages that is on the
25 -- is wholly, resides wholly in Polk County but

1 is on the Osceola County border and they find
2 themselves clumped into the minority district
3 that goes into Osceola and Orlando and they are
4 not primarily Hispanic.

5 In fact, they are not Hispanic hardly at
6 all, and they have been used to being part of
7 the Polk County district. They did come and
8 testify. There are letters that have been
9 posted to the redistricting website, and they
10 are very unhappy about being in that district.
11 Can you explain why Solivita was lumped into
12 the Hispanic minority district?

13 PRESIDENT HARIDOPOLIS: Senator from the
14 4th, you are recognized to respond.

15 SENATOR GAETZ: Well, Senator Dockery, you
16 are right. There is a difference of opinion on
17 many points, and that is why when we try to
18 settle points of practicality and technical
19 points we have gone to, to the Supervisors of
20 Elections and asked them to help us, because
21 they understand the realities of redistricting,
22 but also the realities of running elections.

23 And that is why while you may have letters
24 from people who are unhappy and we may have
25 letters from people who are unhappy and happy,

1 all of the letters are here, by the way, and
2 unless they are in your personal file, the
3 Supervisor of Elections believes that what we
4 have here is an improvement.

5 As to why a particular community is in a
6 particular district, all I can say is that
7 sometimes, Senator, going back to a question
8 that Leader Rich asked earlier, it is necessary
9 to make sure that we have proximate equality of
10 voters in particular districts to adhere to the
11 Constitutional provision of one person, one
12 vote.

13 And so sometimes wherever you draw a line
14 some people are on one side of the line and
15 some people are on the other. Had you proposed
16 an amendment to rectify this problem, the
17 Committee could have looked at the amendment,
18 we could have taken public testimony on the
19 amendment and we could have voted it up or down
20 today, but sadly, we don't have an amendment
21 before us.

22 PRESIDENT HARIDOPOLIS: Senator from the
23 15th for a question.

24 SENATOR DOCKERY: Mr. President, this will
25 be my last question. I have a list of the

1 counties that are split. There are 31 split
2 counties, 21 of which of them are split in two.

3 Polk County is split into four and while I
4 certainly understand that our county needs to
5 be split, my question or my concern is really
6 about the fact that it is split into four
7 different counties.

8 My question is, at this juncture in time
9 is there any way that the Senate maps could
10 keep Polk County communities of interest better
11 together than what we see in today's map?

12 PRESIDENT HARIDOPOLIS: Senator from the
13 4th, you are recognized to respond.

14 SENATOR GAETZ: Thank you very much,
15 Mr. President. Senator Dockery, I think you
16 make -- you have an excellent point of view and
17 it is a valid point of view.

18 But the Reapportionment Committee
19 established amendment deadlines and the
20 amendment deadlines provided substantial public
21 notice so that there would be no surprises, no
22 gotchas, no people running in with handwritten
23 amendments at the 11th hour changing the
24 political landscape of Florida.

25 And then on this floor, on the first day

1 of session we agreed by unanimous consent to an
2 amendment deadline. The answer to the question
3 is, you know, had there been an amendment filed
4 prior to the amendment deadline to which we all
5 agreed we could have debated it and voted it up
6 or down.

7 Short of that I don't know any way that we
8 could change the maps as a Senate. Obviously
9 the next step, as I indicated in my opening
10 remarks, the next step is that we will send our
11 Bills, if we adopt them, over to our friends in
12 the House and they will add the House Districts
13 and send it back to us for a final vote.

14 I would imagine that at that time the
15 President would allow, the Rules Chair would
16 allow further amendments, and I would imagine
17 that should the courts decide that there is a
18 constitutional reason why your arguments would
19 suggest that our maps are constitutionally
20 invalid, that then there could be a remedy.

21 But short of that on this floor today I
22 fear that we don't have a vehicle for achieving
23 the goal that you would like to achieve, nor do
24 we have a vehicle for debating the merits of
25 which you would like to achieve.

1 PRESIDENT HARIDOPOLIS: Other Senators who
2 would like to ask questions. Senator Smith,
3 you are recognized for a question.

4 SENATOR SMITH: Thank you, Mr. President.
5 Looking back again, Senator, I want to take you
6 to District 7.

7 I noticed that in District 7 you have, we
8 have included Clay County, significant parts of
9 Clay County with Alachua County and I was
10 looking up in the Census Bureau, Clay County is
11 considered part of the Jacksonville
12 metropolitan area.

13 What interest or why did we put Clay
14 County within Alachua County basically?

15 PRESIDENT HARIDOPOLIS: Senator from the
16 4th, Senator Gaetz, you are recognized.

17 SENATOR GAETZ: Thank you very much,
18 Mr. President, and thank you for that question.
19 As reflected in the record of public testimony
20 which you are welcome to review, citizens from
21 Alachua, Bradford and Clay Counties requested
22 that we group their counties with others like
23 them so that they would not be lumped in with
24 larger municipalities such as Jacksonville or
25 Orlando, and thereby lose their ability to be

1 effectively an fairly represented in the
2 legislature.

3 I am a former resident of Clay County, and
4 while I think that you are correct that, that
5 demographers in Washington may consider Clay
6 County to be part of the Jacksonville
7 metropolitan area, I would give the same answer
8 I gave when I asked about SMAs before.

9 And that is while SMAs are a convenient
10 way for demographers to group populations,
11 SMSAs don't necessarily reflect what actually
12 goes on on the ground.

13 That is why we went to Jacksonville, that
14 is why we went to northeast Florida and took
15 public testimony. Certainly, Senator Smith, we
16 could have, we could have grouped Clay County
17 in with Jacksonville, but it seemed based upon
18 the commonality of interest that were expressed
19 in testimony and the fact that we could
20 accomplish this district in conformance with
21 constitutional and legal requirements, that it
22 was best to listen to what people told us and
23 to act on their testimony.

24 PRESIDENT HARIDOPOLIS: Senator from the
25 29th, Senator Smith, you are recognized for a

1 question.

2 SENATOR SMITH: In District 8, somebody
3 said earlier, this sparked my interest, you
4 said that you used a percentage of 69 percent
5 when it came to Volusia County.

6 Did you mean that 69 percent of Volusia
7 County is in District 8 or 69 percent of
8 District 8 is Volusia County?

9 PRESIDENT HARIDOPOLIS: Senator from the
10 4th, you are recognized to respond.

11 SENATOR GAETZ: Thank you very much,
12 Mr. President. Over 69 percent of District 8
13 is made up of residents of Volusia County and
14 not a single Volusia municipality is divided.

15 PRESIDENT HARIDOPOLIS: Further questions,
16 Senator from the 33rd, Senator Braynon for a
17 question. You are recognized.

18 SENATOR BRAYNON: Thank you,
19 Mr. President. I want to go back to a question
20 that I asked earlier, a little bit about
21 coalition seats. And is it possible -- is it
22 possible for a minority -- we mentioned
23 minority performance seat.

24 Would it be possible to draw a minority
25 performance seat with the standards that we

1 used with it not being majority voting age
2 population minority?

3 PRESIDENT HARIDOPOLIS: Senator from the
4 4th, you are recognized to respond.

5 SENATOR GAETZ: Thank you, Mr. President.
6 I never used the term minority performance
7 district. That is not a term of art or a term
8 of law.

9 PRESIDENT HARIDOPOLIS: Senator from the
10 33rd for a question. You are recognized.

11 SENATOR BRAYNON: So we never -- so -- if
12 I take out minority performing, I said district
13 that allows access to, what is your term that
14 you used? I don't know it specifically by
15 word, but we have used it, Senator Thrasher
16 used it.

17 PRESIDENT HARIDOPOLIS: Senator from the
18 4th, you are recognized to respond.

19 SENATOR GAETZ: Again, you are an attorney
20 and I am not, so please -- you are not, well
21 then I like you even better, and I say that
22 with a son as an attorney.

23 Well, then, layman to layman, the terms
24 that I used in the explanation were
25 minority-majority districts and minority

1 opportunity districts. I believe those are
2 terms of art.

3 PRESIDENT HARIDOPOLIS: Senator from the
4 33rd for a question. You are recognized.

5 SENATOR BRAYNON: Let me rephrase my
6 question using those terms. If you -- if a --
7 if a district does not have a majority,
8 minorities, could it be a minority access
9 district?

10 PRESIDENT HARIDOPOLIS: Senator from the
11 4th, you are recognized for a response.

12 SENATOR GAETZ: I am afraid that calls for
13 a legal conclusion, and I would, Senator
14 Negrón, if you are with us, Senator Thrasher, I
15 don't know the answer to that question.

16 I think it is a legal question that -- is
17 there -- do either of you have a comment on
18 that? Senator Negrón?

19 PRESIDENT HARIDOPOLIS: Senator from the
20 33rd, if you can -- again ask the question to
21 the Senator from the 28th, that might be
22 beneficial.

23 SENATOR GAETZ: I yield, Mr. President.

24 PRESIDENT HARIDOPOLIS: So Senator from
25 the 33rd, if you can rephrase your question for

1 the Senator from the 28th, then we may can help
2 out.

3 SENATOR BRAYNON: I will repeat it and try
4 to give an example so maybe it is clearer. I
5 asked, could you create a minority access seat
6 or a minority coalition or minority -- what was
7 the other -- minority-majority seat if the
8 voting age population was not
9 majority-minority.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 28th.

12 SENATOR BRAYNON: And I said I was going
13 to give an example, too, I am sorry.

14 PRESIDENT HARIDOPOLIS: Okay, please,
15 Senator from the 33rd, please give us an
16 example.

17 SENATOR BRAYNON: I guess an example is we
18 have a district currently that performs as a
19 minority, is an African-American seat, but the
20 minority, but they are the minority of that
21 district at 28 percent. But yet there is a
22 minority candidate elected in that seat, as an
23 example.

24 PRESIDENT HARIDOPOLIS: Senator Negrón,
25 you are recognized to respond.

1 SENATOR NEGRON: Thank you, Mr. President,
2 thank you, Senator Gaetz. I think you are
3 asking a demographic question and not a legal
4 question, because the law is very clear in the
5 Constitution that based on Amendments 5 and 6
6 that the districts shall not be drawn to
7 diminish the ability of minorities to elect
8 representatives of their choice.

9 And then you remember that Senator
10 Thrasher talked about the Tier 1 and 2
11 standards. There is not a clear bright line
12 test as to what that means, but some of the
13 questions that we would ask is, you know, does
14 the proposed map make it more difficult for
15 minorities to elect their preferred candidates.

16 Do minorities in these districts, would
17 they be less likely or as likely to elect their
18 preferred candidates whether the proposed map
19 makes safe, makes minority districts less safe.

20 So in our maps, meaning our, the maps that
21 we are considering today, we did not diminish
22 the ability of minorities to elect candidates
23 of their choice, and as you know, we followed
24 substantially the suggestions by the NAACP on
25 minority districts.

1 So I think you are asking a very good
2 question, but I don't think it is a direct
3 legal constitutional question. It is a
4 question of could a candidate who is a minority
5 attract other members of other races to vote
6 for him or her.

7 I think the answer for that is we have
8 seen is yes, but I think it doesn't go into the
9 legalities of how we draw the districts.

10 PRESIDENT HARIDOPOLIS: Senator from the
11 4th, you are also recognized to respond.

12 SENATOR GAETZ: Thank you very much,
13 Mr. President. And the second part of your
14 question, Senator Braynon, said could a
15 minority-majority district be created or be
16 established without a majority of minorities.

17 And the answer is definitionally, no. By
18 definition a minority-majority District has a
19 majority of minorities. I apologize for the
20 rhetorical flourish there, but nonetheless, the
21 answer to your question there is definitionally
22 it would not be possible.

23 PRESIDENT HARIDOPOLIS: No further
24 questions? Senator Gaetz, the floor is yours.
25 What is your pleasure?

1 SENATOR GAETZ: Mr. President, I
2 appreciate the questions that members of the
3 Senate have asked crossing all political
4 boundaries and all parts of the state, and I
5 appreciate, Mr. President, your willingness to
6 allow questions to the point where everyone's
7 questions have been exhausted.

8 If everyone's questions have been
9 exhausted, then, Mr. President, I would ask
10 your permission to roll to third reading on
11 Senate, on this Senate Joint Resolution before
12 us in order that we may engage in debate.

13 PRESIDENT HARIDOPOLIS: Well, let me first
14 ask, are there any further questions that
15 people, Senators would like to ask before I
16 entertain the motion to roll to third reading?

17 Are there any other further questions on
18 Senate Bill 1176?

19 Okay, Senator Rich, you are recognized if
20 you would like to make some comments.

21 SENATOR RICH: Thank you, Mr. President.
22 I appreciate the desire to roll to third
23 reading, but there were a lot of questions, a
24 lot of very thoughtful answers and I would like
25 the Minority members who did ask questions

1 today and to have an opportunity to think about
2 the debate and to be able to come back tomorrow
3 and debate the Bill before its final vote.

4 PRESIDENT HARIDOPOLIS: Senator from the
5 4th, you are recognized.

6 SENATOR GAETZ: Thank you, Mr. President.
7 I respect the Minority Leader's point of view,
8 but there is no way to predict that the debate
9 would not go on until tomorrow, and that is why
10 we entertained every question that everyone
11 had.

12 These maps have been publicly available in
13 their substantive entirety since the 28th of
14 November. The majority of the Senate is, are
15 members of the Senate Reapportionment
16 Committee.

17 There are no surprises here. There is no
18 new information here. There are no amendments
19 here, and therefore, Mr. President, I would ask
20 the Minority Leader to withdraw her objection
21 to roll to third reading, and failing that, I
22 would suggest the absence of a quorum and
23 request that a two-thirds vote roll to third
24 reading.

25 PRESIDENT HARIDOPOLIS: Senator from the

1 34th, you are recognized to respond.

2 SENATOR RICH: Thank you, Mr. President.

3 It is true that we have had these maps, but the
4 discussion today sheds light in different
5 areas, certain concepts that we would like to
6 be able to discuss before having an opportunity
7 to debate on the issue. So I do not withdraw
8 my opposition to rolling it today.

9 PRESIDENT HARIDOPOLIS: All right, all of
10 those -- first I would like to make a -- the
11 Secretary please have a quorum call.

12 THE CLERK: Quorum call.

13 PRESIDENT HARIDOPOLIS: Quorum call.

14 THE CLERK: Senators, please indicate your
15 presence.

16 PRESIDENT HARIDOPOLIS: Senator Flores and
17 Senator Bullard. Senator Flores.

18 Senator from the 4th, you are recognized.

19 SENATOR GAETZ: Thank you, Mr. President.

20 While we are engaging in a quorum call, some
21 Senators as you indicated they could have left
22 the floor in order to attend other Senate
23 business, and therefore, Mr. President, I ask
24 that the Senate do stand in recess for five
25 minutes so that all Senators present may answer

1 the quorum call.

2 PRESIDENT HARIDOPOLIS: Objection? The

3 Senate is in recess for five minutes.

4 (Brief recess taken.)

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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 1 through 169 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 23rd day of January, 2012.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014