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CONGRESSIONAL REDISTRICTING SUBCOMMITTEE MEETING

MONDAY, OCTOBER 17, 2011

Transcribed by:

CLARA C. ROTRUCK

Court Reporter

1 T A P E D P R O C E E D I N G S  
2 THE CLERK: Representatives Abruzzo?  
3 REPRESENTATIVE ABRUZZO: Here.  
4 THE CLERK: Albritton?  
5 REPRESENTATIVE ALBRITTON: Here.  
6 THE CLERK: Brodeur?  
7 REPRESENTATIVE BRODEUR: Here.  
8 THE CLERK: Burgin?  
9 REPRESENTATIVE BURGIN: Here.  
10 THE CLERK: Chestnut?  
11 REPRESENTATIVE CHESTNUT: Here.  
12 THE CLERK: Fullwood?  
13 REPRESENTATIVE FULLWOOD: Here.  
14 THE CLERK: Goodson?  
15 REPRESENTATIVE GOODSON: Here.  
16 THE CLERK: Horner?  
17 REPRESENTATIVE HORNER: Here.  
18 THE CLERK: Legg?  
19 REPRESENTATIVE LEGG: Here.  
20 THE CLERK: Passidomo?  
21 REPRESENTATIVE PASSIDOMO: Here.  
22 THE CLERK: Plakon?  
23 REPRESENTATIVE PLAKON: Here.  
24 THE CLERK: Reed?  
25 REPRESENTATIVE REED: Here.

1 THE CLERK: Taylor?

2 REPRESENTATIVE TAYLOR: Here.

3 THE CLERK: Trujillo?

4 REPRESENTATIVE TRUJILLO: Here.

5 THE CLERK: Chair Holder?

6 REPRESENTATIVE HOLDER: Here.

7 THE CLERK: You have a quorum.

8 REPRESENTATIVE HOLDER: Great. Thank you,  
9 Katie.

10 Members, today we are going to delve  
11 deeper into options for Florida's Congressional  
12 map based on points raised by several of you at  
13 our last meeting. Specifically we will be  
14 hearing a presentation from our staff regarding  
15 the following points that you raised:

16 Options for urban communities, high-growth  
17 communities, minority communities, and options  
18 for starting the maps in central Florida, which  
19 I believe we have Representative Horner to  
20 thank.

21 Today's topics will carry forward into our  
22 meeting during the next interim committee week.  
23 Today we will cover the Duval County area,  
24 central Florida and Tampa area. During our  
25 next meeting, we will cover south Florida.

1           Beyond that, members, we have a big task  
2           in front of us. Chair Weatherford has asked  
3           this subcommittee to approve three complete  
4           options for a Florida Congressional map.  
5           Realistically, Co-Chair Legg and I will --  
6           would like to start work-shopping at least some  
7           complete options before Thanksgiving. To get  
8           there, I expect that we will be asking staff to  
9           come up with at least three complete options,  
10          maybe more, along with many member bills that  
11          -- with any member bills that get filed.

12                 So today and our next meeting and in  
13           between -- today, our next meeting and in  
14           between is the best time for you to shape what  
15           our staff produces and ultimately what we vote  
16           on as a subcommittee. The more substantive and  
17           interactive these meetings are, the more likely  
18           we can vote on options and send them to the big  
19           Committee in a timely fashion. So I ask that  
20           each of you -- I ask each of you to be ready to  
21           ask questions and share your input today and at  
22           our next meeting as we look to narrow what  
23           options should be considered for Florida's  
24           Congressional map.

25                 With that being said, are there any

1 questions, members?

2 Representative Taylor, you are recognized  
3 for a question.

4 REPRESENTATIVE TAYLOR: Yes, and thank  
5 you, Mr. Chair, you do sound a lot better this  
6 time.

7 REPRESENTATIVE HOLDER: I am almost  
8 better. Hopefully I won't start coughing  
9 again, but thank you.

10 REPRESENTATIVE TAYLOR: When you are  
11 referring to the three bills that -- are these  
12 the PCBs, or are these member bills, or are we  
13 going to do three PCBs and additional member  
14 bills?

15 REPRESENTATIVE HOLDER: We are going to  
16 have at least three options to present to the  
17 big Committee. It could be a combination, it  
18 could be solely one or the other, but we are  
19 going to have a minimum of three options to  
20 take to the big Committee.

21 REPRESENTATIVE TAYLOR: And just to follow  
22 up on that, Mr. Chair, so are you then  
23 suggesting that the Committee -- those three  
24 PCBs, or would they be PCBs? That is what I am  
25 really trying to understand is that -- are we

1 as a Committee going to have -- initiate those  
2 PCBs?

3 REPRESENTATIVE HOLDER: What I am trying  
4 to -- and I don't mean this to sound  
5 condescending in any way, but what I am trying  
6 to convey is that it can be one or the other,  
7 or a combination of the two, but we will have  
8 three options to present to the big Committee  
9 at a minimum, three minimum to take to the big  
10 Committee. So it can be a member Bill, it  
11 could be two PCBs, it could be three PCBs, it  
12 could be three member bills. It just depends  
13 on what we produce out of this Committee.

14 REPRESENTATIVE TAYLOR: Okay, Mr. Chair.  
15 I am just trying to understand if the Committee  
16 is going to go through the process of it being  
17 a PCB as opposed to one of the members filing  
18 --

19 REPRESENTATIVE HOLDER: If a member were  
20 to bring forward a Bill that we agree should be  
21 one of the three, then it will be included as  
22 one of the three, or it could be a fourth.

23 REPRESENTATIVE TAYLOR: Okay.

24 REPRESENTATIVE HOLDER: Members, any other  
25 questions? Representative Taylor, did I answer

1 your question okay?

2 REPRESENTATIVE TAYLOR: Not exactly, Mr.  
3 Chair, with all due respect. I am just trying  
4 to understand if we -- if a member has to file  
5 a Bill, and we -- obviously that could be one  
6 of the three, but if it is going to be a PCB,  
7 then how will we end up constructing that  
8 particular map for that PCB? Because, you  
9 know, the member can just file it.

10 REPRESENTATIVE HOLDER: Sure. We would --  
11 I would assume that in that situation, we would  
12 workshop it to an extent, it would still be  
13 considered that member's Bill, and it at that  
14 point would be still considered a member's  
15 Bill, but we would discuss it in this Committee  
16 to workshop it and try to hone any issues that  
17 this Committee feels that should be honed.

18 Okay, members, if you open your packets,  
19 you will find the substance of today's  
20 presentation that will be given by our staff  
21 director, Alex Kelly, and during that  
22 presentation, I want you to feel free to ask  
23 questions, share your thoughts, so just get my  
24 attention at any point if you want to comment,  
25 and we will pause the presentation at the next

1 appropriate point.

2 Mr. Kelly, you are recognized to present  
3 the Congressional map options to the Committee.

4 MR. KELLY: Thank you, Mr. Chair. Thank  
5 you, members.

6 Members, in today's presentation, as Chair  
7 Holder said, I will be going through input as  
8 it relates to the Duval County area, as it  
9 relates to Orange County, central Florida and  
10 as it relates to Hillsborough and Pinellas  
11 counties, and then next week dealing with the  
12 south Florida counties. And based on the  
13 comments that you made, that you members made  
14 at the last meeting, looking at different types  
15 of communities around the state, there is some  
16 overlap to these. So in several of the  
17 different suggestions and public input and so  
18 forth that we will be discussing today, some of  
19 these overlap to a couple of the different  
20 topic areas that you brought up at your last  
21 meeting.

22 But just to throw out a couple qualifiers  
23 for what is being covered here, when you  
24 mentioned urban communities and options for  
25 urban communities in your last meeting, that is

1 defined in this presentation as the seven  
2 largest counties in the state of Florida:  
3 Miami-Dade, Hillsborough, Broward, Palm Beach,  
4 Orange, Pinellas and Duval Counties.

5 You mentioned high-growth communities. We  
6 looked to the Legislature's Office of Economic  
7 and Demographic Research, and essentially, if  
8 you look in your packet or on the screen, the  
9 reds and the blues are what is being covered.  
10 Of course, there is some overlap with the first  
11 list of counties that I mentioned.

12 In terms of looking at minority  
13 communities and how they may be affected and  
14 defining some initial points for the maps for  
15 minority communities, looked at a number of  
16 different communities, there is some overlap,  
17 again, to what some of the other counties that  
18 were mentioned, and then there are some that  
19 were not mentioned like Leon County and Gadsden  
20 County.

21 Then in terms of this presentation, we are  
22 going to start in Duval County, and then in  
23 covering that, we are going to cover also the  
24 minority communities in Alachua, Gadsden and  
25 Leon County as it relates to the Congressional

1 map. Today there is a minority access seat in  
2 the northeastern region of the state that is  
3 based out of Duval, goes down to Gainesville,  
4 goes down to Orlando and picks up communities  
5 along the way. That seat has approximately a  
6 49 percent African-American voting age  
7 population.

8 There were different suggestions from the  
9 public that very specifically addressed this  
10 seat and how to retain this seat in some  
11 manner, and they were -- the suggestions  
12 varied, and we will go through those here.

13 If you go to page six in your packet, the  
14 actual very first map that the Legislature  
15 received when it began accepting maps from the  
16 public, this individual took that seat and  
17 increased the voting age population beyond the  
18 50 percent threshold for the African-American  
19 community. The seat does actually take the  
20 district out of Volusia County, so it does  
21 reduce its impact on one particular county, and  
22 to an extent, it actually -- while the  
23 population seat grows, it actually thins the  
24 district out to an extent.

25 On the same page, next slide, the 75th

1 plan that the Legislature received was actually  
2 from a Broward County resident who offered a  
3 unique set of suggestions for guarding this  
4 district and a different approach to it. The  
5 individual actually at the Davie meeting turned  
6 in three handwritten or three hand-drawn maps,  
7 and then eventually electronically submitted  
8 this map. The district that this individual  
9 submitted runs from Jacksonville all the way  
10 over through Gadsden County. It is the  
11 darker-colored district. As you probably  
12 notice right away, this individual included all  
13 of Franklin County, so, technically, what they  
14 submitted would have to be reworked because it  
15 divides then the Congressional district that is  
16 south of that, so it would be non-contiguous.

17 This particular submission was around  
18 about a 42 percent African-American voting age  
19 population, so it reduces the African-American  
20 voting age population. You could likely  
21 increase that to the 44 or 45 percent range if  
22 you took this seat down to the Gainesville  
23 area. Again, that was -- the individual  
24 actually submitted handwritten comments, too,  
25 and that was one of his suggestions was to take

1           it down to the Gainesville area if your intent  
2           was to increase its African-American voting age  
3           population, but so it is distinctly different  
4           than most other suggestions that relate to this  
5           district.

6           And then coming back to more of the  
7           similar form that the district takes -- takes  
8           today, there were a couple of suggestions  
9           received similar to this one, the 19th plan  
10          that was received, that essentially redrew a  
11          similar district, albeit it did slightly reduce  
12          the African-American voting age population by a  
13          percentage point to 48 percent. Now, this  
14          person also, though, took the opportunity to  
15          take the district out of Volusia County.

16          And so, moving on, there was a series of  
17          suggestions regarding northeast Florida that  
18          related to the prior that reduced the number of  
19          Congressional districts that impact Duval  
20          County, and that did seem to be a difference  
21          between the suggestions, and if you put it in  
22          the light of an either/or type of decision,  
23          there was a distinction between those who  
24          reduced the number of Congressional seats to  
25          just two in Duval versus those who had more in

1 Duval County.

2 And, moving on, one of the points that  
3 came up frequently throughout the state was how  
4 exactly it is that a seat is anchored to an  
5 area or a community, and it is relevant all  
6 over the map, particularly though if you look  
7 at these districts that were actually just  
8 recently submitted this past week. This  
9 individual -- when I say anchored, this  
10 individual tied each of these seats in one  
11 case, to the Alachua County community, in  
12 another case, to Marion County, in another  
13 case, to Volusia County. So each seat has a  
14 significant population base that serves as the  
15 focal point when you look at where the  
16 population comes from. And it is a relevant  
17 point to the extent that many times in the  
18 public meetings, you heard from persons who  
19 suggested that they wanted their elected  
20 official to come from a particular area.  
21 Drawing districts this way does increase the  
22 likelihood that that is going to occur, so it  
23 did correspond to -- this particular suggestion  
24 corresponds to a lot of the public input just  
25 as a sort of overarching point.

1           Moving on to page nine in your packets,  
2           moving into central Florida where principally  
3           we will talk about Orange County, but we will  
4           also be talking about Lake, Polk and Osceola  
5           Counties, of course, this district -- this  
6           region of the state also encompasses some of  
7           the territory that is in northeast Florida as  
8           well. And so the Congressional District 3,  
9           which, again, has a 49 percent African-American  
10          voting age population, comes all the way into  
11          Orlando.

12           For this region of the state, we look at  
13          Districts 5, 6, 7, has approximately, just  
14          within those three districts, something about  
15          450,000 people that have to be moved into  
16          another district. So the overpopulation of  
17          just those three districts almost creates  
18          two-thirds of another district in the northern  
19          central part of the state.

20           There was a submission to the Legislature  
21          that came actually at the Orlando public  
22          hearing, and that submission was to create a  
23          Hispanic access seat in Orange, Osceola and  
24          Polk Counties, and this seat crosses into Polk  
25          right around the Poinciana -- I hope I am

1 saying that correctly -- community, Poinciana  
2 community. The submitted seat gets to a little  
3 past the 43 percent threshold for the Hispanic  
4 voting age population. There were other  
5 versions of this seat submitted. It appears  
6 that some of the map drawers who've submitted  
7 seats within the last month were -- on more  
8 than one occasion took this district and  
9 incorporated it into their maps that they  
10 submitted to the Legislature, albeit this is  
11 amongst the higher Hispanic voting age  
12 populations of the different variations that we  
13 have seen of this suggestion.

14 Moving on, in Orange County, in central  
15 Florida, one of the interesting points or  
16 themes that you could see, again, kind of  
17 getting into the either/or type of decisions  
18 that you might be able to make, is the  
19 relationship that Orange County has with its  
20 surrounding counties, and, likewise, the  
21 relationship that, for example, Osceola County  
22 has with its surrounding counties, and there  
23 were different and contrasting proposals that  
24 were made. There were a number of proposals to  
25 link Osceola with Orange, but there were a

1 number of proposals that only suggested to do  
2 so in part, and so there's definitely some  
3 difference in terms of what the public was  
4 asking you to consider.

5 In this particular case, on page 11 in  
6 your booklet, this particular individual  
7 connected Osceola with Polk County, Orange with  
8 Lake, Orange with Seminole, and then attempted  
9 to create something of the Hispanic access  
10 seat, although did not cross into Polk County.  
11 That left the Hispanic voting age population at  
12 under 40 percent.

13 Moving on to page 12 in your packet, the  
14 suggestion here was similar in that, again, it  
15 attempted to create that Hispanic access seat.  
16 The voting age population of that seat was a  
17 little higher, it was 38 percent and, again,  
18 did not cross into Polk County. This  
19 individual, though, connected Osceola with  
20 Orange and Brevard Counties, again, Orange with  
21 Lake, and then, again, Orange with Seminole.  
22 In this sense, comparing the two, Orange is  
23 somewhat more regionalized in terms of its  
24 connection to the various communities around  
25 it.

1           Moving on to the next point, there is --  
2           in terms of access for the African-American  
3           community, there is the seat coming down from  
4           Duval County and there is an interesting  
5           relationship in how different persons of the  
6           public presented that with other ideas, and  
7           what those ideas may -- they may overlap, may  
8           conflict. In the case of the Hispanic access  
9           seat that was submitted, there is a small  
10          overlap, not significant that would be to the  
11          detriment, but there is a small overlap of the  
12          two seats.

13           On page 14 in your packet, what you will  
14          see is if you -- the first example that is on  
15          the slide here, if you basically covered the  
16          Hispanic access seat with the African-American  
17          Congressional District 3, if you covered it,  
18          what it would do is it would shift the voting  
19          age population down just slightly to 43 percent  
20          for the Hispanic access seat, and you would  
21          have about -- just under 40,000 residents to  
22          add to the seat.

23           In the reverse, going to the next slide,  
24          if you took that Hispanic seat and put that on  
25          top of the territory, on top of the geography

1 of the existing Congressional -- or, actually,  
2 I shouldn't say the existing District 3. This  
3 is the redrawn District 3 that was in plan 62.  
4 If you put the Hispanic access seat on top of  
5 that, it reduces the African-American voting  
6 age population just down to 48 percent. So,  
7 again, not a great conflict in terms of the  
8 effects, but there is a slight overlap.

9 In terms of Lake and Polk Counties, they  
10 share an interesting relationship in how  
11 Congressional districts are divided in this  
12 region, because essentially they are down your  
13 middle corridor of the state. So when you are  
14 building districts, it is not just substantive  
15 issues, but there's a technical issue of what  
16 you do with Lake County, what you do with Polk  
17 County can dramatically affect what you do to  
18 the east and west in the map, regardless of the  
19 substance of it. And so in this particular  
20 case, this individual grouped together Lake,  
21 Sumter, a good portion of Marion, including  
22 Ocala, and then a little bit of Hernando County  
23 as well. The intent may have been to perhaps  
24 wrap in The Villages community or so forth,  
25 but, again, the point being that this

1 particular decision, if this is something where  
2 you heard at The Villages meeting, "Keep The  
3 Villages community together," if that was a  
4 decision you wanted to make, it has this effect  
5 then of changing your path down the state and  
6 what you will do in the Orlando area and  
7 potentially in the Tampa area as well.

8 And then looking to Polk County, some of  
9 the prior -- some of the prior examples we  
10 looked at before connected Polk County with  
11 either Osceola, or connected Polk County with  
12 Hillsborough. We included this example from  
13 plan 19 just to show how some individuals did  
14 take the southern half of Polk County, Bartow  
15 was suggested as a theoretical, I won't say  
16 perfect dividing line, but the southern half of  
17 Polk County with some of the rural counties to  
18 the south of it, although in this particular  
19 example, the individual then takes it all the  
20 way down into Charlotte and Lee Counties as  
21 well, which could be argued it could defeat the  
22 point of it being a rural district, but,  
23 nonetheless, again, there was a clear signal  
24 from some individuals that they were okay with  
25 taking the southern half of Polk and putting it

1           into a different district.

2           In terms of the question of starting --  
3           starting the map-building process in Orange  
4           County, the way we choose to look at this is it  
5           seemed that the question was rooted in central  
6           Florida being divided up and having more county  
7           divisions and more geographical division. So  
8           we looked for a suggestion from the public that  
9           for the most part didn't divide up the Orange  
10          County area much. In this case, this plan only  
11          divided Orange County three different ways.  
12          Essentially it took a lot of downtown Orlando,  
13          put that into a district. In fact, this  
14          individual only divided four cities in the  
15          entire state, which was -- which was a rather  
16          remarkable thing, but downtown Orlando into one  
17          district, going somewhat into Osceola County,  
18          taking east Orlando, putting that into Brevard,  
19          taking west Orlando and combining that with  
20          some of Seminole and Osceola and Polk.  
21          However, looking at this suggestion and  
22          thinking about how to build this forward, this  
23          does eliminate -- at least on its face, this  
24          does eliminate the African-American access  
25          seat. So if your intent then was to keep that

1 seat, what we did was we took the access seat  
2 submitted in plan 62 and meshed it with -- this  
3 seemed to be the driving force behind the plan  
4 that was submitted in 31, so essentially this  
5 brings the access seat into Orlando. The  
6 county then has to be divided four ways,  
7 because the population wouldn't work out  
8 otherwise. And so what this does here is  
9 this -- again, thinking about building in  
10 central Florida first and building out, this  
11 takes a large portion of western Orange County,  
12 combines it with Lake and with Sumter, not all  
13 of Lake though. That district is relatively  
14 close in population. This district takes -- or  
15 this configuration takes most of Seminole,  
16 combines it with some of Orange, and then it  
17 keeps pieces -- it keeps Brevard whole, Polk  
18 whole, Volusia whole, and then in terms of how  
19 you would carry forth something like this if  
20 you wanted to follow this through, I would  
21 suggest that you would want to take these  
22 districts and go directly south or directly  
23 north, because your way of building and  
24 completing your map, any flexibility you may  
25 have, you need those western then Florida

1 counties, so you need the Tampa area in case  
2 you go through the process of building this and  
3 you realize you need to make corrections and  
4 make adjustments. If you go directly west, you  
5 have essentially cut the state in half, and  
6 then you have to hope your population works  
7 out. So, again, to build this out, you'd want  
8 to basically go directly south and directly  
9 north to leave yourself some flexibility in  
10 building your map.

11 In terms of the Tampa area, these are the  
12 current Congressional districts in the Tampa  
13 area, and for the purposes of this, we are  
14 including Pasco County as a high-growth area in  
15 this part of the discussion.

16 Congressional District 5, which actually  
17 was mentioned before in another region, again,  
18 is a high-growth area as a whole and is  
19 33 percent over-populated, so that is going to  
20 affect what options you may have in a region  
21 like this.

22 Congressional District 11 is a point of  
23 discussion in that today, Congressional  
24 District 11 has almost a 27 percent black  
25 voting age population and almost a 26 percent

1 Hispanic voting age population; however, it  
2 does not actually elect a candidate from either  
3 group. So it is a discussion point in terms of  
4 candidate of choice and whether or not you  
5 would want to still maintain something similar  
6 to that in terms of the voting age population  
7 of those groups.

8 Looking at the different public  
9 suggestions that came forward, what was clear  
10 in a number of suggestions was an attempt to  
11 give a singular or near singular voice in terms  
12 of a seat almost entirely located, or entirely  
13 located in Pinellas and Hillsborough Counties.  
14 And so, for example, this map has a seat that  
15 is nearly all in Pinellas County, has another  
16 seat that is all in Hillsborough County,  
17 Pinellas and Hillsborough then split another  
18 district, and then because of that decision,  
19 what the map drawer was able to do was give a  
20 seat that is almost entirely, not completely,  
21 but almost entirely Pasco, Hernando and Citrus  
22 Counties, and then to the south, a seat that is  
23 almost all of Manatee and Sarasota. It is  
24 missing a little bit of the bottom of Sarasota  
25 because Manatee plus Sarasota is just

1 slightly -- about 5,000 people over the size of  
2 a Congressional district. But so the intent  
3 that the map drawer had, at least seemed to  
4 have, of having districts that were very much  
5 wholly in a county or near wholly in a county  
6 ended up then allowing the map drawer to do the  
7 same as they went north and south in the  
8 region.

9 Looking at the next suggestion, this was  
10 an interesting suggestion along similar lines  
11 in that the map drawer seemed to wish to give,  
12 again, Hillsborough and Pinellas dedicated  
13 seats in Congress. What is interesting here is  
14 the map drawer does not cross any bridges. To  
15 do this, if your intent was you didn't want to  
16 cross the waterway in Pinellas County and  
17 Hillsborough County, you effectively have to  
18 build the district in southern Pinellas first  
19 and work your way around the region. Then if  
20 you pulled back and looked at the whole map, it  
21 appears that's what the map drawer did was  
22 build southern Pinellas and around, and then  
23 came back down through Manatee and Bradenton --  
24 Manatee and Sarasota Counties.

25 Now, in the prior examples, though, none

1 of those examples came close to the current  
2 minority voting age populations for a  
3 Congressional -- that Congressional District 11  
4 has today. In terms of just finding an example  
5 that did, map number 69 was slightly below in  
6 both regards, but was close to the current  
7 minority populations of that district, both for  
8 African-Americans and for Hispanics. And that  
9 is the district that crosses from Hillsborough  
10 into Pinellas.

11 In terms of Pasco County, there was -- it  
12 was interesting to see the different  
13 suggestions that came up, of course, in many  
14 ways, a bedroom county to Hillsborough into  
15 Pinellas. This was a different suggestion that  
16 came up actually in the third map that was  
17 received and was actually presented at the  
18 Duval County meeting. In this particular case,  
19 the individual put all of Pasco, all of  
20 Hernando, a bit of Tampa -- a bit of  
21 Hillsborough, actually, I should say -- I think  
22 it is actually outside the City of Tampa -- and  
23 then southern Sumter County into a district.  
24 The individual didn't perfectly exclude The  
25 Villages out of this, although in terms of

1 Sumter County, there are two dynamically  
2 different populations in that county, so if  
3 someone was going down that path of putting The  
4 Villages in one district and the rest of the  
5 county in another, they could do that. So this  
6 was a different look at what happens to outside  
7 the Tampa/St. Pete area in a high-growth area.

8 And with that, Mr. Chair, that is the  
9 presentation.

10 REPRESENTATIVE HOLDER: Thank you, Mr.  
11 Kelly.

12 Members, this being a good place to stop,  
13 why don't we open it up for any questions or  
14 comments. Representative Bernard, you are  
15 recognized.

16 REPRESENTATIVE BERNARD: Thank you, Mr.  
17 Chair. Alex, I want to thank you for your  
18 presentation.

19 Going to, I guess, page five of the  
20 presentation, Congressional District 3, my  
21 question is -- I have a series of questions,  
22 Mr. Chair.

23 REPRESENTATIVE HOLDER: Yes. Go ahead and  
24 continue.

25 REPRESENTATIVE BERNARD: Thank you, Mr.

1 Chair.

2 Is District 3 protected by the Section 2  
3 of the Voting Rights of 1965, or is it -- or  
4 under any federal law?

5 REPRESENTATIVE HOLDER: Mr. Kelly.

6 MR. KELLY: To the best of my -- thank  
7 you, Mr. Chair.

8 To the best of my understanding, it falls  
9 under the threshold that was referenced in the  
10 Bartlett v. Strickland case of being a  
11 majority-minority community. So in that sense,  
12 I don't believe that Section 2 explicitly  
13 protects it, but to what extent it could be  
14 diminished and whether the Voting Rights Act  
15 kicks in at any point, I would probably prefer,  
16 if it is okay, to ask our counsel to give a  
17 more comprehensive answer.

18 REPRESENTATIVE HOLDER: Would that suffice  
19 at this point, or would you rather move on to  
20 other questions and --

21 REPRESENTATIVE BERNARD: I would move on  
22 to other questions.

23 REPRESENTATIVE HOLDER: Okay. Go ahead.

24 REPRESENTATIVE BERNARD: Thank you, Mr.  
25 Chair.

1           Going along with -- thank you, Mr.  
2           Chair -- with that question, we heard the term  
3           of, you know, minor- -- do we know like an  
4           exact percentage, or have we analyzed the  
5           percentage for -- to determine how -- in the  
6           Jacksonville area, how a minority -- what would  
7           be the percentage sufficient for a minority to  
8           elect a Representative of their choice?

9           REPRESENTATIVE HOLDER: Mr. Kelly.

10          MR. KELLY: Thank you, Mr. Chair.

11          We haven't done an analysis of that  
12          generally, seat by seat. That is a  
13          fact-specific type of analysis that you would  
14          have to do. The answer may be different in  
15          Jacksonville as compared to other parts of the  
16          state, but we haven't done an analysis of that.

17          REPRESENTATIVE BERNARD: Follow-up,  
18          Mr. Chair?

19          REPRESENTATIVE HOLDER: Follow-up.

20          REPRESENTATIVE BERNARD: So the analysis  
21          would be different based on the different  
22          regions of the state?

23          REPRESENTATIVE HOLDER: Mr. Kelly.

24          MR. KELLY: Thank you, Mr. Chair.

25          Based on the different regions and a

1 number of circumstances, yes, sir. The  
2 analysis is a very fact-specific type of  
3 analysis. You look at elections history in a  
4 community, you look at history of partisan  
5 primaries where you maybe have African-American  
6 versus white candidates and so forth, and in  
7 other instances where you may determine whether  
8 or not there is a particular voting pattern in  
9 the community.

10 REPRESENTATIVE BERNARD: One more  
11 follow-up, Mr. Chair.

12 REPRESENTATIVE HOLDER: Follow-up.

13 REPRESENTATIVE BERNARD: Thank you, Mr.  
14 Chair.

15 The last question is, given recently  
16 that -- I know in the Duval area they elected  
17 Mayor Alvin Brown, an African-American. How  
18 can the other voters in that region get to  
19 participate in the political process if we are  
20 only -- if we only concern ourself with just --  
21 just that District 3 minority access seat? Can  
22 we -- how can we determine -- I guess what I am  
23 trying to say is, how can the other voters in  
24 the whole Duval area get to elect -- you know,  
25 to get to participate in the political process?

1           REPRESENTATIVE HOLDER: Mr. Kelly, it is  
2 kind of a tough question to answer, but if you  
3 would like to take a stab at it, you are  
4 welcome to.

5           MR. KELLY: Thank you, Mr. Chair. I am  
6 not sure I could answer that question. It  
7 probably really be best to turn to our counsel  
8 to give a more informative answer on that kind  
9 of question.

10          REPRESENTATIVE HOLDER: At this point, why  
11 don't we do that to answer this question and  
12 your previous question, or your first question.

13          REPRESENTATIVE BERNARD: Thank you,  
14 Mr. Chair.

15          MR. KELLY: George Meros is here, if that  
16 is okay.

17          REPRESENTATIVE HOLDER: Sure, great.

18          MR. MEROS: Thank you. George Meros on  
19 behalf of the House.

20                 If I understand your question -- well,  
21 could you ask it again to make sure I  
22 understand it?

23          REPRESENTATIVE BERNARD: Well, the first  
24 one was just what -- I think --

25          REPRESENTATIVE HOLDER: Yes, go ahead.

1           REPRESENTATIVE BERNARD:  Thanks, Mr.  
2           Chair.

3           Was whether that District 3 was protected  
4           by Section 2 of the Voting Rights of 1965 or  
5           any federal law?

6           REPRESENTATIVE HOLDER:  Mr. Meros.

7           MR. MEROS:  Because it is less than a  
8           50 percent majority, it is not protected by  
9           Section 2 of the Federal Voting Rights Act.  
10          There is protection under Amendment 5 and  
11          Amendment 6 to the Florida Constitution passed  
12          last year, and that is a very important issue  
13          with regard to whether or not and the extent to  
14          which you can diminish the opportunity of  
15          minorities to elect a candidate of their choice  
16          in given districts.

17          REPRESENTATIVE BERNARD:  The second -- may  
18          I follow up, Mr. Chair?

19          REPRESENTATIVE HOLDER:  Sure, absolutely.

20          REPRESENTATIVE BERNARD:  The second  
21          question was -- which is given the fact that,  
22          you know, in Duval County, in Jacksonville,  
23          they elected Mayor Alvin Brown, and what I am  
24          concerned about is if we are focusing on just  
25          that District 3 being a minority access seat,

1           how can the other voters in that region get to  
2           participate in the political process also?

3           MR. MEROS:   You are talking about  
4           non-minority citizens?

5           REPRESENTATIVE BERNARD:   Non-minority.

6           MR. MEROS:   Okay.   Well, non-minority  
7           citizens -- in theory, the racial protections  
8           are there because of the inability over many  
9           years to participate equally in the political  
10          process, as non-minority residents and citizens  
11          have had, and so they will participate as they  
12          have before.

13          The real issue for purposes of what this  
14          Legislature must do is in implementing the  
15          Federal Voting Rights Act, wherever it may be  
16          in the state, and Amendments 5 and 6.   The  
17          first tier issue in Amendments 5 and 6 which  
18          the voters voted on was that minorities shall  
19          continue to have the ability to elect  
20          Representatives of their choice, equal  
21          opportunity to do that, and that districts  
22          shall not diminish the ability of minorities to  
23          elect a candidate of choice.   Those are --  
24          those are two separate but -- standards, both  
25          of which apply.   And so the question with

1 regard to Congressional District 3 and other  
2 districts in the state is when might the  
3 Legislature be diminishing the right of  
4 minority citizens to elect a candidate of  
5 choice if they were to take a district such as  
6 Congressional District 3 from whatever the  
7 percentage is now, say 48 percent, down to some  
8 lower percentage, and that -- that is a -- it  
9 is fact-intensive and fact-specific, but that  
10 is a -- there is a mandate in the Florida  
11 Constitution that one not do that. And so that  
12 is one of the challenges that this Legislature  
13 will have.

14 REPRESENTATIVE BERNARD: Mr. Chair?

15 REPRESENTATIVE HOLDER: Yes,  
16 Representative Bernard.

17 REPRESENTATIVE BERNARD: Mr. Meros  
18 mentioned something, I just want to ask him  
19 another question.

20 REPRESENTATIVE HOLDER: Sure, absolutely.  
21 Go ahead.

22 REPRESENTATIVE BERNARD: Thanks. Thanks,  
23 Mr. Chair.

24 Now, you mentioned like the tier system.  
25 Is there -- like I remember reading the

1 Constitution. Is it -- does it create a tier  
2 system or -- I thought it -- based on Section C  
3 of Section 20 and 21, it says there is no  
4 priority of preference given for either Section  
5 A or B --

6 MR. MEROS: No -- forgive me. The way it  
7 is is there are two tiers, and within each  
8 tier, subsection 3 says there is no priority.

9 REPRESENTATIVE BERNARD: Okay.

10 MR. MEROS: But there is clearly a Tier 1,  
11 which is first priority, and then the second  
12 section says to the extent not inconsistent  
13 with Tier 1, you will apply these standards.

14 REPRESENTATIVE BERNARD: Thank you, Mr.  
15 Chair.

16 REPRESENTATIVE HOLDER: Representative  
17 Bernard, thank you for all of your very  
18 thoughtful questions.

19 Moving on, Co-Chair Legg has a question.

20 REPRESENTATIVE LEGG: Thank you, Mr.  
21 Chair.

22 REPRESENTATIVE HOLDER: Is this for -- I'm  
23 sorry, is it for Mr. Meros or --

24 REPRESENTATIVE LEGG: Probably Mr. Meros  
25 can probably address these first, if that is

1           okay with you.

2           REPRESENTATIVE HOLDER:   Okay, great.

3           REPRESENTATIVE LEGG:   Thank you, Mr.

4           Chair.

5           Can you, for instance, highlight what are  
6           the number of access seats right now if they  
7           are -- I have different numbers that have been  
8           floating around.  What are the number of  
9           different access seats, and, you know, are they  
10          Hispanic, are they African-American, if you can  
11          kind of distinguish between them?

12          MR. MEROS:   And are you talking about in  
13          the present Congressional map?

14          REPRESENTATIVE LEGG:   Presently.

15          MR. MEROS:   And, first of all, access  
16          seats are not -- are not clearly defined.  And  
17          so if it is 35 percent, 40 percent, that really  
18          is fact-specific to some extent, to the extent  
19          to which that minority population can have a  
20          real impact on the policy that goes on in a  
21          district.

22          With regard to the specifics as to which  
23          one, Mr. Kelly would be much more better to  
24          describe that right now.

25          REPRESENTATIVE HOLDER:   Thank you,

1 Mr. Meros. Mr. Kelly.

2 MR. KELLY: Thank you, Mr. Chair.

3 There are -- in Florida today, there are  
4 three seats that are a majority Hispanic, there  
5 are two seats that are a majority  
6 African-American and then there is the one seat  
7 that you have been discussing that is just  
8 slightly below majority. So, in total, there's  
9 five seats that are majority-minority, and then  
10 there's one that is just slightly below that  
11 number.

12 REPRESENTATIVE LEGG: So, in essence, we  
13 have two African-American with a potential of a  
14 third that is just underneath the threshold,  
15 and three Hispanic, is that correct?

16 REPRESENTATIVE HOLDER: Mr. Kelly.

17 MR. KELLY: Thank you, Mr. Chair.

18 Yes, that is correct.

19 REPRESENTATIVE HOLDER: Follow-up?

20 REPRESENTATIVE LEGG: Thank you, Mr.  
21 Chair.

22 In regards to Congressional District 3,  
23 if -- and I am trying to just get the terms  
24 correct and follow along with making sure that  
25 I am -- we're calling things correctly, or I am

1 calling things correctly. When we are talking  
2 about Congressional District 3 and preserving  
3 that as a seat, an access seat, is it the  
4 number that we are preserving, Congressional  
5 District 3, is it the region that we are  
6 preserving, or is there is a specific base that  
7 we are preserving? Let me walk you through  
8 what I mean by that. If you look at the  
9 district that runs from basically Jacksonville  
10 to Orlando, if for argument's sake we kept the  
11 number the same and run from Orlando to Tampa,  
12 but yet the population number remains the same,  
13 have we -- is that seat still considered a  
14 minority access seat even though we have  
15 completely changed the location of that seat,  
16 or is it the actual number?

17 REPRESENTATIVE HOLDER: Mr. Kelly.

18 MR. KELLY: Thank you, Mr. Chair.

19 In terms of the number, as Mr. Meros was  
20 saying, there's not necessarily -- if you go  
21 from 49 percent to 48 percent, there's not  
22 necessarily a clear definition as to whether  
23 dropping that one percentage point is in error,  
24 but if you take the seat from one region to  
25 another and you still essentially have your

1 minority access seat, you could have an  
2 issue -- if let's say you took that seat out of  
3 Jacksonville, you could have an issue with what  
4 you did with the population in Jacksonville,  
5 what seat they ended up in. There's not a  
6 perfect answer to the question, but you do have  
7 to consider the population that's no longer in  
8 the district. So if you go back to the  
9 suggestion that one individual submitted of,  
10 well, take the seats from Jacksonville to  
11 Gadsden County, you would have to factor in the  
12 African-American community in Orlando, in  
13 Gainesville, and what you have done, where that  
14 a community or communities have ended up in  
15 other districts. So, again, there's not a  
16 perfect answer to that, but it does matter in  
17 your analysis.

18 REPRESENTATIVE HOLDER: Members, any other  
19 questions? Representative Jones, you are  
20 recognized.

21 REPRESENTATIVE JONES: Thank you, Mr.  
22 Chairman, and I do have a series of questions.  
23 Alex, thank you for your presentation.

24 When we look at map -- at page ten of your  
25 presentation, you talk about the Hispanic

1 access seat in Orange, Osceola and Polk  
2 Counties. Are we currently required by Federal  
3 Voting Rights Act to draw a Hispanic seat in  
4 central Florida?

5 REPRESENTATIVE HOLDER: Mr. Kelly.

6 MR. KELLY: Sure, thank you. No.

7 REPRESENTATIVE JONES: Are we required to  
8 draw a minority seat in central Florida?

9 REPRESENTATIVE HOLDER: Mr. Kelly.

10 MR. KELLY: Mr. Chair, thank you.

11 Not to my -- to my knowledge, that would  
12 be a matter of legislative discretion, whether  
13 it fit with, you know, the parameters of state  
14 law, but to my knowledge, that would be a  
15 matter of legislative discretion.

16 REPRESENTATIVE JONES: Follow-up, Mr.  
17 Chairman?

18 REPRESENTATIVE HOLDER: Representative  
19 Jones.

20 REPRESENTATIVE JONES: When we look at the  
21 maps and the presentation that you have  
22 provided to us today, what racial data was used  
23 to draft these maps?

24 REPRESENTATIVE HOLDER: Mr. Kelly.

25 MR. KELLY: Mr. Chair -- thank you, Mr.

1 Chair.

2 When you ask that question, are you -- in  
3 terms of the people from the public who  
4 submitted these maps, what racial data did they  
5 use?

6 REPRESENTATIVE JONES: I heard you  
7 indicate that you took a part from one map that  
8 someone created and put it with another map  
9 that either you or somebody else created. So  
10 as you were putting together the presentation  
11 that we have seen today, how do you determine  
12 the racial makeup, and where did that racial  
13 makeup come from?

14 REPRESENTATIVE HOLDER: Mr. Kelly, let me  
15 just take a little bit of a stab at this.

16 Basically what you are seeing here are  
17 suggestions that have come in from the public,  
18 and then our staff has taken that information  
19 and tried to manipulate it a little bit to  
20 where it would fit within the maps that we are  
21 currently looking at. Is your question -- and  
22 I just want to make sure that I understand the  
23 question. Are you asking when staff took the  
24 information from the public and transposed it  
25 onto a map so that we could see it and discuss

1           it, what did -- what information did they use  
2           in order to do this other than general census  
3           information?

4           REPRESENTATIVE JONES: Right, if that was  
5           the only information that was used, or what  
6           information was used. Was it previous history  
7           in voting or whether it was census data,  
8           whether it was just a stab at it.

9           REPRESENTATIVE HOLDER: Great. Mr. Kelly.

10          MR. KELLY: Thank you, Mr. Chair, thank  
11          you.

12          To change anything in the maps, to -- in  
13          that particular example, to take two districts  
14          and combine them and see what would happen and  
15          see if they -- see if they overlapped with each  
16          other at all, we just used the My District  
17          Builder application and literally cut and paste  
18          the district from one individual submission and  
19          put it into a map and cut and paste the other  
20          individual's and put it into the map. My  
21          District Builder has all the census data, so it  
22          is census data. We didn't look at anything  
23          related to voter registration, we haven't done  
24          that kind of analysis. We just looked at the  
25          census data, and the census data indicates --

1 and data from the American Community Survey,  
2 although for this, it was just census data --  
3 it indicates the voting age population by race  
4 and ethnicity, and then -- and you can break  
5 that down even further by looking at ACS data,  
6 but -- so it is all census-related data.

7 REPRESENTATIVE JONES: Thank you, Mr.  
8 Chairman.

9 REPRESENTATIVE HOLDER: Thank you,  
10 Representative Jones.

11 Representative Chestnut, you are  
12 recognized for a question.

13 REPRESENTATIVE CHESTNUT: Thank you, Mr.  
14 Chair.

15 I guess my question earlier -- I think the  
16 attorney had stated that District 3 does not  
17 meet the Bartlett versus Strickland case, but  
18 it does meet the Amendment 5 and 6 case. So  
19 how do you move forward with drawing a map that  
20 probably would not be challenged in court?

21 REPRESENTATIVE HOLDER: Mr. Meros.

22 MR. MEROS: Let's make sure that we  
23 understand each other.

24 REPRESENTATIVE CHESTNUT: Okay.

25 MR. MEROS: There are federal requirements

1 for minority districts, and then there are  
2 state constitutional requirements.

3 REPRESENTATIVE CHESTNUT: Right.

4 MR. MEROS: Certainly if the state  
5 constitutional requirements conflicted with the  
6 federal requirements, the federal requirements  
7 prevail. However, these operate --

8 REPRESENTATIVE CHESTNUT: Differently.

9 MR. MEROS: No, they -- they operate  
10 differently, but they operate at the same time.

11 REPRESENTATIVE CHESTNUT: Time, okay.

12 MR. MEROS: And so you are just as bound  
13 by the Florida constitutional requirements as  
14 you are by the federal requirements. And so  
15 if, in fact -- and remember, as a part of this  
16 process and a part of the discussions and what  
17 has happened thereafter, the framers of  
18 Amendment 5 and 6 made it very clear that there  
19 are requirements with regard to not diminishing  
20 the opportunity of minorities to elect a  
21 candidate of --

22 REPRESENTATIVE CHESTNUT: Of their choice.

23 MR. MEROS: -- their choice, and in  
24 addition, that the ability of minorities to  
25 elect a candidate of their choice shall not be

1           diminished. Now, what that partakes of is  
2           Section 5 of the Federal Voting Rights Act, and  
3           the proponents of Amendment 5 and a plain  
4           reading of 5 and 6 -- and 6 applies to  
5           Congressional -- is that that effectively has  
6           imposed a Section 5 non-retrogression standard  
7           to all 67 counties, and that goes to  
8           Representative Legg's question also. Section 5  
9           is both complex and exceedingly fact-specific,  
10          but there are -- there are certain instances  
11          where, if you took one minority population and  
12          replaced it with another minority population,  
13          what happened with the other minority  
14          population would be very relevant to a  
15          fact-specific evaluation as to whether it  
16          caused a diminishment. But clearly, in every  
17          district, one is going to have to look at  
18          racial data, whether Hispanic or  
19          African-American, and make a determination,  
20          does that diminish their opportunity, does that  
21          make them worse off, as Section 5 describes,  
22          than they were previously.

23                    REPRESENTATIVE CHESTNUT: Thank you, Mr.  
24           Chair.

25                    REPRESENTATIVE HOLDER: Thank you for your

1 question.

2 Representative Taylor, do you have a  
3 question?

4 REPRESENTATIVE TAYLOR: Yes, thank you,  
5 Mr. Chair, and that brings up -- no, you, yes,  
6 sir, don't go anywhere.

7 As general counsel, how are you  
8 interpreting -- because we -- basically staff  
9 is going to be under the direction of how to  
10 move forward with drawing the maps. How are  
11 you interpreting the language, because that is  
12 important to me?

13 MR. MEROS: Sure, sure. I think the plain  
14 wording of the language is consistent with what  
15 the framers suggested to the Department of  
16 Justice in its pre-clearance process, and that  
17 is the diminishment language is effectively  
18 creating a Section 5 non-retrogression standard  
19 statewide. And so what that means is that when  
20 you take a minority population, you have to  
21 look at that minority population as it  
22 presently is based on the 2000 lines and say,  
23 is that population worse off in its ability to  
24 participate in the electoral process than it  
25 was under the prior map, and that worse off is

1 a fact-specific matter as to whether there has  
2 been some -- some diminishment of the ability  
3 to participate in the electoral process. In  
4 some instances -- and so let's take if you have  
5 a 40 percent district, then -- and it is a  
6 38 percent district now. That will be  
7 fact-specific based on what is the likelihood  
8 that that -- that minority population, Hispanic  
9 or African-American, would be able to  
10 participate in the electoral process and elect  
11 a candidate of choice. That number as to when  
12 a district -- you can call it performs -- is  
13 not, in my view, by any stretch, a certain  
14 number. That number is an estimation on best  
15 guesses as to when a minority candidate or when  
16 a minority's candidate of choice might be  
17 elected in a given area.

18 If, in fact, you take a district that is  
19 less than 50 percent and you reduce the chances  
20 of that district performing in a substantive  
21 way, then that, in my view, violates the  
22 non-diminishment provision of Amendments 5 and  
23 6. It is not, in my view, the rational  
24 interpretation of that to suggest that you can  
25 say, okay, at X percentage, 35 percent, the

1 minority candidate of choice will prevail, and,  
2 therefore, you can go to 35.1 percent. If you  
3 take the chances of prevailing from 70 percent  
4 and reduce it to 50 percent, you have reduced  
5 it 20 percent and it makes it that much more  
6 difficult for a minority candidate of choice to  
7 prevail. So it is a -- that is a sliding  
8 scale, and you have to assess each district to  
9 see, are you really diminishing that  
10 opportunity.

11 REPRESENTATIVE TAYLOR: Follow-up, Mr.  
12 Chair.

13 REPRESENTATIVE HOLDER: Follow-up,  
14 Representative Taylor.

15 REPRESENTATIVE TAYLOR: Thank you, Mr.  
16 Chair.

17 And you bring up a very interesting  
18 scenario, and I want to go back to Chairman  
19 Legg's question that pertained to that. In  
20 particular, let's go back to District 3.

21 If the numbers in District 3 didn't change  
22 percentage wise -- and I am just going to -- I  
23 don't know the exact number right off-hand, so  
24 I will just use -- let's just say 48 percent,  
25 and within that you create a district that was

1 48 percent; however, it didn't include areas  
2 that -- let's just say Orlando, but it did  
3 include 48 percent minority participation. The  
4 folks in Orlando would then be subject to that  
5 same rule, because they would not be eligible  
6 or able to elect someone of their choice or  
7 liking. So are you suggesting or saying that  
8 it has to stay the exact same as far as the  
9 topo- --

10 MR. MEROS: The percentage --

11 REPRESENTATIVE TAYLOR: Percentage wise.

12 REPRESENTATIVE HOLDER: Mr. Meros.

13 REPRESENTATIVE TAYLOR: Or is it the land,  
14 is it the area? Because I am a little confused  
15 now by what you are saying.

16 MR. MEROS: Well, there is no clear answer  
17 to that. Among the factors are what happens to  
18 the minority population, say in Orlando versus  
19 Tampa. Where are they? How significant is  
20 that population? And one of the reasons for  
21 that is in 2000, the House map was not  
22 pre-cleared because of a Section 5 county and a  
23 Section 5 district that took a relatively small  
24 population in Collier County, the Section 5  
25 population, I think it was 15 or 16 percent,

1           that was tied to -- I think it was Broward --  
2           it was either Dade or Broward that had a  
3           majority-minority population and moved it to a  
4           minority -- to less than 50 percent, and  
5           Justice refused to pre-clear it because of the  
6           16 percent that once was part of a 50 percent  
7           plus and now is left on their own.

8                     Now, one can argue very much about whether  
9           that is an appropriate interpretation of  
10          Section 5. That is what Justice did, and the  
11          House redrew the map and did not fight that.  
12          So there is nothing clear in Section 5  
13          jurisprudence that would lend itself to clear  
14          answers to some of these issues. It really is  
15          going to be very fact-specific.

16                    REPRESENTATIVE HOLDER: Thank you.

17                    Representative Legg, co-Chair Legg, do you  
18          have a question?

19                    REPRESENTATIVE LEGG: I am afraid to ask  
20          it in terms of -- because I think it just -- it  
21          opens up back to where we are going, and you  
22          may say -- just repeat what you are saying is  
23          that there is no clear answer, but just kind of  
24          highlighting the decision-making process we  
25          have to make.

1           You said that it was the statewide number.  
2           I thought I heard you say the statewide number  
3           for the minority access seat. Maybe I  
4           misunderstood. Are you saying that we have to  
5           look at the statewide number and ensure that we  
6           don't diminish, or are you saying district by  
7           district --

8           MR. MEROS: District by district. I  
9           apologize if I suggested that.

10          REPRESENTATIVE LEGG: No, I may have just  
11          misunderstood that.

12          MR. MEROS: No, it is not the statewide,  
13          there's not a matter of, you know, proportional  
14          representation. There are no requirements of  
15          that in federal or state law.

16          REPRESENTATIVE HOLDER: Members, any other  
17          questions? Okay. Any comments?

18          Representative Taylor, you are recognized  
19          for a comment.

20          REPRESENTATIVE TAYLOR: Thank you, Mr.  
21          Chair.

22          This kind of clouds up everything going  
23          forward, so I just want to make sure that the  
24          members of the Committee understand the rules,  
25          and this is what I was referring to in our last

1 meeting was that we need to make sure we have  
2 the rules defined as we move forward with what  
3 we are coming forward with with the -- either a  
4 PCB or a members' Bill. And much of this  
5 information, if there are members out there who  
6 are not a part of this subcommittee, they need  
7 to know it that as they are filing a specific  
8 Bill. So I just wanted to make sure that we  
9 have some clear, defined language as we move  
10 forward.

11 REPRESENTATIVE HOLDER: Representative  
12 Taylor, that is one of the reasons why you were  
13 chosen to be on this Committee. Bringing those  
14 suggestions to light, you, from the very  
15 beginning, have made suggestions that we have  
16 taken very seriously and have helped determine  
17 what those rules are. So I appreciate you  
18 continuing to bring those suggestions and  
19 issues to light. And as you know, this is a  
20 work in progress and we are early in the  
21 process, and, again, thank you for your input,  
22 and look forward to working very closely with  
23 you on more suggestions as we move forward.

24 Members, are there any other comments that  
25 need to be made? Representative Albritton.

1           REPRESENTATIVE ALBRITTON:  Yes, thank you,  
2           Chair.

3           I am not sure, it seems like today that  
4           we've kind of worked our way around the  
5           discussion about best practices and those types  
6           of things.  And listening to the comments here  
7           today and the input that we've got through the  
8           public process, it seems reasonable to me that  
9           really when you start talking about, you know,  
10          kind of best management practices, that it  
11          really is about setting priorities and I know  
12          that understanding the law, and as per  
13          Representative Taylor's comments, I think it is  
14          important, but potentially right now we talk a  
15          little bit, we back away at 30,000 feet and  
16          think a little bit about kind of the fairness  
17          measure, and I think simplicity has something  
18          to do with fairness.

19          So should we consider building our -- the  
20          boundaries of our maps maybe around something  
21          like county boundaries so that it is  
22          well-defined and it is simplistic?  That is  
23          something we should discuss.

24          REPRESENTATIVE HOLDER:  Representative  
25          Brodeur, you are recognized.

1           REPRESENTATIVE BRODEUR: Thank you, Mr.  
2 Chairman.

3           I like the idea of doing that, but I think  
4 the law states that we also need to make sure  
5 that we look at geographic and political  
6 boundaries as well. So as we walk around -- or  
7 as we traveled around the state, we know that  
8 there are roadways and waterways and city lines  
9 and all kinds of other boundaries that I think  
10 we should consider. Plus, you know, I think it  
11 is tough, I like the idea of counties, but I  
12 think the Voter Rights Act will force us in  
13 many ways to split the counties. So I want to  
14 make sure we are looking at all those, too.

15           REPRESENTATIVE HORNER: Mr. Chairman?

16           REPRESENTATIVE HOLDER: Representative  
17 Horner.

18           REPRESENTATIVE HORNER: Thank you, Mr.  
19 Chairman.

20           I don't think what Representative  
21 Albritton was saying is that we shouldn't look  
22 at the other boundary choices, I think those  
23 are legitimate, but as a preferred choice, we  
24 look at county boundaries. I mean, it jumps  
25 right off the page on all these maps. You see

1 the county lines, on any map that you purchase,  
2 you see the county lines. At all of the public  
3 hearings, folks used county lines. And folks,  
4 frankly, know what county they live in. Even  
5 you are not sure you are an unincorporated or  
6 inside a city, you know the county lines. So I  
7 think it is a reasonable practice for this  
8 Committee to use county lines as the preferred  
9 line where there's not some other legal  
10 justification or legal requirement where we  
11 have to use a different line. I think that if  
12 we are looking for the rules of the road as  
13 Representative Taylor was asking for, I think  
14 county lines is a good direction to staff, and  
15 it makes these maps meaningful and easy to  
16 understand for the citizens.

17 REPRESENTATIVE HOLDER: Any other comments  
18 or suggestions?

19 Members, what you have just experienced is  
20 exactly what we are here for, to discuss all of  
21 these issues, to agree and disagree on  
22 different parts of suggestions that are made  
23 and try to massage these suggestions and make  
24 them work as we go through this long process.  
25 And as we have heard from Mr. Meros, it is a

1 very complex situation to make sure that we are  
2 able to do all of this within the letter of the  
3 law.

4 So I thank you all for your participation,  
5 and for our next meeting, beyond continuing  
6 today's discussion, we will hear from staff  
7 regarding redistricting data, giving us a quick  
8 tutorial on the data that will be available to  
9 us when we analyze redistricting bills. And as  
10 always, I thank all of you for your  
11 participation and your input, and seeing that  
12 there is no additional business, Representative  
13 Brodeur moves we rise. We are adjourned.

14 (Whereupon, the proceedings were  
15 concluded.)

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C E R T I F I C A T E

STATE OF FLORIDA )

COUNTY OF LEON )

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

That the foregoing pages 2 through 55 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 20th day of February, 2012.

\_\_\_\_\_

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2014