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THE FLORIDA SENATE
COMMITTEE ON REAPPORTIONMENT
AUGUST 13, 2015

Reported by:
CLARA C. ROTRUCK
Court Reporter

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

2 CHAIR GALVANO: Good morning. At this
3 time I will call to order the Senate
4 Reapportionment Committee. Administrative
5 assistant, please call the roll.

6 SENATE SECRETARY: Senator Galvano?

7 CHAIR GALVANO: Here.

8 SENATE SECRETARY: Senator Braynon?

9 SENATOR BRAYNON: Here.

10 SENATE SECRETARY: Senator Bradley?

11 SENATOR BRADLEY: Here.

12 SENATE SECRETARY: Senator Gibson?

13 SENATOR GIBSON: Here.

14 SENATE SECRETARY: Senator Lee?

15 SENATOR LEE: Here.

16 SENATE SECRETARY: Senator Montford?

17 SENATOR MONTFORD: Here.

18 SENATE SECRETARY: Senator Simmons?

19 SENATOR SIMMONS: Here.

20 SENATE SECRETARY: Quorum present.

21 CHAIR GALVANO: Thank you.

22 Good morning, members. Today -- let me
23 lay out what I anticipate will happen today.
24 We are going to take some public testimony this
25 morning. I understand that several members --

1 at least a few members have been working with
2 staff to develop potential amendments to the
3 discussion map. The staff -- and I am talking
4 about Jay Ferrin -- has worked very hard to get
5 us into a position where these ideas can be
6 presented and vetted, but, unfortunately, given
7 the time constraints, it's been difficult.

8 I do not want time constraints to be the
9 enemy of this process. I want to make sure
10 that everybody has an opportunity to vet
11 through what they think is a good idea and that
12 we have a full analysis of it, and then when it
13 comes back to this committee, we are able to
14 discuss it and vet it and understand what is
15 being proposed prior to taking a vote.

16 So in that regard, after we hear some
17 public testimony, I will open it up for any
18 further questions on the base map, and when we
19 have completed that, it is my intention to take
20 a substantial break to give staff some
21 additional time to work with the members and
22 then reconvene this afternoon and perhaps pick
23 up at least on the Detert amendment that I know
24 is filed, the Detert-Bradley amendment, and
25 then maybe have some discussion on some of the

1 ideas that have been put out there at this
2 point.

3 So with that, let's see who we have. Are
4 there any questions regarding the map?

5 Okay. Well, let's start with our public
6 testimony. Congresswoman Brown. We are -- we
7 are in -- not. Okay. Then we will put that on
8 hold. Do we have other public testimony? Wow,
9 a lot of interest on this committee this
10 morning.

11 Okay. So at this point then, let's see if
12 there are any additional questions for
13 Mr. Ferrin or legal counsel, Justice Raoul
14 Cantero and George Levesque is here with regard
15 to the base map. No questions on the base map.

16 Are there any questions with regard to the
17 process thus far?

18 Okay. We will stand in recess until
19 Congresswoman -- yes, President Lee?

20 SENATOR LEE: Sorry to be slow on the draw
21 here, but on -- from a process standpoint -- so
22 as you point out, you know, we have a
23 discussion purposes-only map. It is a base
24 map. We've had a series of members work with
25 our staff. I know I left there close to 12:30

1 last night, or this morning. I also know that
2 there's some, you know, intricacies of these
3 things that require a little cleanup, you know.
4 Simply having one staff person, you know,
5 inundated with having to draw amendments that
6 have to be comprehensive maps for anyone
7 interested in making changes makes it difficult
8 for -- that individual becomes sort of a funnel
9 that is hard to get all the work product
10 through.

11 And so what we will end up with, I
12 suspect, having seen some things that have
13 already hit the web, I guess, we appear to have
14 some changes that deal with Sarasota County,
15 Manatee County, we appear to have some changes
16 that deal with the east/west district coming
17 out of two separate amendments, and then I know
18 Senator Joyner had an interest in trying to
19 elevate the coalition -- potential coalition
20 status of CD 14, and hearing the comments about
21 Manatee, Sarasota, hearing the comments from
22 Senator Joyner and having my own stated views
23 about the donor nature of eastern Hillsborough
24 County throughout, you know, modern political
25 history, I set out to try to address all of

1 those things in the comprehensive change. The
2 reason I am -- the reason I am framing this
3 question this way is because it seems like we
4 need to have -- it almost seems like we need to
5 have all the amendments because I could have
6 easily filed a substitute amendment to the
7 Bradley amendment, which is the Detert issue,
8 and it would have completely addressed the
9 Bradley issue, which is the Detert issue, you
10 know, and to her satisfaction because it
11 restored, you know, Manatee, Sarasota County.
12 But unless we take -- unless we have them all
13 out there at the same time so we can see
14 visually how they overlay, it is hard to know
15 whether or not they would prefer to defer TP
16 and look at the bigger picture, because when
17 you throw that pebble in the water, it ripples
18 out and it is hard to fix things in a -- hard
19 to balance things out in a thoughtful way
20 unless you -- unless those ripple effects go
21 out fairly far.

22 And so I don't know where staff is with
23 respect to the amendments that I intend to
24 file, but just want to make sure that to the
25 extent you feel it is, from a process

1 standpoint, the correct thing, that we would
2 have them sort of all in front of us, at least
3 visually available to us, at the same time.

4 CHAIR GALVANO: President Lee, I
5 absolutely agree with what you have laid out
6 there. I think that's really the motivation
7 for giving staff ample time to work -- work
8 through it, because you are right, the -- what
9 ultimately may come out of this committee is a
10 single substitute that incorporates several --
11 several changes. At this point, we have ideas
12 that are being worked on with staff and we have
13 not hit "send," or the members have not hit
14 "send" in terms of actually filing. So with
15 some time today, perhaps those decisions will
16 be made and we will have a better feel for
17 where we are going into the afternoon. And,
18 you know, we are prepared, I am prepared to
19 meet tomorrow or -- and/or Monday, if
20 necessary, to make sure that we have all the
21 ideas out there and look at them in concert.

22 So -- Senator Montford, you're recognized.

23 SENATOR MONTFORD: Thank you, Mr. Chair,
24 and this is a question that's not necessarily
25 the process that we'll follow here, but it is

1 more of a clarification, if you will, and -- of
2 just exactly what our -- what our constraints
3 are and parameters, if you will.

4 By the way, I can't tell you -- well, I
5 have told you what a great staff we have and
6 how hard they are working. And their patience
7 with me has just been -- I am very grateful for
8 the patience.

9 But if I can ask one more time, if we
10 could just go through -- and I've made good
11 notes, but I want to make sure that I know what
12 the parameters are, what we are dealing with,
13 because what may seem to be a real simple
14 challenge or task in my case trying to keep
15 this district whole, this area, is far more
16 complicated, more restrictive, if you will,
17 than I had anticipated. So maybe if you or the
18 staff could just list real simply for us one
19 more time what we need to be conscious of when
20 we are trying to make a decision in terms of
21 what amendments we -- we would suggest to this
22 committee.

23 CHAIR GALVANO: Okay. And you are talking
24 in terms of what the constitutional
25 requirements are, as well as the inputs from

1 the Florida Supreme Court?

2 SENATOR MONTFORD: Yes.

3 CHAIR GALVANO: Well, first --

4 SENATOR MONTFORD: If -- if I may, Mr.
5 Chair, you know, we -- I have -- I am -- you
6 know, when we talk about the Supreme Court's
7 intention and so on, I'm still a little murky
8 with that. And we're talking about east/west,
9 I mean, again, does that mean east/west or
10 could that mean east/west, a little bit south?
11 And I know it's all a judgment call at this
12 point, and we are depending upon, and
13 rightfully so, the advice of our staff and
14 counsel.

15 But if you would, let's just say this is
16 what you need to be conscious about, because I
17 am down to the point where I've got to fish or
18 cut bait.

19 CHAIR GALVANO: Well, yeah, it's -- first
20 of all, it is a unique situation that we are
21 in. We are drawing in a remedial session in
22 response to an opinion from the Court that is
23 instructive, but not definitive. And then we
24 also have the constitutional parameters that we
25 have to deal with. And I agree with you that

1 we -- we have autonomy as well in terms of
2 making our decisions. We are a co-equal branch
3 of government and this is -- this is our role,
4 and so that is why we are vetting out what we
5 can and putting together our own plan in light
6 of the base map that was -- was drawn with
7 staff and the input of our attorneys.

8 I am going to recognize Justice Cantero to
9 again give a brief summary of where the court
10 has put us, and then, Mr. Ferrin, if you want
11 to add -- add anything to it, then I will
12 recognize you.

13 JUSTICE CANTERO: Thank you, Mr. Chair.

14 And the days are running on, but I think
15 it was Tuesday that we first met in joint
16 committee meeting and I discussed the Florida
17 Supreme Court's decision as to District 5. The
18 holding of the court was that District 5 had to
19 be in an east/west configuration. The court
20 did not necessarily require that we adopt the
21 Plaintiffs' version -- and I call it Romo A
22 because it was the version that they had
23 introduced after the trial by Romo plaintiffs
24 and it was map A versus map B. So the Romo A
25 version, they did not require us to adopt that,

1 but they did discuss that version and did say
2 that that version would be approved and that
3 the black VAP in that version was sufficient to
4 elect a minority, and the VAP was 45.12 percent
5 in that version.

6 So my advice on Tuesday was although we
7 are -- although you were not required to adopt
8 that version, that certainly would maximize the
9 chances that the court would approve that
10 district. If we go any less in black VAP than
11 45.12, we run the danger, which I believe we're
12 already running, that it would not elect a
13 minority; in fact, our argument all along was
14 that at 45.12 percent, an east/west district
15 could not elect a minority of choice, and that
16 is why we advocated for the north/south
17 configuration. But certainly anything less
18 than 45.12 we believe would not elect a
19 minority.

20 On the other hand, going above 45.12
21 percent would run the risk that the court -- or
22 that the plaintiffs would argue that we are
23 packing minorities into that district because
24 having said that 45.12 percent is enough to
25 elect a candidate of choice, anything higher

1 than that, we would be accused of packing
2 minorities just as we were accused of doing.
3 So by having a 50 percent minority district
4 running north/south in Map 9047, which was the
5 map we passed back in 2012, we certainly
6 defended that map. We said we absolutely did
7 not intend to pack minorities in there in order
8 to make other districts more Republican, but
9 the circuit court required us to go below
10 50 percent, and we went to 48 percent in 9057,
11 which was the remedial map we passed last year,
12 and then the Florida Supreme Court invalidated
13 even that 48 percent and required us to go to
14 45.12 percent.

15 So my advice is that you are running a
16 risk of going beyond 45.12, that the court will
17 say that we deliberately attempted to pack
18 minorities into that district. So I still
19 stand behind my advice that adopting the
20 Plaintiffs' district would have the greatest
21 chance of approval.

22 I also after, Senator Montford, your
23 questions on Tuesday, I went back and I looked
24 at what had been done back in 2012 and what the
25 configurations were of public submissions

1 regarding that minority district in 2011 and
2 '12. As you will recall, there were many
3 public submissions, and some of them were
4 limited to certain districts. And also staff
5 had done some configurations of that district.
6 So I went back and looked at all of those.
7 What I found that -- was that none of those
8 draft maps or public submissions kept
9 Tallahassee whole. I suppose that either they
10 had determined that it couldn't be done and
11 still have a minority district, or they didn't
12 try. None of the draft maps did it and none of
13 the public submissions did it.

14 I hope that answers your question,
15 Senator.

16 CHAIR GALVANO: Thank you, and I
17 appreciate that from the court's perspective,
18 and I think more basic to your question,
19 Senator Montford -- and I will just read for
20 the record, and I'll go slow and then you can
21 reflect on it, Article III, Section 20 of the
22 Florida Constitution. And it provides that in
23 establishing congressional district boundaries,
24 Subsection a, "No apportionment plan or
25 individual district shall be drawn with the

1 intent to favor or disfavor a political party
2 or an incumbent, and districts shall not be
3 drawn with the intent or result of denying or
4 abridging the equal opportunity of racial or
5 language minorities to participate in the
6 political process or to diminish their ability
7 to elect representative of their choice, and
8 districts shall consist of contiguous
9 territory." And those are the Tier 1
10 considerations that the legislature must take
11 into consideration.

12 Subsection b says, "Unless compliance with
13 the standards in this subsection conflicts with
14 the standards in Subsection a" -- which I just
15 read -- "or with Federal law, districts shall
16 be as nearly equal in population as is
17 practical, districts shall be compact, and
18 districts shall, where feasible, utilize
19 existing political and geographical
20 boundaries."

21 Subsection c provides "The order in which
22 the standards within Subsections a and b of
23 this section are set forth shall not be read to
24 establish any priority of one standard over the
25 other within that subsection."

1 So, clearly, the protections in Subsection
2 a have priority over b, but within that -- each
3 subsection, they are not to be interpreted as
4 having priority. So when you meet with staff
5 specifically with regard to Subsection b or
6 Tier 2, you are looking at the population, you
7 are looking at county and city lines, and
8 compactness and geographical boundaries as well
9 as jurisdictional boundaries. And, really,
10 that -- that encapsulates the standards that
11 should guide the drawing process.

12 Yes, Senator Gibson.

13 SENATOR GIBSON: Thank you, Mr. Chair. I
14 have a general question and then, I guess, a
15 specific -- we are getting to that after public
16 testimony or before?

17 CHAIR GALVANO: A specific question with
18 regard to the base map?

19 SENATOR GIBSON: A specific district, no
20 -- well, yes.

21 CHAIR GALVANO: Why don't we do that after
22 the public testimony. Right now we are in
23 general in the process and where we are, you
24 know, what we can expect over the next few
25 days.

1 SENATOR GIBSON: So I -- Mr. Chair?

2 CHAIR GALVANO: Yes, you are recognized.

3 SENATOR GIBSON: I have a general question
4 that goes to the information given by Justice
5 Cantero as it relates to the term of "packing"
6 as we try to work on our maps. So I am not
7 sure if there's a definitive definition of what
8 that is, and, secondly, what I believe it
9 relates to, as he mentioned, is putting more
10 than necessary minorities in a district to
11 therefore make another district more
12 Republican.

13 So my question is, if a district is
14 surrounded by other districts that can in no
15 way lean Democrat, is that considered packing?
16 If you -- if you are trying to capture as many
17 minorities in a district as possible to give
18 them the opportunity to elect a candidate of
19 their choice and it does not in any way
20 diminish or increase the potential of a super
21 Republican district being less Republican, is
22 that packing?

23 CHAIR GALVANO: And that's a good
24 question. I understand exactly what you are
25 asking, and we will have counsel comment on it,

1 but, yes, your understanding of "packing" is
2 correct, the idea that you hit a threshold
3 where a district performs for a minority, and
4 then you as a map drawer continue to add other
5 minority populations in beyond that threshold
6 and it then has an impact on the surrounding
7 districts to prevent them from performing one
8 way or another.

9 I guess the question to legal counsel that
10 Senator Gibson has raised is if drawing those
11 populations from the surrounding districts will
12 have no or a *de minimis* effect regardless, is
13 that still packing?

14 JUSTICE CANTERO: The attempt to put
15 minorities into a district so that it becomes a
16 minority performing district and is able to
17 elect a minority is not packing. It only
18 becomes packing once -- and to be fair, it is
19 an inexact science. This is not -- even though
20 we talk in terms of decimal points, it doesn't
21 mean it is an exact science. It is still
22 somewhat of an art as to what percentage you
23 have to get up to in order to elect a minority.

24 In some districts, there may be a lower
25 number, and in other districts, you may need a

1 higher number. It really depends on the
2 districts and the amount of racially polarized
3 voting, the amount of Democrats in the
4 districts and whether it is a -- usually a
5 Democratic district or not, all these different
6 factors. But the packing becomes an issue once
7 you have determined that you are at a
8 percentage that the functional analysis shows
9 that it would elect the minority, whatever that
10 number is, and then under the Florida Supreme
11 Court precedent at least, once you start
12 putting in more than absolutely necessary to
13 elect a minority, then it is becomes packing.
14 But if you are trying to create a district that
15 would elect a minority, that itself is not
16 packing.

17 CHAIR GALVANO: Justice Cantero, to
18 your -- to Senator Gibson's point, the effect
19 on the neighboring district is a factor in
20 determining whether packing has occurred,
21 correct?

22 JUSTICE CANTERO: Yes, packing is a
23 concept of intent. So the reason that you pack
24 is in order to reduce the percentage of
25 Democrats in surrounding districts, or if it is

1 racially motivated, to reduce the percentage of
2 black voters in surrounding districts so that
3 they cannot -- for example, sometimes you'll
4 have enough blacks in a district or in an area
5 to have two black voting districts, but instead
6 of creating two let's say 45 percent black
7 districts that would elect minorities, you pack
8 all of them into one 90 percent district that
9 could only have -- elect one minority. So that
10 is racially-motivated packing, and then there's
11 politically motivated packing where you are
12 putting in more black Democrats into a district
13 than necessary in order to reduce the number of
14 Democrats in surrounding districts and make
15 those districts more Republican-performing.
16 But if what you are doing would not make those
17 districts more Republican-performing because
18 they are already Democratic districts anyway,
19 then it would not be considered
20 politically-motivated packing.

21 I hope that answers your question,
22 Senator.

23 CHAIR GALVANO: Thank you.

24 President Lee, did you have a comment or
25 question?

1 SENATOR LEE: Yes, sir, thank you.

2 I think this is a really good conversation
3 to have as we sort of head into the amendatory
4 process because the base map, as it has been
5 drafted by our very capable staff, was done so
6 painstakingly to try to follow the advice,
7 particularly with respect to initially, first
8 and foremost, the Tier 1 standards as sort of
9 reacted to, if you will, by the Supreme Court
10 in their directions to us. And then
11 secondarily to that, there was a tremendous
12 amount of infill that had to occur. Once the
13 Tier 1 standards had been addressed to deal
14 with the minority districts, there was a
15 tremendous amount of infill that had to occur
16 with respect to building out the rest of the
17 map, and those were attempted to be built out
18 with respect -- in concert with Tier 2
19 standards respecting political boundaries and
20 things -- compactness and all that.

21 And the question that is going to be
22 before us later in the day or tomorrow,
23 whenever we get to it, is -- isn't it a
24 question of whether or not an amendment is as
25 good as the existing map. The question before

1 us is going to be whether it is good enough.
2 And we're jousting a bit at windmills because
3 we don't have the people here who are going to
4 tell us what is good enough. They may not
5 think the base map is good enough, although it
6 was drawn with every effort to make it good
7 enough to win favor.

8 And so it brings me to kind of the point
9 that I think Senator Gibson is getting at, and
10 Senator Montford, as we contemplate the
11 amendment -- and now we know we are kind of
12 generally talking about what's taken place in
13 this east/west district, and the question is
14 asked, you know, we got to go east/west, but
15 does that mean that we can't go south? And
16 what we have is our lawyer telling us, as I --
17 and correct me if I am wrong, Justice, but that
18 in his -- a safe harbor essentially is to stick
19 with the base map district as drawn, but that
20 his opinion is that that's a violation of the
21 Constitution. And so the question is very well
22 taken by -- by Senator Montford and Senator
23 Gibson in terms of just how far do we have to
24 go and does perfection have to be the enemy of
25 the good here or can -- as Senator Gibson has

1 attempted to do, try to find a way to meet the
2 Supreme Court in the middle without violating
3 the Tier 1 issues that would trigger a ruling
4 that we have intentionally packed, and I think
5 that's sort of the dilemma that's before us
6 that I'd kind of like to put out there in the
7 form of a concept and the let our counsel react
8 to it, if I could, sir.

9 CHAIR GALVANO: Thank you. Would counsel
10 like to react, or are you leaving?

11 JUSTICE CANTERO: I am not sure how to
12 react to that.

13 CHAIR GALVANO: It doesn't necessarily
14 require a reaction. I think you are accurate,
15 President Lee, in your assessment, and that is
16 part of the challenge that we have here, and it
17 is -- it goes beyond just the opinion of
18 counsel. It was also part of the sworn
19 testimony and evidence presented throughout the
20 course of this judicial proceeding with regard
21 to this particular district.

22 But, you know, I maintain that we -- we do
23 continue as a co-equal branch of government to
24 enjoy autonomy and the ability to craft a
25 product, and we have respected the court's

1 opinion, particularly in the process and
2 underlying the opinion, and where we find
3 ourselves today was the Tier 1 considerations,
4 and I am confident that the way we are
5 approaching this as a committee and as a
6 legislature as a whole in this particular
7 special session is to comply with the Tier 1
8 components and criteria, and now we are working
9 through the Tier 2 aspects and that's what we
10 will hopefully get into in the amendatory
11 process.

12 Did you have a question, Senator Montford?
13 I thought I saw -- it was Chairman Simmons.
14 You are recognized.

15 SENATOR SIMMONS: Thank you, Mr. Chair.
16 And before I say anything on the merits, I want
17 to say thank you to our staff and to Jay, who
18 has worked diligently with Senator Gibson and
19 me to come up with -- with an alternative
20 east/west Congressional District 5 map that we
21 are still in the process of working on because
22 when I received an e-mail from Jay at 3:19 a.m.
23 this morning, realizing that the map was one
24 person off, and, of course, we need to correct
25 that situation, but the fact of it is that he

1 has done an awesome job. And I use that word
2 because my daughter is -- and every child who
3 is 17 or 18 or 19 years uses the word
4 "awesome," but I really mean it, awesome. And
5 so thank you and I learned a lot and I think
6 that Senator Gibson learned about this, that
7 while it is daunting to first look at drawing a
8 map, if you have the assistance of an expert,
9 all you have to do is say "This is what I want,
10 let's sit down and let's look at it," and I
11 would -- I would recommend to all of you that
12 if you have an idea on this, do not be
13 intimidated by the fact that these -- these
14 maps look daunting and intimidating. If you go
15 in and sit down with an expert, it is -- it is
16 much easier to come up with a solution.

17 One of the things, however, that you find
18 in trying to get a solution like this is that
19 while there may be an infinite number of
20 possibilities theoretically, pragmatically
21 speaking, there are only a limited number of
22 ways to draw an east/west configuration of
23 Congressional District 5 and meet the
24 constitutional standards.

25 The fact of it is that -- and this is

1 addressing an issue by Senator Montford that
2 what he's looked at is creating one set of
3 problems that we have with Congressional
4 District 5 as it is in a north/south
5 configuration because the two population
6 centers, as Senator Gibson and I went over with
7 Jay, are that it is Jacksonville and it is
8 Orlando with only 25,000 black voting age
9 population individuals between those two
10 distances of approximately 143 miles. And then
11 if you are going to go ahead and take that and
12 simply rotate it on the axis around
13 Jacksonville, you have to extend this district
14 from 143 miles to 206 miles, and in so doing,
15 you leave a significant area between the two
16 just as you do in a district that -- that
17 extends from Jacksonville to Orlando, now is
18 even extended from Jacksonville to Tallahassee.
19 And I can only gather that -- and since I've
20 really not spoken to Senator Montford about
21 anything other than hearing him make his
22 remarks about trying to keep a community
23 intact, that the fact of it is that we've just
24 traded one set of problems for another set of
25 problems, and sometimes those problems are even

1 more extensive here because of the -- of the
2 amount of distance that exists between
3 Jacksonville and Tallahassee.

4 We are talking about, under Congressional
5 District 5, north/south, 2,031 square miles,
6 and when you are talking about this new
7 district, we are talking about 3,911 square
8 miles; in other words, double the size. And
9 the extent of this is overwhelming to go ahead
10 and try to do this. And then taking that into
11 consideration in meeting the constitutional
12 standard of not reducing -- not diminishing the
13 ability of minorities to elect a candidate of
14 their choice, you are left with the only
15 solution that -- 45.11, if that is as low as
16 you are going to go. And I can already, I can
17 already, fellow Senators, see a set of
18 circumstances that can develop in which an
19 African-American does not get elected to
20 Congressional District 5 in an east/west
21 configuration. And it doesn't take a whole lot
22 of imagination to put that set of circumstances
23 together.

24 But what you see here is there is another
25 map that I was unaware of, and that is Romo Map

1 B. Romo Map B is a map that, in fact, the
2 plaintiffs had prepared, and it has 47.3
3 percent black voting age population, and it, in
4 fact, does drop down to Marion County and has
5 some of the southern extension that Senator
6 Montford discusses. And, obviously, that's
7 what was presented to Senator Gibson and me
8 by -- by staff, and when Jay presented that to
9 us, we looked at it, we could see that that is
10 one of the viable solutions to this problem of
11 maintaining a BVAP that is greater than 45.12
12 percent, but somewhere less than 48.11 percent,
13 with the sole goal, as is clearly shown by the
14 tape recordings that exist, of trying to assure
15 that we are doing the right thing, that we are
16 meeting the constitutional mandate -- I don't
17 want to call it a mandate because I want to
18 call it a goal that we as people who were sworn
19 in to uphold the Constitution of the State of
20 Florida and the United States demand of
21 ourselves to meet. And what I see is that you
22 can go ahead and increase the BVAP, the black
23 voting age population, in this east/west
24 configuration, do it as the plaintiffs
25 themselves proposed, but at the same time, lose

1 some of the ability -- visual ability that the
2 Supreme Court has spoken about, you know,
3 because it ends up having an area that I call
4 little Italy. It is an extension that goes
5 down and follows somewhat the same path that
6 existing north/south Congressional District 5
7 has.

8 And so Senator Gibson and I are concerned
9 about that. We ran, with Jay's assistance, the
10 Reock and the Convex Hull analysis on this, and
11 it doesn't meet the highest standard. But then
12 you say to yourself, well, what about the
13 constitutional demand that we assure that those
14 persons who are minorities not have a delusion
15 of their ability to be here with us, not just
16 be able to vote, but to be a part of this
17 institution and of Congress?

18 CHAIR GALVANO: Chairman Simmons --

19 SENATOR SIMMONS: And so I say to you that
20 I don't know -- and this is the point that I am
21 making to you about the timing -- I don't know
22 whether Senator Gibson and I will -- will
23 introduce that map. We want to hear the
24 testimony. If, in fact, here afterwards we
25 decide that we do not want to introduce it but

1 we want to make the remarks about it and point
2 out the concerns that we have just simply
3 traded one set of problems for another set of
4 problems, and that sometimes the problems that
5 we have traded for are even greater than the
6 ones we had -- because I can assure you the
7 only reason that the existing Romo A map has
8 any kind of visual esthetic, pleasing
9 attributes is because the -- of the Georgia
10 border on the north side of it. The fact of it
11 is that it's two hundred and some odd miles
12 long, 206, and it is going to be a major
13 problem for all of us.

14 And so I don't know you're going to -- how
15 you're going to get -- I don't know how we are
16 going to get anything other than 45.1 percent.
17 You can get it up as Senator Gibson and I did,
18 and we will show it you, we got it up to about
19 47.6 or forty -- is it 47.6, Jay?

20 CHAIR GALVANO: Chairman Simmons, why
21 don't we do this: The points you are bringing
22 up are very appropriate, and I expect that
23 that's the type of discussion that we will have
24 when we look at the proposed modifications to
25 the map. I absolutely want to hear that type

1 of testimony, I know the Senators here want to
2 hear it and it needs to be part of the record.

3 SENATOR SIMMONS: I want to finish by
4 saying this: Both Senator Gibson and I -- I
5 know you, but the point of it is that we've
6 come to the conclusion, I think at least I
7 have, that -- that we don't need to condemn the
8 Romo Map A because of who actually did it.
9 Their intent -- I don't know what their intent
10 was. I can tell you we can all ascribe a bad
11 intent to it. But we are here for the purpose
12 of synthesizing all of the information that is
13 provided to us, and we cannot insulate
14 ourselves. We must, in fact, accept all of
15 these things and then say what is the best
16 product. And as that -- as the trial judge in
17 this case said, the real test is looking at it
18 from an objective point of view and determining
19 whether or not this is going to meet the
20 constitutional standards of our fair districts
21 amendments and the United States law, the
22 Voting Rights Act, and that is the big point.

23 And I am not going to say that what was
24 done here as Romo A is, in fact, contaminated
25 or polluted because of who did it. I don't

1 think that's for us to do. I've now concluded
2 that that issue is I -- I think that the idea
3 is that Romo A and what is in our plan is -- if
4 it is a good result and if it assures that we
5 are meeting the constitutional standard of not
6 diminishing the ability of minorities to elect
7 a candidate of their choice, then we can go
8 ahead.

9 We are going to have a lot of people
10 giving us what we consider to be maybe tainted
11 or their own intent, but that is not
12 transferred to us. And so as we go through
13 this, I think that -- that we are going to find
14 that we can cross examine every one of the
15 persons who appears in front of us and we can
16 challenge them all. But you know what? They
17 all have the constitutional right to be here
18 and to say to us what their beliefs are without
19 us checking their bank account and -- or at
20 least letting them say to us that they don't
21 care to give us all of that personal
22 information, just the fact is that we didn't --

23 CHAIR GALVANO: And we are going to get
24 into the public testimony --

25 SENATOR SIMMONS: So with that said, I

1 don't know that we are going to be putting ours
2 in, so factor that into your -- your
3 determination as to the timing.

4 CHAIR GALVANO: Okay.

5 SENATOR SIMMONS: Some of us would
6 probably like to go home on Friday and come
7 back on Monday.

8 CHAIR GALVANO: I would like to give you
9 the opportunity and Senator Gibson the
10 opportunity to think that through, and that's
11 why I laid out our plan for today. So we are
12 going to hear public testimony at this point
13 after Chairman Bradley makes a comment, and
14 then we will recess and let the members who are
15 working on potential amendments continue to go
16 through that -- that process.

17 Chairman Bradley, you are recognized, and
18 then we are going to start with Congresswoman
19 Brown right afterwards.

20 SENATOR BRADLEY: Thank you, Mr. Chairman,
21 and I look forward to possibly reviewing other
22 amendments other than the ones that have been
23 filed, including those prepared by our good
24 colleagues, Senator Gibson and Senator Simmons.

25 I just felt compelled to -- in listening

1 very carefully to my learned colleagues,
2 Senator Simmons, and his very well-thought-out
3 remarks, but I -- there is one thing you said
4 that I -- I cannot agree with at this point,
5 and that is the idea that -- that we accept
6 Romo A as embedded in that decision that we are
7 to follow with a clean slate because we have
8 the opportunity to cross examine people.

9 We don't have the opportunity to cross
10 examine the Supreme Court Justices as to why
11 they chose this particular way. We don't -- of
12 configuration. We don't have the opportunity
13 to talk to their law clerks. We don't have the
14 opportunity to talk to anybody who came up with
15 this direction that we are now required to
16 follow. And so without that, then we have --
17 we do not have at our disposal the tools that
18 the court does.

19 So I just want to make that point for the
20 record and as we move forward. Thank you.

21 CHAIR GALVANO: Congresswoman Brown.

22 After we hear some public testimony, we
23 will have a few more questions, just so we all
24 know.

25 Good morning and welcome.

1 CONGRESSWOMAN BROWN: Thank you and good
2 morning. I can speak to you all now? It is
3 okay?

4 CHAIR GALVANO: Yes.

5 CONGRESSWOMAN BROWN: Well, first of
6 all --

7 CHAIR GALVANO: Hold on. We are turning
8 your mike on so we can hear you.

9 CONGRESSWOMAN BROWN: Okay. First of all,
10 I am Congresswoman Corrine Brown. I live at
11 611 Appian Way in Jacksonville, Florida, and it
12 is good to be able to say good morning to my
13 Senators. I am concerned that I can't talk to
14 them, I can't petition my government, and, in
15 fact, I was reading the -- a Supreme Court
16 ruling, and let me let you know I read it, then
17 I got at three o'clock in the morning and I
18 read it again because I was confused how my
19 position on fair districts ended up in the
20 ruling. And I understand someone mentioned it,
21 but does that mean I should mention right now
22 as I'm speaking to you that I support expanding
23 Medicaid? I mean, I do not understand how the
24 people of the Fifth Congressional District is
25 being penalized -- let me be clear. I didn't

1 talk to nobody. I didn't submit any maps. My
2 understanding that you all had -- and you can
3 correct me on this -- 33 hearings. I attended
4 all of the hearings in my district,
5 Jacksonville, but I came to Tallahassee,
6 Orlando and Gainesville, where people came and
7 talked, put their positions on the table. You
8 had public hearings, and people from north
9 Florida came and they indicated that they did
10 not want to be in the district with
11 Jacksonville. You have that information. And
12 at the time, the Congressperson was Congressman
13 Ander Crenshaw. It wasn't anything about him.
14 They wanted to indicate they want to be in an
15 area with rural people. And I understand that,
16 rural people want to be in an area with rural,
17 urban want to be with urban.

18 But let me just say something else. I
19 can't believe I am here talking with you all 23
20 years later on the same subject. When I first
21 was elected to the United States Congress in
22 1992, I was the first African-American elected
23 in 129 years. And the first person -- you
24 know, probably why I am so upset is because I
25 think I got the best district. And why is it?

1 Well, I represent Gainesville, Florida. And
2 the first member of Congress that was
3 African-American, Josiah Walls, came from
4 Gainesville, Florida. Of course, I am a Gator,
5 that has something to do with it, too, but let
6 me just tell you --

7 CHAIR GALVANO: First.

8 CONGRESSWOMAN BROWN: Let me just tell
9 you, he won the election three times and he was
10 constantly challenged, and the third time, they
11 burned down the courthouse. Well, I want to
12 know what else happened to him. Well, he came
13 on to Tallahassee, he went to Florida A&M
14 University and established the agricultural
15 school. That's my school also. So that is a
16 little history of -- of that area that I am so
17 proud of.

18 And when you draw a district, it is not
19 just the congressional, because when you are
20 finished with the congressional, you are going
21 to go to the senate districts and then you are
22 going to do the house and then it trickles down
23 to the school board and the city council and
24 then the other little hamlets.

25 So what are we talking about? We are

1 celebrating 50 years August the 7th of the
2 Voting Rights Act. Lyndon Baines Johnson
3 signed it into law saying that you could put
4 communities of interest together. And in 1992,
5 I was involved in the lawsuit that the Federal
6 courts through the district, and it has been
7 affirmed all the way to the United States
8 Supreme Court. And the district was -- you
9 know, I wanted four districts, but the
10 compromise was three. That's how Alcee
11 Hastings, Carrie Meek and Corrine Brown went to
12 Congress. But in addition to that, that was an
13 access district in the Tampa area, and the
14 African-Americans had an opportunity to elect a
15 candidate of their choice. They chose -- that
16 person was not an African-American. So I
17 talked to the judiciary committee in
18 Washington, DC, and I wanted to know how did
19 that stand now. Did they have to continue to
20 draw that district? But those are some of the
21 issues, and I want the counsel to address that,
22 because Tampa was drawn as an access district
23 and the courts went to great length to say why
24 they didn't put Orlando with Tampa, because
25 they've got competing interests.

1 And one of the areas -- and I have a copy
2 of my lawsuit that I filed yesterday. Well,
3 one of the areas that I am suing about, which
4 is way past what you all are talking about, is
5 that you all have already voted to take
6 Sanford, Florida, out of my district.

7 Now, they said, "Well, Corrine, you could
8 win without Sanford." It is not about winning.
9 It is about having communities of interest and
10 having people to be served. Jackie Robinson --
11 and I don't know whether you saw the movie "No.
12 42." I recommend it. Anyway, he couldn't live
13 in Sanford. And the national baseball team is
14 going to give me that contract. They gave him
15 a contract saying that you could every night go
16 to Daytona because they said if he stayed in
17 Sanford, they would kill him. Then 40 years
18 later, we had Trayvon Martin killed in Sanford.
19 But we in Florida did not have Ferguson and we
20 did not have Baltimore because they had a
21 member in the room. And if you are not in the
22 room, you're on the menu.

23 Eatonville, the oldest black town in the
24 United States of America. In 1965, they split
25 Eatonville. The National Radio Network did a

1 story about it saying it's going to die because
2 it don't have no economics. Well, we are
3 getting ready to spend \$2 billion in Maitland,
4 which is less than a mile from Eatonville. And
5 what did Eatonville get when they split it?
6 They got a ditch. You all call it a retention
7 pond. They still got a ditch. Absolutely not.
8 That dog won't hunt. If you are not in the
9 room, you are on the menu, and that is what we
10 are talking about.

11 And I do want my complete statement made
12 for the record, but I am -- I just want to be
13 clear. When whoever drew this district, they
14 destroyed two districts and they knew it when
15 they drew it. The second district is gone.
16 That was a Democratic district. And the fifth
17 district, they knew when they drew it was a
18 nonperforming district. It would not elect an
19 African-American, and they knew that, too. I
20 guess it had something to do with the fact that
21 I didn't support this amendment. I have no
22 idea. I can't talk to -- in my opinion, the
23 map that I would put in is the NAACP map.
24 There are many organizations that's been
25 parading like they are civil rights

1 organizations. It is only one civil rights
2 organization, and that is the NAACP. I want to
3 put their map, what they presented before you
4 all took Sanford, Florida, from me.

5 Sanford -- "60 Minutes" did a special
6 about Sanford, how people was living out of
7 their cars, washing up, going to school,
8 because they didn't have adequate public
9 housing. It took me all these years to get it
10 straight. We are getting ready to build new
11 housing. And now you are going to tell me the
12 only person that is supposed to represent
13 Sanford, Florida, is someone that wants to sell
14 public housing? Lawton Chiles would say that
15 dog don't hunt. Absolutely not. You are going
16 to tell me the only person that's supposed to
17 represent Sanford? What's going to happen to
18 those people in that community, communities of
19 interest? That is exactly what the 1965 Voting
20 Rights Act was all about.

21 It is not whether or not one of you get a
22 chance to run for Congress, or somebody else
23 get a chance to run for Congress. I've had 23
24 years in Congress, 23 years to serve, and those
25 communities, when you all have had hearings,

1 the biggest crowds have come from that area
2 because they knew what it was not to have
3 representation and now they have it.

4 And the last thing I want to say, that I
5 used to represent St. Augustine, Florida,
6 west -- west office. And the ministers called
7 me over -- you know, as you all refine and talk
8 about the way it looks and you want it looking
9 a certain way, it doesn't matter whether the
10 people are being taken care of, just make sure
11 it looks a certain way. Well, there was raw
12 sewer on the ground and the county wasn't
13 taking care of it, or the city. I got them a
14 grant. I went to see Jeb Bush about it. And I
15 want to be clear, could have been either one of
16 the Governors. But he told me, "Corrine, St.
17 Johns County is one of the richest in Florida."
18 I said, "The area I represent reminds me of
19 Haiti."

20 We have these areas in Florida that have
21 not been taken care of, and that's what the
22 1965 Voting Rights Act was all about, putting
23 these communities together so they could have a
24 voice at the table. Florida have 27 districts.
25 How come the fifth is on the table and on the

1 menu all of the time?

2 And with that -- and like I said, the map
3 that I want to present, I don't know how you
4 talk, I don't know how you do it, I want to
5 present the NAACP map, put that one on the
6 table, and I want it for the record. And I
7 didn't talk to anybody from NAACP, I didn't
8 talk to any of my Senators, I haven't talked to
9 anybody and I didn't talk to them before. I
10 didn't present a map, because at all of the
11 hearings that I went to, the maps was the same.
12 Where did this map come from?

13 I want you to know I, Corrine Brown, was
14 never in no closed-door room, I never talked to
15 anybody about a map, because as far as I am
16 concerned, all of the maps was the same,
17 whether it was the NAACP or different
18 organizations.

19 Where did this map come from? In fact,
20 when they had a hearing in Tallahassee and that
21 map came up, I said, oh, they couldn't possibly
22 be serious about this map. They knew it was a
23 nonperforming district. They knew. There's 18
24 prisons in that district, and you counted them,
25 you counted them, but they can't vote. And in

1 Florida, if you are a felon, you can't vote.
2 So you know when you drew that district it
3 would not produce an African-American. But I
4 am going to tell you some other breaking news,
5 it won't produce a white Democrat either. So
6 you are going to lose two districts with that.

7 That's my oral remark. I have a copy of
8 my lawsuit for you that I filed yesterday, and
9 we can pass that out, and if you have any
10 questions -- but I want my total written
11 statement because I was -- it made me sound
12 like I was rambling a little bit, but I have
13 been waiting to get to you.

14 CHAIR GALVANO: No, we appreciate very --
15 we appreciate very much you being here, and all
16 your submissions will be part of the record, as
17 will your comments. And you said you would
18 entertain a few questions?

19 CONGRESSWOMAN BROWN: Oh, I would love it.

20 CHAIR GALVANO: I would like to give the
21 members an opportunity to have that
22 conversation or questions with you, and we will
23 start with President Lee.

24 SENATOR LEE: Okay. Thank you, Mr. Chair.

25 And, Congresswoman Brown, I have to tell

1 you, I've heard you speak a number of times
2 over my senate career, and I appreciate your
3 passion and your crusade and your history
4 lesson. It reminds me a little bit like when
5 my mom used to take me to church on Sunday
6 morning, sit me right in the front row, and I
7 feel like I've been at church when I hear you
8 speak sometimes. We thank you for being here.

9 You raise an issue, and I would like your
10 perspective on it, that was raised in my mind
11 yesterday in the discussion about why the
12 Supreme Court or parties that have advocated
13 for essentially what I am going to call
14 dilution or diminution of retrogression of
15 Congressional District 5 under old standards
16 that would have been clearly considered that,
17 but under the interpretation that we're
18 operating under here, it is not considered to
19 have been retrogression. And I am wondering
20 what the theory is in your mind, from your
21 perspective, or from our -- and our counsel's
22 perspective -- you know, I suppose one could
23 argue that there has been some modicum of
24 progress been made with respect to, you know,
25 racially-motivated voting patterns and things

1 like that. Perhaps over time there's been some
2 perception that the threshold could be lower
3 and you could still achieve the same desired
4 outcome.

5 I don't know what the theory is, but
6 clearly we have a new standard for determining
7 what constitutes packing or retrogression. Do
8 you have a sense of --

9 CONGRESSWOMAN BROWN: Public remarks?

10 SENATOR LEE: Yes.

11 CONGRESSWOMAN BROWN: I think the comment
12 that she -- my Senator asked about packing, we
13 don't have no packed districts in Florida.
14 Each state is different. There are people in
15 Carolina or Virginia that have 65 percent
16 districts, and they said, well, you could draw
17 more districts. But in Florida, we have no
18 packed districts.

19 You can't tell me -- the district drew,
20 and so it went from 48, 49 to 50, you know, but
21 that's not packing. And so you are going to
22 have to disenfranchise those because you don't
23 -- you have some theory that it was somebody
24 did something. But I can tell you I did
25 nothing, the people in the Fifth Congressional

1 District did nothing. They came to the
2 hearings that you all had -- y'all had 33
3 hearings, I think, I am not sure, but I went to
4 all of the ones in my area, and you had some of
5 the -- and this is not the first time, and you
6 had some of the largest turnouts in those
7 areas. People came and told how the district
8 was working for them. Now, why would you go --
9 I have no idea, because when you look at that
10 area, you know that it is a nonperforming area
11 because of the num- -- you have 18 prisons,
12 state prisons. I haven't gotten the number of
13 the Federal prisons that you have in that area.
14 And so if you count prisoners, which you do
15 not, they can't vote -- so whoever drew the
16 district knew when they drew it was a
17 nonperforming district. In addition, they knew
18 they was destroying the second district that
19 was a Democrat. So -- so you are -- you are
20 going against the Constitution you say you
21 stand for, you know, and when I listened to the
22 Supreme Court, and I guess you all did when
23 they was having the testimony, and one of the
24 justices say what is a community of interest,
25 hmmm, they don't know the U.S. voting rights

1 and what -- what it says about community of
2 interest? Well, what do you know about
3 dilution? Those are the questions that's got
4 to be on the table, because the district that
5 is drawn will not perform, and they -- whoever
6 drew it knew it.

7 CHAIR GALVANO: Senator Bradley --

8 CONGRESSWOMAN BROWN: It's a nonperforming
9 district.

10 CHAIR GALVANO: Senator Bradley, you are
11 recognized.

12 SENATOR BRADLEY: Welcome, Congresswoman.
13 You are my Congresswoman, I am from Clay
14 County, and so it is an honor to have you here
15 today.

16 I had made comments at a previous
17 committee meeting a few days ago regarding a
18 particular part of the opinion recently
19 released by the Florida Supreme Court.

20 CONGRESSWOMAN BROWN: Page 80.

21 SENATOR BRADLEY: Page 80, that you
22 referenced briefly, and I just wanted to
23 explore that with you a little bit because it
24 deeply, deeply concerned me.

25 Basically what the court did is a -- as

1 evidence of ill intent, cited the following:
2 "The legislature's configuration of District
3 5," your district, "also had the effect of
4 benefiting the long-term or long-time incumbent
5 of the district, Congresswoman Corrine Brown,
6 who previously joined with leading Republicans
7 in actively opposing the Fair Districts
8 Amendment and redistricting reform."

9 Now, here's how I read that. How I read
10 that is you engaged in sacred, protected
11 political speech, along with other individuals,
12 in advance of something that was being
13 considered by the voters of the State of
14 Florida. You passionately felt about it as
15 you -- and expressed many of the arguments that
16 you expressed today, and many of the things you
17 said and others said came true, we're
18 experiencing them right now. And because you
19 did that, that you expressed those core First
20 Amendment sacred rights, that is now evidence
21 in the case of ill intent.

22 Do you share my perspective on -- in
23 our -- and are you as troubled as I am by -- by
24 what you have read in this opinion?

25 CONGRESSWOMAN BROWN: It is chilling,

1 because I feel as I speak to you today, what is
2 your position because I support your taking
3 those Medicaid dollars? I mean, are you going
4 to punish the people of the Fifth Congressional
5 District?

6 In addition to that, it is so chilling
7 that my attorneys is looking at me about going
8 into a lawsuit with -- about freedom of speech.
9 I can't talk to you. I can't give you my
10 position. I am scared to speak to my Senators.
11 It is a problem that we cannot petition our
12 government. It is not just me, people -- how
13 many people can come here? They didn't even
14 give you a timeframe that you could have
15 hearings around the state. Do it, do it now,
16 do it my way. Separate branches of government.
17 I served in the Florida House. I don't
18 understand how I got in the ruling. I did not
19 talk to anybody. I heard you all say it was
20 meetings. I wasn't in that room. And clearly
21 I said today, if you are not in the room, you
22 are on the menu.

23 CHAIR GALVANO: Senator Gibson.

24 SENATOR GIBSON: Thank you, Mr. Chair.

25 And I want to go back to your

1 explanation -- and thank you for being here and
2 she's my Congresswoman too, Senator Bradley.

3 SENATOR BRADLEY: Yes.

4 SENATOR GIBSON: -- the -- that you talked
5 about in terms of the Supreme Court drawing the
6 original -- I guess it was District 2, was it
7 then? When you were elected to the district
8 that went from Jacksonville and Orlando, you
9 talked about --

10 CONGRESSWOMAN BROWN: The Federal court.

11 SENATOR GIBSON: I'm sorry, the Federal --

12 CONGRESSWOMAN BROWN: Not the Supreme
13 Court.

14 SENATOR GIBSON: Not the state Supreme
15 Court.

16 CONGRESSWOMAN BROWN: Is this the first
17 time the Supreme Court ever drawn districts?

18 SENATOR GIBSON: The --

19 CONGRESSWOMAN BROWN: The Florida Supreme
20 Court? I don't know. But the Federal court,
21 this was in the Federal court, in 1992 the
22 Federal court drew this district and it put
23 communities of interest together and they had
24 lengthy discussions why they put these
25 communities together. And the discussion was

1 also why they didn't put Orlando with Tampa.
2 Competing interest. But they put Jacksonville
3 and they put it -- and, in fact, it was --
4 maybe it was 14 counties, they refined it and
5 refined it, and the discussion is what it looks
6 like.

7 Now, why I didn't support the Fair
8 Districts, because anybody when you hear the
9 word "fair," you think, well, wow. But how
10 come that the -- the part about voting rights,
11 African-Americans wasn't a first tier. Oh, no,
12 it is No. 1 tier. People -- too many people
13 have died. Did you see Selma? Sometimes we
14 need to go back and look at where we have come.
15 Did you know that the first poll tax in this
16 country was right here in Florida? We have
17 come a long way.

18 CHAIR GALVANO: Senator Gibson.

19 SENATOR GIBSON: Thank you. Thank you,
20 Mr. Chair.

21 So having represented the districts
22 between Duval down to Orange --

23 CONGRESSWOMAN BROWN: Orlando. Such a
24 wonderful tourist, exciting place to be.

25 SENATOR GIBSON: Having represented that

1 area for --

2 CONGRESSWOMAN BROWN: Basketball teams.

3 SENATOR GIBSON: -- a number of years,
4 Congresswoman --

5 CHAIR GALVANO: Okay. For the --

6 CONGRESSWOMAN BROWN: Yes, sir.

7 CHAIR GALVANO: -- record, because it
8 makes --

9 SENATOR GIBSON: How similar are -- how
10 similar in interest or how similar at all are
11 the communities drawn in the base map from
12 Jacksonville to Baker to Hamilton to Madison to
13 a piece of Leon to Gadsden? Do you find that
14 that is a community of interest similar to the
15 communities of interest that you currently
16 represent?

17 CONGRESSWOMAN BROWN: You are not drawing
18 a district for me, so I just want to be clear.
19 You know, when you draw districts, you
20 shouldn't draw them with members in mind.

21 But let me just say, go back and pull your
22 records with those hearings that you had. In
23 all of the hearings, the people from north
24 Florida came and said that they did not want to
25 be in the district with Jacksonville. And they

1 came to at least four or five, and I asked the
2 question, well, why were they going to all of
3 these meetings saying the same thing? They
4 wanted to be in an area together. So, you
5 know -- and I am saying, I guess, agriculture
6 people got certain things that they are
7 interested in -- and I am teasing, but when you
8 look at the communities of interest, what are
9 some of the things -- and I am not speaking
10 about just African-Americans. When you look at
11 transportation --

12 SENATOR GIBSON: Right.

13 CONGRESSWOMAN BROWN: -- we want
14 high-speed rail, we want rail. When you look
15 at airports, when you look at ports, all of
16 those communities of interest, tourism, those
17 communities have the same thing, and you would
18 have to go and pull their statements because
19 they came to those -- all of those hearings,
20 and I -- I was wondering why we didn't pull it.
21 But I think it is important -- if what the
22 public want, if it means anything, then I think
23 it is important to pull their testimony because
24 they came to those hearings.

25 CHAIR GALVANO: Senator Montford.

1 SENATOR MONTFORD: Thank you, Mr. Chair.

2 Welcome, Congresswoman. We appreciate
3 your being here. I happen to be the Senator
4 that represents the proposed new CD 5.

5 CONGRESSWOMAN BROWN: Is that Tallahassee?

6 SENATOR MONTFORD: Yes.

7 CONGRESSWOMAN BROWN: I like Tallahassee.

8 SENATOR MONTFORD: We do, too, and all of
9 the counties around it.

10 CONGRESSWOMAN BROWN: You know I like the
11 Seminoles and I love Florida A&M University
12 where I went to school.

13 SENATOR MONTFORD: You went to a great
14 school.

15 CONGRESSWOMAN BROWN: I absolutely did.

16 SENATOR MONTFORD: And we appreciate you
17 being here.

18 My question -- my first question,
19 Mr. Chair, is very similar to what Senator
20 Gibson just asked, and we know the history of
21 your current District 5 and the makeup of that
22 district and the historical significance of how
23 those lines were drawn to get the communities
24 of interest together. And I am looking back to
25 now -- at this new proposed district, and I

1 think you touched on it, but I am trying to get
2 my arms around the difference between the
3 communities of interest in the current 5
4 compared to the proposed base map 5, the
5 differences in those communities of interest.

6 CONGRESSWOMAN BROWN: I -- I just -- I
7 don't know how I can tell you. The areas --
8 first of all, I didn't draw the district. They
9 put the communities together, and the areas
10 that they put together have the similar things.
11 When I mentioned Sanford, they was having
12 serious problems with their public housing, and
13 it has taken all these years to get it
14 straightened out.

15 And the same thing, Orlando, housing.
16 When you look at transportation and you look at
17 that central Florida area, the regional
18 transportation, the fact is we are -- just
19 passed All Aboard Florida, so we are going to
20 have a train that's going to go from Orlando to
21 Miami. But the next leg should be from
22 Jacksonville to Orlando. So I am saying
23 tourism, moving people, goods and services, I
24 mean, that's kind of the economic engine in
25 that area.

1 I can't tell you about your area. You
2 probably can tell me more about your area, but
3 now -- know that -- I tease people all the
4 time. I am a member-at-large because when
5 Tallahassee people want something, they come to
6 me. So that -- that's not the issue.

7 The issue is that if I die today or
8 tomorrow, making sure that African-Americans
9 have an opportunity to elect a candidate of
10 their choice based on the 1965 Voting Rights
11 Act.

12 CHAIR GALVANO: Congresswoman, we really
13 appreciate your time here today, and it is
14 helpful for our record and our deliberations,
15 and so again, thank you.

16 CONGRESSWOMAN BROWN: Thank you. Thank
17 you very much. Thank you for your patience
18 with me.

19 SENATOR JOYNER: Mr. Chairman?

20 CHAIR GALVANO: Yes, Leader Joyner.

21 SENATOR JOYNER: Thank you. Since the
22 Congresswoman hasn't -- cannot communicate with
23 us, I would just like to say hello because this
24 is my first time seeing her since we've been
25 engaged in this process.

1 CONGRESSWOMAN BROWN: You look very nice
2 in your red too.

3 SENATOR JOYNER: Thank you.

4 CHAIR GALVANO: Absolutely. There is no
5 prohibition for you communicating with her.
6 Jay, get the tape recorder, please.

7 President Lee.

8 SENATOR LEE: Thank you. Just quickly for
9 the record, could I pose the same question to
10 our -- our counsel that I raised during the
11 discussion about retrogression in Congressional
12 District 5?

13 CHAIR GALVANO: Absolutely.

14 SENATOR LEE: Okay. Justice, we had -- we
15 had essentially -- now on two days in a row,
16 we've had this conversation about how we go
17 from the high 40s or low 50s, you know, down to
18 42 point whatever, you know, or whatever the
19 retrogression is in CD 5.

20 Did the court comment, is there any
21 direction, do we know what their logic was in
22 how they progress from the high minority access
23 numbers that were in the base map or the
24 previous map versus where they take this? Is
25 it based upon their perception of historical

1 performance, or do you think that they're of
2 some sort of view that as history has unfolded
3 and things have evolved, that you don't need as
4 high a standard today in 2015 as you needed in
5 1965?

6 CHAIR GALVANO: You are recognized.

7 JUSTICE CANTERO: President Lee -- thank
8 you, Mr. Chair.

9 President Lee, I think the reasoning of
10 the court is found on pages 82 and following of
11 their opinion where they speak of the case of
12 *Martinez versus Bush* from 2002, which was a
13 Voting Rights Act Federal District Court case,
14 and that case considered -- it was a very long
15 opinion in that case, but among other things,
16 it did consider then District 3, which is the
17 same district going from Jacksonville to
18 Orlando, and the Court in *Martinez* approved
19 that district as a minority performing district
20 with a black VAP of 46.9 percent, and there
21 were other decisions that it quotes in the
22 opinion that quoted black VAP of 42.7 percent
23 from the *Martinez* opinion as well. And so it
24 conducted its own pseudo functional analysis
25 itself in the opinion, and it determined that

1 at a black VAP of 45.12, which it determined
2 was higher than or well within the range, it
3 said, of the 42.7 and the 46.9 that were
4 addressed by the Federal court in *Martinez*, it
5 considered that sufficient to be -- to perform
6 for minority voters at 45.12.

7 The -- in my opinion, the misconception of
8 the court is we're talking about two different
9 areas of the state, and as we discussed on
10 Tuesday, the -- there's such a thing as
11 racially polarized voting, and the evidence at
12 trial was that there was more racially
13 polarized voting in north Florida than there
14 was in central Florida. And, therefore, the
15 black VAP that you need for a north Florida
16 district may be higher than what you need for a
17 central Florida district.

18 SENATOR LEE: One quick follow-up, then,
19 Mr. Chair.

20 CHAIR GALVANO: Yes.

21 SENATOR LEE: So let's just assume that we
22 accepted the logic of the court with respect to
23 the threshold necessary to get to a minority
24 access district as they have outlined in their
25 opinion. Why wouldn't they have just clipped

1 the edges off or refined slightly the current
2 configuration of CD 5 to get to those numbers
3 rather than rearranging the entire map and
4 causing that level of chaos? Is there some
5 reason why they wouldn't have taken a simpler,
6 more direct approach to getting to the lower
7 threshold that they felt was necessary?

8 CHAIR GALVANO: Justice Cantero.

9 JUSTICE CANTERO: Thank you, Mr. Chair.

10 We go back to page 80 of the opinion in
11 which they concluded -- and we discussed that
12 this morning with Congresswoman Brown -- they
13 concluded that "that configuration of the
14 district going north/south was drawn with the
15 intent of benefiting what the court said was
16 the long-time incumbent of the district,
17 Congresswoman Corrine Brown, who previously
18 joined with leading Republicans in actively
19 opposing the Fair Districts Amendment and
20 redistricting reform." And that's, again, on
21 page 80.

22 CHAIR GALVANO: President Lee.

23 SENATOR LEE: Okay. And so --

24 JUSTICE CANTERO: I'm sorry, I hadn't
25 finished the quote. Let me just finish.

1 The next sentence says, "Indeed, the
2 remedial version of District 5 still retains
3 approximately 80 percent of its 2002 benchmark,
4 a redistricting map that was admittedly
5 gerrymandered to favor the Republican party and
6 incumbents."

7 And, again, there was -- there's a
8 misconception in that sentence as well. As I
9 had pointed out to the court even at oral
10 argument and we did it in our brief, I told you
11 *Martinez* is a very long opinion. Well, I
12 quoted Footnote 93 of the opinion, and Footnote
13 93 specifically says that there was no dispute
14 about District 3 and everybody agreed that that
15 was drawn that way to comply with the Voting
16 Rights Act. So everybody agreed that District
17 3 was not drawn as a Republican gerrymander.
18 So despite that, we find the language in the
19 court's opinion on page 80.

20 CHAIR GALVANO: President Lee.

21 SENATOR LEE: So -- and, again, I ask
22 these questions all within the context of
23 knowing there's going to be a mandatory process
24 up and coming and try to decide how to balance
25 out the equities, what is the right thing to do

1 here.

2 When -- when the court refers to the
3 intent that they found in the drawing of the
4 north/south version of Congressional District
5 5, seems like we were in 2012 merely following
6 20 years of validation of that configuration
7 that -- is that a fair assessment? I mean, the
8 Federal court drew that in a three-judge panel
9 in '92, and that --

10 JUSTICE CANTERO: Mr. Chair?

11 CHAIR GALVANO: You are recognized.

12 JUSTICE CANTERO: Thank you.

13 Yes, sir. In fact, that was our argument
14 at trial and on appeal, and, in fact, the NAACP
15 sat side by side with us at the table during
16 the entire trial defending District 5 and
17 presenting a lot of evidence, a lot of
18 testimony; in fact, as I said on Tuesday, the
19 trial was dominated by testimony regarding
20 District 5 and defending District 5 and showing
21 how that district was originally drawn to have
22 a minority district and continued to be drawn
23 that way to have a minority district. And the
24 only reason that we decided to go from what
25 would have been 49.9 percent black VAP -- we

1 only increased it to 50.06. So less than 1
2 percent -- less than a fifth of 1 percent if we
3 increased it to get to -- because we thought it
4 would be better defended if it went to a
5 50 percent black VAP because Section 2 of the
6 Voting Rights Act requires -- as it has been
7 interpreted by the courts, requires that if you
8 have the opportunity to draw a
9 majority/minority district, then you are
10 obligated to do so. So the Senate felt at that
11 time that we did have an opportunity to draw a
12 majority/minority district and, therefore, we
13 would be much safer in any lawsuit if we went
14 up to 50.06 percent rather than stay at the
15 49.9, and we certainly didn't think that going
16 from 49.9 to 50.06 would be considered packing
17 a district with minorities, which no court in
18 the country had ever done, had ever held, that
19 going to a 50.06 percent minorities was packing
20 minorities into a district.

21 They usually call packing when it's at 70
22 or 80 percent where a court said, "Well,
23 clearly you didn't need to go to 80 percent in
24 order to have a majority-minority district.
25 You could have stuck at 60 percent." But no

1 court has ever said that going to just 50.06
2 constituted packing.

3 CHAIR GALVANO: And then just a footnote,
4 with the enacted map, we are now at 48.11
5 percent. So that's even -- we even went below
6 it.

7 President Lee had a further question.

8 SENATOR LEE: Yeah, I just want to say --
9 and I appreciate your indulgence, Mr. Chair.
10 You've been very gracious.

11 You know, it is -- it seems to me like,
12 you know, you could get your head around --
13 and, again, I was not here, so I don't know,
14 but it seems like you could get your head
15 around their conclusion that perhaps in
16 reconfiguring Congressional District 5, this
17 legislature over-achieved or went a little
18 further than it needed to to achieve the
19 desired outcome of assuring that an
20 African-American community could elect a person
21 of their choice.

22 But I don't understand how they then leap
23 forward and say that because of Amendment 5 and
24 6, the district can no longer run north/south.
25 I could have seen them going in and trimming

1 off the edges, sending this back to us, saying,
2 "Hey, look, you got to stay in the mid 40s, you
3 can't go up that high," or whatever their
4 direction might be. But to totally rewrite,
5 you know, 20 some years of jurisprudence as
6 established by a Federal court, I don't
7 understand how they get there, and, you know, I
8 continue to be perplexed by the direction that
9 they are giving us with respect to an east/west
10 district in CD 5.

11 CHAIR GALVANO: Vice Chair Ring, followed
12 by Senator Bradley, and then we are going to
13 get back into public testimony.

14 SENATOR RING: Thanks, Chair. I have a
15 simple question.

16 I heard the Congresswoman refer to
17 communities of interest, and I am curious about
18 what is the current definition in redistricting
19 law, and as a result of the cases that we have
20 presented and that you have presented as we've
21 heard a lot about, you know, your -- what you
22 presented, what is the definition according to
23 the Supreme Court now of a "community of
24 interest"? Is it a coastal community? Is it,
25 as she said, rural versus urban? Are those

1 defined and can we draw a map with those being
2 called communities of interest?

3 JUSTICE CANTERO: Mr. Chair?

4 CHAIR GALVANO: You are recognized.

5 JUSTICE CANTERO: Thank you.

6 I think the definition of "community of
7 interest" remains the same as it has
8 historically. The difference is in the extent
9 to which it can be taken into account in
10 drawing districts. And let me give you an
11 example from the senatorial districts that the
12 Senate drew in 2012.

13 In the first apportionment case,
14 Apportionment 1, the court addressed Districts
15 1 and 2, and the Senate had drawn those
16 districts so that there was a long coastal
17 community, which we -- the Senate determined
18 that it was a community of interest, the
19 coastal communities in northwest Florida. And
20 then above that district was another district
21 of the inland communities, which the Senate
22 determined was another community of interest.
23 The court invalidated those two districts,
24 holding that -- that the concept of a community
25 of interest can no longer trump the

1 constitutional requirements of compactness and
2 keeping and following geographic and political
3 boundaries. So the Court invalidated those two
4 districts because they were not compact.

5 Now, if you can follow and draw districts
6 to take into account community of interest and
7 still have a compact district and still follow
8 geographic and political lines, then I think
9 that that is permissible. But you cannot take
10 into account community of interest at the
11 expense of compactness and geographic and
12 political boundaries. So I would call it like
13 a Tier 3.

14 CHAIR GALVANO: Okay. Thank you.

15 Danny Martell, you are recognized to
16 present before the committee, Economic Council
17 of Palm Beach County. You have a tough act to
18 follow, but --

19 MR. MARTELL: I do. Thank you for having
20 me here today. My name is Daniel Martell. I
21 am the President of the Economic Council of
22 Palm Beach County. The economic council is a
23 private advocacy business advocacy group in
24 Palm Beach County. We represent the largest
25 businesses and top leadership of business in

1 Palm Beach County.

2 Today we are here -- we have written a
3 letter to the legislature in regard to our
4 position on the base maps as drawn for Palm
5 Beach County and Broward Counties. And we
6 respectfully disagree with the way particularly
7 two districts were drawn, both Districts 21 and
8 22. In its current configuration, they are
9 vertical in nature. And District 2 in
10 particular represents our coastal areas, of
11 which our coastal region of Palm Beach County
12 is substantially dissimilar from any of the
13 areas west, particularly along the turnpike,
14 the Florida Turnpike. The base maps show a
15 more horizontal orientation, including those
16 areas of which truly have no real similarity as
17 it relates to issues.

18 In our letter that we had written to the
19 legislature, we provided this justification,
20 but to highlight some of those issues of
21 concern, those include beach re-nourishment,
22 major infrastructure such as ports, rail,
23 highway, et cetera, property insurance,
24 flooding, salt water intrusion, all of which
25 affect some of our major industries in Palm

1 Beach County such as tourism, marine
2 industries, logistics and more.

3 All these issues reside within
4 representation of District 22. One voice for
5 our coastal issues has been helpful for 30
6 years for business growth and consistency and
7 for all citizens in Palm Beach County.

8 For those reasons and more, we
9 respectfully request that the legislature keep
10 intact both districts 21 and 22.

11 In addition, I would like to mention that
12 we stand with our county commission in Palm
13 Beach County on this very issue. You will hear
14 soon from one of our county commissioners who
15 is here today, and in addition to that, also
16 providing these comments on behalf of Mayor
17 Gail Coniglio, who is the mayor of the Town of
18 Palm Beach, who could not make it here, along
19 with former Congressman Ron Klein.

20 I think you very much for your time, and
21 we urge you to accept District 21 and 22 in
22 their current formation. Thank you.

23 CHAIR GALVANO: Thank you. Any questions?
24 Senator, do you have a question?

25 SENATOR GIBSON: Thank you, Mr. Chair.

1 In current, you mean in the base map as it
2 is today?

3 MR. MARTELL: Senator, no, I am referring
4 to the current map, not the base map. The --
5 I'm -- what we're referring to is that we would
6 like to see Districts 21 and 22 remain intact
7 as they have it, not as proposed within the
8 base map.

9 SENATOR GIBSON: Okay. Thank you for the
10 clarity.

11 CHAIR GALVANO: Thank you. Any more
12 questions? No? Thank you.

13 Next we will have Mayor Tim Ryan of
14 Broward County.

15 MAYOR RYAN: Thank you, Mr. Chairman and
16 Senators. It is a real honor to be able to
17 speak before this committee and to Justice
18 Cantero. The last time I saw you, you were on
19 the basketball court. I hope you are still
20 maintaining that great jump shot of yours.

21 My name is Tim Ryan. I am the mayor of
22 Broward County. I am also a Broward County
23 commissioner. In the past, I served for eight
24 years as a member of the House of
25 Representatives, and with that, there are many

1 familiar faces that are here at this committee
2 and it is nice to see you all this morning. I
3 want to know where the Fountain of Youth is,
4 why you all look so much better than me after
5 all these years.

6 I am also a life-long resident. I was
7 born in Ft. Lauderdale. I have lived my entire
8 life in Broward County. So I am familiar
9 personally with the issues that I will discuss
10 here this morning.

11 My comments are going to be limited to
12 Congressional Districts 21 and 22. The base
13 map takes the current configuration of these
14 districts, which is a vertical configuration.
15 District 22 runs along the coast from Palm
16 Beach County into Broward County, and District
17 22 is the inland district, and, again, it runs
18 from Palm Beach County into Broward County.

19 The Florida Supreme Court opinion last
20 month, the one that was issued in July of 2015,
21 it does not declare those districts, District
22 21 and 22, to be unconstitutional. The opinion
23 is brief in its analysis on those two
24 districts. It is contained in pages 97 through
25 100, and it says that the legislature needs to

1 justify the vertical configuration.

2 The base map goes back to a stacking or a
3 horizontal configuration, and that is wholly
4 inconsistent with one of your Tier 2
5 considerations, and that is the consideration
6 of political and geographic boundaries.

7 For all of the history of south Florida,
8 it has been defined by its vertical
9 configuration, the oceans and the waterways.
10 This is what led to our development. This is
11 what brought Henry Flagler's railroad down into
12 south Florida from Jacksonville to Palm Beach
13 and then to Dania and then to Miami 120 years
14 ago. This is really the base of our
15 development in south Florida.

16 So we have the ocean as our natural
17 boundary. We have the Intracoastal Waterway.
18 We also have the railways, and the railways are
19 a critical, critical component to our
20 development and as we move forward with All
21 Aboard Florida and we look at the use of both
22 freight and passenger travel along that roadway
23 and how critical that is as a Federal issue.
24 You know, it is complex. It is more complex in
25 the Senate than it is in the House because

1 there's fewer members, you have so many issues
2 to deal with. So you can understand the
3 importance at the Federal level to have your
4 Congresspersons that are able to focus on
5 issues that are particular to this coastal
6 community. So we do not -- we do not give up
7 compactness in order to respect the Tier 2
8 importance of the political and geographic
9 boundaries.

10 You will find in your backup material that
11 the position I state here this morning is
12 supported by so many along all political
13 stripes in our area. You have the Metropolitan
14 Planning Organization, the Ft. Lauderdale
15 Chamber of Commerce, the Pompano Beach Chamber
16 of Commerce, the Broward Alliance, which is our
17 economic development arm. We have the Downtown
18 Development Authority.

19 So, members, simply, you do not have the
20 most difficult task with respect to District 21
21 and 22. I mean, I looked at this opinion when
22 I had insomnia last night. It gave me the
23 opportunity to fall asleep at a decent hour.
24 And looking at it, I understand that you have
25 much in front of you, but perhaps one of the

1 more nuance arguments that I might make is that
2 the court gives you some leeway here in your
3 congressional district and says just justify
4 why we have this vertical configuration of
5 District 21 and 22. And in doing so with this
6 congressional map, perhaps it gives you some
7 road map of what you will do in your next
8 special session when you redraw your senate
9 districts. So hopefully you will give that
10 some consideration.

11 I am very grateful for the time that you
12 have provided me this morning, and Mr. Chair,
13 if you or the members have any questions, I am
14 available.

15 CHAIR GALVANO: Thank you so much, Mayor,
16 and it is good to see you. Members?

17 Okay, thank you. I appreciate it very
18 much.

19 Commissioner Steven Abrams, Palm Beach
20 County, good morning and welcome.

21 COMMISSIONER ABRAMS: Good morning. Thank
22 you, Mr. Chairman and committee members. And
23 we were supposed to be here with this big
24 bipartisan delegation, but my understanding is
25 that a lot of the people who were supposed to

1 accompany are stuck on a tarmac in Palm Beach,
2 which is kind of ironic because it being Palm
3 Beach, they had access to a private plane. I
4 flew Silver Airways. I am here. They are
5 stuck back there. Go figure.

6 CHAIR GALVANO: We will note that for the
7 record. It is a 747, right?

8 COMMISSIONER ABRAMS: Yes, and it is a
9 bipartisan, but -- and as you heard from my
10 colleague, Mayor Ryan from Broward County, we
11 are together as a county with our concerns,
12 again, regarding Districts 21 and 22.

13 One concern that I have that diverges a
14 little from Mayor Ryan, though, is that under
15 the base map, needless to say, in Palm Beach
16 County, we want as many Palm Beach County-based
17 congressional districts as we can have. We are
18 the third-largest county in the state. So now
19 under the base map, we are reduced to one. My
20 friends in Broward County are now going to pick
21 up their third Broward County-based seat. So
22 there's a little divergence there that we would
23 want you to look at.

24 But we are in full agreement, though, on
25 the issue of the north/south configuration. As

1 Mayor Ryan said, that is how the development
2 pattern has evolved in our area of the state.
3 The geographic features run north/south, as he
4 mentioned, the Intracoastal, the beach, but
5 also the infrastructure, I-95 and Tri Rail,
6 which are the transportation backbones of our
7 area, run north/south. This -- the urban areas
8 that -- the urban centers run north to south
9 with then the more sprawling western suburbs.
10 So we are in full agreement with that.

11 Also, a third -- the third concern that we
12 have sort of is a more minor concern related to
13 Palm Beach County, which has to do with the
14 City of Boca Raton. The City of Boca Raton is
15 the second-largest city in Palm Beach County.
16 They are the largest city in my county
17 commission district. I also happen to be a
18 former mayor of Boca Raton, and for some
19 reason, they are appended onto the new
20 district -- Broward County-based district. So
21 you have a Broward County-based district with
22 the Palm Beach County city of Boca Raton oddly
23 added onto it. I don't think that is going to
24 serve the residents. Well, I know the current
25 mayor and city council have submitted a letter

1 to the committee expressing this, that they are
2 either going to be an afterthought for a
3 Broward County member of Congress or they are
4 going to just be represented by a Palm Beach
5 County member of Congress probably as a
6 courtesy, but in any event, you know, they are
7 not looking for courtesy representation, they
8 want congressional representation. And so they
9 would like the committee certainly to look at
10 that and see if that can be resolved.

11 So as -- as the mayor mentioned with
12 regard to Districts 21, 22, we believe the
13 committee does have the most flexibility under
14 the Supreme Court ruling, and we hope that you
15 will take these concerns into account in your
16 deliberations. Thank you.

17 CHAIR GALVANO: Commissioner, we
18 appreciate you be going here. Thank you, sir.

19 Mark Earley, voting systems manager in
20 Leon County elections. Good morning and
21 welcome. You are recognized.

22 MR. EARLEY: Thank you, Mr. Chairman,
23 committee.

24 We just have -- I work with Leon County,
25 Ion Sancho, and we have a few questions on the

1 process. We are just trying to get some
2 clarity on that.

3 One, we were under the impression that
4 potentially yesterday was the deadline to
5 submit map amendments. It appears, obviously,
6 now that there is more time to do that. So we
7 are trying to get some clarity on how long we
8 have to make some changes to the map.

9 CHAIR GALVANO: Yeah. What we did was
10 establish a 6:00 p.m. deadline for amendments
11 for our hearing today, but since we began this
12 session, we had also reserved time on Friday
13 and on Monday. And so going into either of
14 those days, there is an extended deadline at
15 8:00 a.m. each of those days.

16 MR. EARLEY: Thank you, Mr. Chairman.

17 And last question was we are hoping that
18 we can submit essentially *de minimis* changes
19 to -- or refinements to any of the maps that
20 may be under consideration for -- that minimize
21 the administrative effects within our county.
22 Many of the maps that we have seen drawn so far
23 increase the number of ballot style that we're
24 going to have to administer at the polling
25 places, and as we have all seen in the past,

1 those kind of just basic administrative issues
2 can cause problems from our end to make
3 elections successful. So we were hoping that
4 even though we have to submit an entire map to
5 have it, I guess, considered through a
6 Senator --

7 CHAIR GALVANO: Yes, and that's-- nothing
8 is going to be considered as an alternative or
9 an amendment unless it is supported and
10 sponsored by a member of this body or the House
11 of Representatives.

12 Having said that, you are welcome to make
13 submissions to our reapportionment committee
14 that become part of the record and are
15 available for not just us to review and look
16 at, but also the public.

17 MR. EARLEY: Thank you very much.

18 CHAIR GALVANO: Okay. Our last presenter
19 today is back again, Mr. Ausman, a member of
20 the Democratic National Committee, representing
21 both the DNC and himself. Good morning and you
22 are recognized.

23 MR. AUSMAN: My name is Jon Ausman. I am
24 a member of the Democrat National Committee,
25 the longest-serving member in Florida's

1 history. As you know, Senator, on Tuesday I
2 provided testimony. I read basically ten pages
3 to you all to put it into the record. So I
4 have since then submitted all the exhibits in
5 electronic format, as well as the original
6 testimony and electronic format to both the
7 State Senate and the State House record people.

8 Today I am coming before you to in
9 rebuttal to some of the things that were said
10 after I sat down and I did not have the
11 opportunity to respond.

12 First off, I want to emphasize the fact
13 that my goal is to have a district that has
14 Leon County totally intact. You all saw this
15 the other day. That is the map that we've put
16 forward before you. If we can put all Leon
17 County in a district, regardless of what the
18 district shape looks like, I would be very
19 happy, because in that case, 42 percent of the
20 vote would probably be within Leon County and
21 the City of Tallahassee. In fact, it is
22 entirely possible and feasible to create such a
23 district that also protects minority voting
24 rights in north Florida.

25 To start with, I want to discuss the

1 illegal map proposed by staff and by the legal
2 department. In July of last year, George, the
3 attorney for the House, described the proposed
4 map by the League of Women Voters and Common
5 Cause for the Fifth Congressional District as
6 illegal, and he did that because he felt that
7 that particular map did not answer a couple of
8 the problems that were being faced and being
9 promoted by the plaintiffs, Common Cause and
10 the League of Women Voters.

11 Unfortunately, after describing this map
12 as illegal, he then, along with your counsel,
13 told the map makers to use that map for the
14 Fifth Congressional District, a map that he
15 said that was illegal.

16 Now, I have a couple problems with this,
17 and I want to express them with you. First
18 off, your staff, the map makers, presented
19 multiple drafts of every congressional district
20 and they made a choice and recommendation to
21 you what should go into the base map. They did
22 not do that for the Fifth Congressional
23 District. They were told to take the map
24 proposed in Romo A by Common Cause and League
25 of Women Voters intact, without change, not a

1 hexagon, not a line drawn anywhere else, and
2 adopt it and recommend it to you. Illegal map.

3 Where were the alternatives? Where are
4 the other choices that the Senator had to look
5 at that particular map? Why was every other
6 congressional district in the state, all 26
7 other ones, you were given alternatives to look
8 at, or at least your map makers considered it
9 except for this particular congressional
10 district?

11 Now, the Florida Supreme Court stated that
12 Congressional District 5 must be redrawn in an
13 east/west manner -- must be redrawn. They did
14 not say you must adopt the Plaintiffs' map.
15 They did not specify a specific configuration.
16 Yet the attorneys, one of who, George Meros,
17 described it as an illegal map, came forward
18 and said, "This is the map it is. Don't
19 consider anything else, staff." And here it is
20 before you.

21 Now, when I heard Mr. Meros testify on
22 Tuesday that he directed the staff to adopt
23 that particular map, I was very, very concerned
24 because I appreciate the fact that your
25 professional map makers came up with other

1 recommendations. The map makers should have
2 ignored that legal advice from Mr. Meros and
3 from your attorney because, quite frankly, when
4 you have one bad illegal district that you
5 start with, you taint the entire barrel of
6 districts that you are redrawing.

7 Now, the district that I have proposed
8 here has a 42 percent black voting age
9 population. And I appreciate the fact that
10 probably my member -- future member of Congress
11 has just actually left the room.

12 We have in Leon County, where we would
13 have a good portion of the vote, 42 percent of
14 the vote, an extremely strong history of
15 electing Americans of African descent or
16 Hispanic descent to public office.

17 The United States Supreme Court this year
18 in *Alabama Black Caucus versus Alabama* ruled
19 that you cannot use black voting age population
20 in a vacuum. It is not the primary
21 consideration that you should be using in
22 creating a district. What should be used
23 instead is the -- quote, "the ability to elect
24 a preferred candidate of choice." It is not
25 the BVAP.

1 Now, the Federal court in *Martinez versus*
2 *Bush* said -- and the Supreme Court cited
3 this -- said you can go down as low at least to
4 42.7 percent. This particular map does 42.2
5 percent. But if we go back and look at the
6 preferred candidate of choice and the ability
7 to getting elected, you also have to move
8 beyond black voting age population because as
9 the member of Congress rightly said as she
10 left, there are a large number of prisons
11 within the proposed congressional district.

12 So let's ignore just over 18 black voting
13 age population for the moment and look at what
14 would happen in the Democrat primary. In the
15 Democratic primary -- and before I go into
16 that, I have a syllogism when I run political
17 campaigns. You have to be nominated in order
18 to be elected. You have to be elected in order
19 to govern. You have to win the primary, then
20 you have to win the general election and then
21 you see in the seats that you are.

22 Sixty-one percent of the Democratic voters
23 in the congressional district that is drawn
24 before you are African-American, and
25 African-American is highly likely to be the

1 Democratic nominee. This district in
2 performance is over 60 percent for Barack Obama
3 in 2012 and over 67 percent for Bill Nelson in
4 2012. And you go back further and you'll see
5 it is an incredibly strong
6 Democratic-performing district.

7 As a consequence, if you control the
8 nomination, you are going to be the one that
9 gets elected. And that's why we go back to the
10 Supreme Court decision of this year saying that
11 you look at performance, not just straight BVAP
12 by itself.

13 After I sat down Tuesday, and I just heard
14 it as I came in again today, I heard about this
15 professor who did a study that says that there
16 is more racial voting in north Florida than
17 there is in central Florida. If Leon County is
18 in the district with 42 percent of the vote, if
19 it's in there intact, that broad-brush
20 professor's study of poppycock as far as I am
21 concerned has no relevance in this particular
22 congressional district and should be rejected
23 and not considered by the members of this
24 committee.

25 Look at what happens in Leon County.

1 CHAIR GALVANO: And these are the exhibits
2 that you showed us --

3 MR. AUSMAN: Correct.

4 CHAIR GALVANO: -- the day before
5 yesterday? If you have something new or
6 additional --

7 MR. AUSMAN: No, sir.

8 CHAIR GALVANO: -- to share with us --

9 MR. AUSMAN: Let me emphasize that --

10 CHAIR GALVANO: Excuse me, I am speaking.

11 MR. AUSMAN: Yes, sir. I'm sorry, sir.

12 CHAIR GALVANO: If you have something
13 additional to share with us, please do so that
14 we can add it to the record.

15 MR. AUSMAN: Yes, sir.

16 CHAIR GALVANO: Stuff that we've gone over
17 already in this committee is already part of
18 the record. It is not necessary to repeat it.

19 You are recognized.

20 MR. AUSMAN: Thank you, sir.

21 We did present that we have elected people
22 of 28 percent black voting age population, 34
23 percent, large numbers of people, and Senator
24 Lawson got elected twice in the State Senate
25 with a 29 percent VAP. That particular

1 citation by the professor is not applicable to
2 Leon County and it's not applicable to the
3 counties immediately surrounding Leon County,
4 which would include Gadsden and Jefferson
5 County. I don't think it is a way to justify a
6 splitting Leon County. And if we can do that,
7 then as you pointed out, sir, and not to
8 repeat, what happens is we don't have to the
9 split Lake City, we don't have to split the
10 City of Tallahassee, we don't have to split
11 Leon County, we don't have to split Jefferson
12 County and we don't have to split other
13 counties.

14 Now, one of the things that was argued
15 after I sat down, sir, was that the Second
16 Congressional District would then have to come
17 south of Jefferson County. But what people
18 forgot to mention is the proposed map for the
19 Second Congressional District already comes
20 south of Jefferson County, though a little
21 higher, and goes through Taylor, Dixie,
22 Lafayette, Suwannee, Columbia, Gilchrist, Levy
23 and over into Marion County. No matter what
24 plan you come up with, whether you adopt the
25 plan that George Meros described as illegal for

1 the Fifth Congressional District, the Second
2 Congressional District is going to have to
3 squeeze under it through Jefferson County in
4 order to pick up the population that it needs.

5 I would urge you to adopt the district
6 that keeps Leon County intact and I would also
7 urge you to direct staff to come up with other
8 alternatives rather than failing in our
9 particular case and not presenting other -- any
10 other alternative for the Fifth Congressional
11 District, sir.

12 CHAIR GALVANO: Thank you for your
13 testimony this morning. Appreciate it.

14 Senator Simmons, do you have a question?

15 SENATOR SIMMONS: Yes, I do, Mr. Chairman.

16 CHAIR GALVANO: You are recognized for a
17 question.

18 SENATOR SIMMONS: Sir, when you appeared
19 in front of us previously, your rationale for
20 keeping the Tallahassee area intact, in other
21 words, make drawing Congressional District No.
22 5 so that it included all of Tallahassee, was
23 to give Tallahassee a greater voice in being
24 able to elect a Congressperson of its choice.
25 Is that --

1 MR. AUSMAN: That's partially correct,
2 Senator.

3 CHAIR GALVANO: You are recognized.

4 MR. AUSMAN: Sorry.

5 That is partially correct, Senator. The
6 also -- other reason was to respect the City of
7 Tallahassee's boundaries and also to respect
8 the Leon County boundaries in the second tier,
9 while at the same time maintaining your ability
10 under Tier 1 of not diminishing minority voting
11 capabilities.

12 And the Leon County School Board and
13 various city commissioners and county
14 commissioners have already endorsed the idea of
15 keeping Leon County intact, and they passed a
16 resolution yesterday for the Leon County School
17 Board and they urged the -- they are not
18 adopting this particular map. They are saying
19 keep the county and the city intact.

20 SENATOR SIMMONS: One follow-up?

21 CHAIR GALVANO: Yes, one follow-up.

22 SENATOR SIMMONS: And I wrote down what
23 you had said, and I hope that I get it right,
24 but the sum and substance of what you said was
25 that you wanted to help assure that a person

1 from Tallahassee, from this area, would be
2 elected to Congress. Is that right?

3 MR. AUSMAN: No, sir, what I was --

4 CHAIR GALVANO: You are recognized.

5 MR. AUSMAN: And if I said it poorly, I
6 apologize, Senator. What I was saying is give
7 the western side of the district an opportunity
8 to elect a western member to Congress, because
9 under the proposed illegal map, according to
10 George Meros, 58 percent of the vote is in
11 Duval County by itself. And by the time you
12 get to us through Baker and Columbia and
13 Madison, Hamilton and Jefferson County, we are
14 down to 24 percent of the total vote.

15 If you adopt a map proposed where you keep
16 Gadsden County, Leon County and Jefferson
17 County intact, instead of splitting Jefferson
18 and Leon County as is done in this illegal map,
19 we would have roughly 50 percent of the vote.
20 Eight percent would be the three middle
21 counties, and 42 percent of the vote would be
22 in Duval County. I am just saying give us an
23 equal chance that the western side of the
24 district has the possibility of electing
25 someone to the Congress.

1 CHAIR GALVANO: Senator Montford for a
2 question and then we are going to move on.

3 SENATOR MONTFORD: Thank you, Mr. Chair.

4 Mr. Ausman, you've been around for a
5 while. I like your opinion that there's
6 certain -- there is a school of thought that if
7 an area such as Leon County had two
8 representatives, in fact were represented by
9 two different Congressmen, women or men, that
10 they would be better off, that they would have
11 two voices versus one. I am curious as to your
12 opinion on that.

13 CHAIR GALVANO: You are recognized.

14 MR. AUSMAN: Senator, I was involved in a
15 1982 redistricting of the congressional
16 districts, and I was involved in the 1992
17 redistricting. In fact, there was a proposal
18 then that we would have two districts, one
19 running through us all the way to Marianna,
20 which we stopped with Senator Pat Thomas and
21 Senator Sherry Walker at the time, and then in
22 2002 we had basically Ander Crenshaw carve out
23 part of a district coming in through basically
24 Tom Brown Park and a little bit further to the
25 west.

1 I did not notice when we had two members
2 of Congress any improvement in the providing of
3 services or the representation of Leon County.
4 I don't see that as practical. And when you
5 are down to 24 percent of the vote in one
6 congressional district where 58 percent is in
7 one other county, and we haven't seen that
8 member here very often, or we have another
9 congressional district that has 17 percent of
10 the vote and maybe that person comes from Bay
11 County that can easily outvote us because we've
12 been split, I don't think our interests in Leon
13 County are going to be very well represented,
14 sir, and based on the history, I just don't see
15 that happening.

16 CHAIR GALVANO: Thank you and thank you
17 for your testimony.

18 MR. AUSMAN: Senator, thank you.

19 CHAIR GALVANO: Members, I really
20 appreciate the attention and the efforts that
21 you are putting into this committee thus far
22 because these are not easy issues, they are
23 complex, and certainly we want to make sure
24 that we are addressing this process in the most
25 complete and thorough manner possible.

1 If there are any other comments, I will
2 take them now; otherwise, we are going to go
3 into recess. And I see Senator Gibson has a
4 question or comment, and you are recognized for
5 that, Senator Gibson.

6 SENATOR GIBSON: Thank you, Mr. Chair.

7 And I have been remiss in not thanking Jay
8 for all of his efforts. He has done a yeoman's
9 job of being very patient, and I appreciate
10 that, and very accommodating, and he has been
11 great to work with while his recorder was going
12 too.

13 My question is, as we get ready to break
14 and try to rework some of our maps, what is the
15 -- I would like to know what the total
16 population of voting age incarcerated
17 individuals there are in CD 5 as -- if that is
18 possible.

19 CHAIR GALVANO: Mr. Ferrin.

20 MR. FERRIN: Thank you, Mr. Chairman.

21 Senator, I do recall that we mentioned
22 that in the meeting the other day. I haven't
23 had a chance to try and track all that
24 information down just yet. I believe that we
25 can get at least an estimate of that for you

1 and that can be something that we can work on
2 this afternoon or this evening.

3 CHAIR GALVANO: Yes. Another comment or
4 question?

5 SENATOR GIBSON: Thank you, I forgot about
6 that, but Hopefully we can get that. And I am
7 asking because I know we are using, I guess,
8 voter registration -- or voter -- I want to
9 make sure I understand how we are using all of
10 our data to arrive at the potential of
11 communities of interest to elect the person of
12 their choice, particularly when we are
13 including the prison population in a BVAP.

14 CHAIR GALVANO: Mr. Ferrin.

15 MR. FERRIN: Thank you, Mr. Chairman.

16 And, Senator, that -- that goes to the
17 analysis of some of the applicable elections
18 data, which I just don't have a copy in front
19 of me. Yeah, we can -- we will get you the
20 information you need, yeah.

21 CHAIR GALVANO: Okay.

22 SENATOR GIBSON: Mr. Chairman?

23 CHAIR GALVANO: Yes.

24 SENATOR GIBSON: If I could further
25 answer? Thank you, Mr. Chairman.

1 Senator, in conducting a functional
2 analysis of whether a district performs for a
3 minority, one of the considerations is voter
4 turnout. And Jay can correct me if he
5 disagrees, but when you consider voter turnout,
6 if there's a substantial black population that
7 is in prison, then they would not turn out to
8 vote, and that would be taken into account in
9 the voter turnout statistics, which, in turn,
10 are part of the functional analysis.

11 CHAIR GALVANO: Thank you, sir.

12 Okay. Senators, here's what we are going
13 to do. We are going to be in recess until --

14 SENATOR LEE: Can I ask one quick
15 question --

16 CHAIR GALVANO: Sure.

17 SENATOR LEE: -- from a process
18 standpoint?

19 CHAIR GALVANO: Absolutely, President Lee.

20 SENATOR LEE: We are going to go back into
21 the amendatory process at some point, and it
22 would be helpful to me as I contemplate that to
23 understand if we've -- if we are ready to talk
24 at all about how we intend to reconcile the
25 differences between what may be going on at the

1 other end of the hall and here as we amend our
2 bill. Maybe they have a series of amendments
3 that there -- is there going to be a conference
4 process? Do we know where we are going to --
5 how we are going to reconcile that?

6 CHAIR GALVANO: And that is a fair
7 question, and, yes, amendments have been filed
8 in the Florida House. It has not been decided
9 by the presiding officers at this point that we
10 will have a formal conference process, but that
11 is something that the President is -- has under
12 consideration at this time, and I think we will
13 wait to see exactly where both -- both products
14 end up and what the differences are, and then
15 we will be able to make a decision going
16 forward from there.

17 Chairman Simmons, you are recognized.

18 SENATOR SIMMONS: That leads me to ask
19 this question, which is much more immediate, is
20 what then does our chair expect of us as to
21 being here later on today or being here
22 tomorrow or are we going to wait until -- until
23 Monday in order to do this? I am just
24 wondering are we just going to wait a couple of
25 hours and find out? I know that we've got a

1 staff director who's had, as he told me this
2 morning, one and a half hours of sleep from
3 last night, and so --

4 CHAIR GALVANO: That is a fair question,
5 and the way I understand our status is we do
6 have a file amendment, we have others that are
7 viewable, and then some that are just shy of
8 some additional input and some analyses that
9 need to take place with regard to Tier 2
10 considerations and then some Tier 1
11 considerations on the minority district. That
12 is going to take a little bit of time to figure
13 out.

14 My intent is to take a substantial break
15 now, give the members some time to meet with
16 staff. Hopefully we will then get an idea as
17 to how many changes are going to be proposed.
18 We could come back here later this afternoon,
19 have probably more of a procedural discussion,
20 and if we are going to take up significant
21 changes to the base map, which is likely based
22 on where -- where we are right now, probably we
23 want to vote on those Monday, frankly, so that
24 the public has a chance to take a look at them,
25 that we give the members a chance to digest

1 them and then they can be thoroughly vetted.

2 So that is -- that is not ready to sign
3 off on, but that is where I am at this point.
4 So with that in mind, let's stand in recess
5 until 3:15 p.m. this afternoon.

6 (Whereupon, the proceedings were in
7 recess.)

8 CHAIR GALVANO: There we go. Good
9 afternoon. I would like to reconvene the
10 reapportionment committee meeting that was
11 begun this morning and recessed this afternoon.

12 Administrative assistant, please recall
13 the roll, if you would.

14 SENATE SECRETARY: Senator Galvano?

15 CHAIR GALVANO: Here.

16 SENATE SECRETARY: Senator Braynon?

17 SENATOR BRAYNON: Here.

18 SENATE SECRETARY: Senator Bradley?

19 SENATOR BRADLEY: Here.

20 SENATE SECRETARY: Senator Gibson?

21 SENATOR GIBSON: Here.

22 SENATE SECRETARY: Senator Lee?

23 Senator Montford?

24 SENATOR MONTFORD: Here.

25 SENATE SECRETARY: Senator Simmons?

1 SENATOR SIMMONS: Here.

2 SENATE SECRETARY: Quorum present.

3 CHAIR GALVANO: Thank you.

4 Members, let me tell you where we are in
5 the process and what I expect going forward.
6 At this point, we do have three amendments that
7 have been filed. The analysis of those
8 amendments is still continuing with staff.
9 There's also another amendment request from
10 Senator Montford that has not been filed.

11 Senator Gibson, do you have an amend- --
12 another amendment as well? I believe you have
13 one in already. We want to make sure we are
14 telling everybody correctly where we are.

15 SENATOR GIBSON: Thank you. Thank you,
16 Mr. Chair, and it is ready, but it has not been
17 bar coded and filed yet. I just got it from
18 the drafting.

19 CHAIR GALVANO: Okay.

20 SENATOR GIBSON: Thank you.

21 CHAIR GALVANO: So, anyway, we have
22 remaining this afternoon approximately two
23 hours and 45 minutes. What I would like to do
24 is take these amendments up in a workshop
25 fashion, have some discussion, let staff walk

1 us through them, have some question and answer
2 on them and see how far we get. We will not be
3 taking a vote today on these amendments.

4 Once we adjourn tonight, the staff will
5 continue to put into the system the pending
6 amendments and do the analysis that is
7 necessary. I would also like legal counsel to
8 review the same in relationship to the Supreme
9 Court opinion issued on July 9th. We will not
10 meet tomorrow. We will come in on Monday, and
11 it is my intention on Monday to take up Senate
12 Bill 2-B and address the amendments thereto and
13 have a vote on those, as well as the bill
14 itself. And we have a six-hour block of time
15 on Monday to do that. So today we will begin
16 the discussion on some of the amendments that
17 are out there, and the first one -- yes,
18 Mr. Vice Chairman.

19 SENATOR BRAYNON: Thank you, Mr. Chair.
20 There were -- there was a group of people that
21 were stuck on the tarmac that were trying to
22 come up here to present. I don't know if they
23 turned in their cards. Could we have a moment
24 for them to be able to say a little something
25 since they came up from south Florida?

1 CHAIR GALVANO: Absolutely, and I've just
2 been shown two cards, and I am happy to do that
3 as the first order of business on your
4 recommendation, Mr. Vice Chairman, and then
5 after that, we will start with the
6 Bradley-Detert proposal and have staff walk us
7 through that, and then we can have some -- some
8 question and answering on that.

9 So before we do that, as I indicated, we
10 will begin with Gail Coniglio from the Town of
11 Palm Beach, and she is the mayor of the Town of
12 Palm Beach, and Mayor, we welcome you here.

13 MAYOR CONIGLIO: Thank you for
14 remembering, I appreciate that. And good
15 afternoon, District Chairman and Senators. My
16 name is Gail Coniglio. I am the mayor of the
17 Town of Palm Beach. Thank you for the
18 opportunity to address you today, challenging
19 the newly-released legislative maps.

20 In the court case, the opinion offered
21 by -- to the legislature was the ability to
22 support the north/south boundary as long as it
23 is justified. I am here today to present
24 justification for retaining District 22 as it
25 currently exists.

1 For 30 years, the legislature has
2 acknowledged the unique characteristics and
3 commonalities of coastal communities. The
4 district was drawn after the 1980 census and
5 has provided quality representation and
6 leadership from both political parties.

7 Bounded geographically by the Atlantic
8 Ocean, water forms the very core of our
9 interest. Coastal erosion, beach
10 re-nourishment, flooding, property insurance,
11 protecting environmental resources and tourism
12 are critical to the long-term health of our
13 cities.

14 I am here today to tell you that I have --
15 everyone that I have spoken to in both Palm
16 Beach and Broward Counties, Democratic and
17 Republican alike, county commissioners, mayors,
18 downtown development authorities, MPOs, civic
19 and community organizations, universally
20 support the existing north/south boundary lines
21 as best representing our communities. We are
22 clearly and affirmatively stating for the
23 record that the north/south structure neither
24 protects incumbency or favors one political
25 party over another.

1 The constitutional Tier 2 standards of
2 using political and geographic boundaries are
3 met in that District 22, which runs along the
4 Atlantic Ocean and the municipalities for the
5 most part as a whole and are all can connected
6 to each other.

7 Furthermore, the court did not identify
8 any inference proven that the vertical map
9 violates Fair Districts; rather, that the
10 burden is on the legislature to justify it.
11 The court opinion even referenced the
12 challengers conceding that a vertical
13 configuration could pass constitutional muster.

14 The proposed base districting map would
15 create a congressional district with wildly
16 differing constituencies and issues, presenting
17 more differences than similarities.

18 Members of the Senate Legislature
19 Committee, I respectfully submit that given the
20 choice, retaining a Palm Beach/Broward County
21 district is justified and benefits the
22 residents of our cities and the state and
23 honors the beliefs and concerns therein. I
24 sincerely hope that you will consider an
25 amendment restoring the existing districts.

1 Thank you, Chair.

2 CHAIR GALVANO: Thank you, Madam Mayor.

3 Do we have any questions?

4 No. Thank you. We appreciate your
5 testimony.

6 Next we have President *Pro Tempore* from
7 Palm Beach Town Council, Richard Kleid. Good
8 afternoon and welcome.

9 MR. KLEID: Thank you, Senators, for
10 giving me this opportunity to speak. My name
11 is Dick Kleid, and I am the President *Pro Tem*
12 of the Palm Beach Town Council. I want you to
13 know that the Palm Beach Town Council is
14 unanimous in favor of a north/south
15 configuration for District 22.

16 Let me point out that the court found no
17 evidence of any improper conduct in connection
18 with the drawing of District 22. That district
19 has existed in similar form for over 30 years.

20 The reversal of the trial court as to this
21 district was solely due to the improper
22 standard applied by the trial court. The
23 Supreme Court held the burden has shifted to
24 the legislature to justify the drawing of this
25 district.

1 Even those challenging District 22
2 conceded that the vertical configuration of
3 this district could pass constitutional muster.
4 There was no claim by the challengers that the
5 vertical drawing of this district was improper.
6 In fact, the challengers configured District 22
7 in a vertical manner.

8 The court left it to the legislature to
9 redraw the district and provide a justification
10 of why it was proper. We are here today to
11 prove that justification.

12 The district was drawn after the 1980
13 census to be a coastal district. It has worked
14 well due to the commonality of interests, such
15 as coastal and erosion issues, funding by the
16 federal government, representation with the
17 Corps of Engineers, a beach management
18 agreement that was negotiated with the state,
19 and the Intracoastal Waterways run along this
20 district, it is a great tourist destination,
21 and property insurance is common to this group.

22 The district since early 1980 has had two
23 Republican representatives and two Democratic
24 representatives. It is certainly not a
25 gerrymandered district.

1 Unlike the situation in the north Florida
2 Districts 5 and 10, there is no claim of any
3 improper conduct and there are many good
4 reasons to join together coastal towns in one
5 district and have one representative dealing
6 with the federal government on all coastal
7 issues affecting the southeast part of Florida.
8 We respectfully ask that you amend the base map
9 and restore the district political boundaries
10 in a north/south configuration.

11 I thank you for this opportunity to speak
12 to you.

13 CHAIR GALVANO: Thank you, Mr. President.

14 Do we have any comments or questions?

15 Thank you.

16 Any more appearance cards? Anyone in the
17 audience who didn't send in a card or put in a
18 card?

19 Okay. Well, then, Senators, what we will
20 do is then go to the proposals that are out
21 there, and I have been informed that Senator
22 Gibson did hit "send," and so her amendment is
23 officially in.

24 We are going to start with the amendment
25 put forth by Senator Detert, S028C9042, and it

1 is my understanding that Senator Bradley has,
2 as a courtesy and as a member of this
3 committee, put this amendment in. And before I
4 go to Mr. Ferrin to talk about the contours of
5 the district, I am going to recognize Senator
6 Bradley to read a statement into the record
7 that he has been asked to read by Senator
8 Detert.

9 SENATOR BRADLEY: Thank you, Mr. Chairman.
10 I am reading into the record a statement from
11 Senator Detert. I filed this as a courtesy.

12 "The following amendment, known as Detert
13 V-1 is being offered by me on behalf of the
14 citizens of Sarasota County. I have not
15 consulted with anyone other than Jay Ferrin,
16 our staff member, and that meeting was recorded
17 on Monday.

18 "Reason for amendment: Congressional
19 District 16 currently meets all guidelines set
20 out in the 2010 Fair Districts amendment.
21 District 16 was not court ordered to be
22 redrawn.

23 "I realize that we have to make
24 accommodations for districts that do have to be
25 redrawn, but by dividing Sarasota in half ruins

1 the compactness of Sarasota/Manatee and only
2 marginally improves District 17.

3 "Amendment Detert V-1 is basically the
4 original map drawn by staff before they changed
5 it to be Draft 19. The only other change is to
6 include Egmont Key into District 16.

7 "This amendment will only change
8 boundaries within Sarasota/Manatee and should
9 not cause any cascade changes to other
10 districts. I respectfully request your
11 approval of this amendment in order to keep
12 compactness, keep coastal communities with like
13 interests together, keep a well-drawn district
14 from becoming a chopped-up district, and to
15 offer continuity of services to the people of
16 the district.

17 "I wish to thank Senator Bradley for being
18 a courtesy sponsor, and I apologize for not
19 being there in person. Respectfully, Senator
20 Nancy Detert."

21 And this was an e-mail sent to my office
22 that I just read from, and I am going to submit
23 it to our clerk for the record.

24 CHAIR GALVANO: Thank you, Senator
25 Bradley. Do you have anything further before I

1 recognize Mr. Ferrin?

2 SENATOR BRADLEY: No.

3 CHAIR GALVANO: Okay. Mr. Ferrin, you are
4 recognized to explain the changes to the base
5 map that this amendment would make.

6 MR. FERRIN: Okay. Thank you,
7 Mr. Chairman, and let me start by explaining
8 the naming conventions of our drafts versus our
9 published plans.

10 The drafts that we use can generally be a
11 brief foreign name, and it is just a shorthand
12 to keep things straight in my own office, but
13 once we publish things to the website, we use a
14 standard naming format. So just for clarity's
15 sake, Plan Detert V-1 became S028C9042 upon
16 publishing to the website.

17 As -- as the e-mail that Senator Bradley
18 read explained, the amendment here is pretty
19 straightforward in that it moves District 16
20 back to its original configuration as was
21 originally enacted by the Legislature in 2012,
22 and that configuration consists of the entire
23 population and geographical boundary of
24 Sarasota County, as well as Manatee -- most of
25 Manatee County -- and let me get the population

1 number correct. Yes, District 16 includes all
2 but 5,936 people of Manatee County in it. So
3 that is the extra population that if you were
4 to add the two counties together, you get too
5 much for one congressional district by about
6 5,000 people, so that's what -- 6,000 people,
7 so that's what District 17 comes in to take
8 from the west there.

9 The addition of Egmont Key is sort of just
10 a way to prevent that extension in Hillsborough
11 County that runs all the way out to the Gulf of
12 Mexico from being attached to District 17 and
13 kind of creating an unsightly protrusion into
14 the Gulf. It is unpopulated and causes no
15 appreciable change in terms of representation
16 in the district. So in consultation with
17 Senator Detert, we decided to go ahead and add
18 that in. It kind of helped solve a problem
19 with the district that fills southern
20 Hillsborough having to go all the way out
21 there.

22 In terms of compactness and the measures
23 like that, there was no -- this change really
24 didn't have any especially relevant impact on
25 minority voting population. It is not a Tier 1

1 district. It is -- there were no -- there was
2 basically a swap in terms of county breaks,
3 where in the plan -- the base map as was drawn,
4 we had southern Hillsborough and all of Manatee
5 County and then a split in Sarasota. So
6 this -- this essentially swaps the split and it
7 takes it back. So then that county split is no
8 change.

9 The compactness measures are slightly less
10 for District 16, .40 in Reock versus .64 in the
11 base map, .81 in Convex Hull versus .90 in the
12 base map. It is a little bit higher, too.

13 The corresponding change to District 17
14 really didn't have that much of an impact on
15 the district. It was already generally
16 configured about like this anyway, except in
17 the enacted plan, it didn't come quite as far
18 west, it didn't go all the way to the coast, to
19 the Tampa Bay there, it stopped closer to 75 --
20 well, between 75 and the bay in the
21 currently-enacted plan.

22 So the compactness scores decreased only
23 slightly from the base map in this iteration
24 and all of them are -- they are both still very
25 technically compact districts. And with that,

1 if there's any questions about the change from
2 any of the members, I would be happy to try to
3 help answer them.

4 CHAIR GALVANO: Members, do we have
5 questions about the change? Any questions on
6 the change?

7 SENATOR BRADLEY: Mr. Chairman, I got --

8 CHAIR GALVANO: Yes, Senator Bradley.

9 SENATOR BRADLEY: So why are we not voting
10 on these amendments today?

11 CHAIR GALVANO: The reason that we are not
12 voting on the amendments today is because we
13 have a few other amendments that have been
14 filed and then one amendment in progress, and
15 based on the discussions that we've had in the
16 committee earlier today, and specifically some
17 of the comments by President Lee, I wanted the
18 staff to be able to look at all of these
19 amendments as a whole.

20 There may be an opportunity if the
21 committee is so inclined to adopt some of these
22 changes to incorporate them into a single
23 amendment. I also wanted legal counsel to have
24 the opportunity to take a look at the proposed
25 changes in light of the court opinion, and,

1 frankly, I think Mr. Ferrin has some more
2 functional analysis to do on some of the
3 amendments. So we are just going to discuss
4 them today and then come in and take up the
5 bill in its entirety on Monday and all
6 amendments that have been filed.

7 SENATOR BRADLEY: I understand. Thank
8 you.

9 CHAIR GALVANO: Chairman Simmons.

10 SENATOR SIMMONS: Mr. Chair, could we
11 also, please, since we had a supervisor of
12 elections here, ask the supervisors of
13 elections to contact our staff, the
14 reapportionment staff, and to the extent that
15 they look at these and find out that we have
16 split some road or some street that is
17 incongruous to them, that it is really not
18 going to make any significant difference, but
19 it is -- but from the point of view of
20 practicality and propriety for them to be able
21 to do their jobs when it gets to be times for
22 elections, that we have not basically caused
23 them some undue angst as to how to do this?
24 Because if there's no real substantive change
25 but, in fact, a practical change to correct

1 these kind of things, it would seem that it
2 would be appropriate for them to talk to staff
3 about that.

4 CHAIR GALVANO: Chairman Simmons, I think
5 that is a good idea, and we will have staff at
6 least reach out to them and give them the
7 opportunity. And that raises the other reason
8 to give some time for digestion on these
9 amendments, to allow the public to take a look
10 at them and weigh in.

11 Senator Bradley, you are recognized.

12 SENATOR BRADLEY: Mr. Chairman, have you
13 received any correspondence from the plaintiffs
14 in the lawsuit? I know we all spent some -- I
15 couldn't see everybody, but we all spent a lot
16 of our time last summer here going through
17 this, and I just confirmed with -- with our
18 staff, the plaintiffs didn't submit any maps
19 until such time as they got to what I guess
20 they considered to be a more comfortable
21 environment in court, that they didn't submit
22 to the committee last year any proposed maps,
23 they just waited until they got to court to
24 submit proposed maps.

25 Are we going to -- have they reached out

1 to you? Are they going to -- are they going to
2 talk to us about critiques, criticisms,
3 suggestions, about what we are doing, or are
4 they just going to play possum and wait till we
5 get to court?

6 CHAIR GALVANO: Senator Bradley, to the
7 contrary, we actually reached out to the
8 plaintiffs and gave them the opportunity to
9 come and appear before this committee
10 specifically today, and as of right now, I am
11 not aware of any response to our invitation.

12 SENATOR BRADLEY: Thank you.

13 CHAIR GALVANO: Senator Montford.

14 SENATOR MONTFORD: Thank you, Mr. Chair.

15 I heard the explanation from staff, and I
16 didn't hear him say anything bad, and that's
17 how -- I guess my question is, does this cause
18 staff any heartburn, and if not, you know, just
19 as a word of -- I want to -- I want to be
20 assured that if we, for example, approve this
21 one, I heard the term, I believe, an
22 explanation from the note as read into the
23 record about coastal community, keeping it in
24 line here, and I think that was one of the
25 reasons given. We've also heard testimony

1 today and I think yesterday and maybe this
2 morning again about keeping the coastal
3 community intact.

4 I am wondering if we -- if this is
5 approved on Monday, and one of the reasons is
6 keeping coastal communities intact, will that
7 not lend some argument to another amendment for
8 the same reason, keeping the coastal
9 communities in line? I am just wondering --
10 and, again, I want to thank you for taking the
11 position of not voting today because I really
12 think it is important that we hear all of these
13 before we get them.

14 But back to my point, I am wondering -- I
15 want to make sure that we are consistent with
16 all the amendments. If we are considering
17 coastal communities in one, I think we should
18 consider the other, and if not in one, not the
19 other. So maybe, Mr. Chair, if the staff
20 could -- could address that.

21 CHAIR GALVANO: Yes. Mr. Ferrin, did you
22 follow Senator Montford's request he --

23 MR. FERRIN: I think so. Are you asking
24 me to -- I'm sorry, can you kind of repeat that
25 for me, Senator?

1 CHAIR GALVANO: I think what he would like
2 to hear from you as staff is whether or not the
3 changes to this district raised any red flags
4 or concerns on your part or somehow
5 re-prioritized the Tier 2 considerations that
6 you felt were important in putting together the
7 base map.

8 MR. FERRIN: I see now.

9 No, Senator, I don't think this
10 reconfiguration, you know, causes a
11 previously -- or, you know, a district that was
12 drawn in a compact manner to be drawn in a
13 significantly non-compact manner. This is
14 still a very compact district. The communities
15 of interest play into this. That works well.
16 It is not like -- it is not like it is
17 stretching, you know, thousands of miles across
18 the coast to encompass a community of interest
19 there. It is -- it is a smaller, compact
20 community that -- that enables you to both
21 respect the community of interest and draw
22 something that is -- that is -- is compact,
23 both visually and metrically.

24 CHAIR GALVANO: And that holds true for 17
25 as well?

1 MR. FERRIN: Yes. Seventeen does not
2 change drastically as a result of this
3 reconfiguration. There is, you know, certainly
4 some impact in which it is now back into
5 Hillsborough County, whereas, as I believe the
6 base map had been kept out -- kept east of
7 Hillsborough, but, nonetheless, the change
8 there is not drastic overall in terms of the
9 ways you would measure some of the Tier 2
10 criteria.

11 SENATOR MONTFORD: Follow-up, Mr. Chair?

12 CHAIR GALVANO: Yes, sir.

13 SENATOR MONTFORD: Thank you, Mr. Chair.

14 And then I would assume before we vote on
15 Monday, that the staff and legal counsel will
16 be able to summarize all the potential changes
17 that we are making and the impact that that
18 might have on the court's review?

19 In other words, I meant we are looking at
20 these piecemeal, and each little piece may not
21 sound too big of an issue, but if you take it
22 all together, then what is the impact, I guess,
23 or what's our guess the impact would be on the
24 decision?

25 MR. FERRIN: Exactly, and that's why the

1 process that I have laid out this afternoon for
2 going forward is important so that ultimately
3 we will consider changes in the aggregate. And
4 with regard to the legal opinion, this is --
5 Senator Detert is correct, this is not one of
6 the districts that was specifically referenced
7 by the Florida Supreme Court as having
8 infirmities.

9 Further questions? Vice Chair Braynon.

10 SENATOR BRAYNON: Thank you. I heard -- I
11 heard it mentioned that this was about the
12 coastal community and everything, but I think
13 if we talked about what I -- the question that
14 I asked counsel earlier about coastal
15 community, what tier, that being a community of
16 interest, and if I am not mistaken, coastal is
17 Tier 3, so that's not really what makes this
18 okay.

19 What makes this okay is that it is one --
20 it is two counties, it is a full county of
21 Sarasota, it is Manatee and its compactness is
22 still the same as it was before, and it
23 doesn't -- again, it is not stretching.

24 So I don't -- I think what Senator
25 Montford was talking about about this being a

1 coastal district and does that set a precedent,
2 I don't exactly see that being the No. 1 reason
3 why -- or, you know, the No. 1 reason why -- or
4 a factor in this. I see this being a
5 county's -- you know, keeping it compact. I
6 see Tier 1 and Tier 2 things actually coming
7 into play here, not having it stretch all the
8 way to Tier 3. Is that correct?

9 CHAIR GALVANO: Mr. Ferrin.

10 MR. FERRIN: Thank you, Mr. Chairman, and
11 Vice Chair Braynon, you are absolutely correct,
12 and I hope I didn't explain it incorrectly or
13 imply that the community of interest objective
14 would be -- take priority over Tier 2. This is
15 still a very Tier 2-compliant district, which,
16 you know, when you start to stretch the bounds
17 of compliance with Tier 2 in compactness and
18 county boundaries in the name of communities of
19 interest, I think that's where you tend to run
20 into trouble. And so I don't believe -- at
21 this point, I have no reason to believe that
22 this would be troublesome in that regard.

23 CHAIR GALVANO: Thank you, Mr. Ferrin, and
24 I would add we have to be cautious with what we
25 are describing. A coastal community can also

1 be referencing the geographical boundaries that
2 are Tier 2 considerations that take priority
3 equal to compactness.

4 SENATOR BRAYNON: I am confused. Isn't
5 that -- if it is like a city or a county,
6 right, that's what you mean, not just the
7 coast, right?

8 CHAIR GALVANO: Well, the coast is a
9 geographical boundary, and within Tier 2,
10 the -- the task that the Constitution requires
11 of us is to look at -- look for compactness, to
12 try to maintain jurisdictional lines, city and
13 county lines, but also to follow geographical
14 boundaries to the extent possible. And so it
15 is more of a geographical boundary versus a
16 community of interest.

17 SENATOR BRAYNON: Well, the entire state
18 is a coast, so, I mean -- so I think that it is
19 a geographical boundary that it ends, but I
20 don't think you can count it as a geographical
21 boundary and you can draw a map or a district
22 going up the coast and -- or off the bay
23 because -- because of that. We haven't --
24 especially to cross what I was saying, which I
25 asked earlier, which was a county line or a

1 city boundary or things of that nature. I
2 think we are saying the same thing.

3 CHAIR GALVANO: Yeah, we are saying the
4 same thing.

5 SENATOR BRAYNON: Okay.

6 CHAIR GALVANO: I just wanted to
7 clarify --

8 SENATOR BRAYNON: Okay.

9 CHAIR GALVANO: -- community of interest
10 versus coastal community.

11 SENATOR BRAYNON: Well, coastal -- well,
12 coastal communities that are not -- well, for
13 instance, if a city has a coast and it also
14 stretches inland, that is a city and you have
15 to -- if I am not mistaken, splitting that city
16 would be -- you couldn't keep -- put three of
17 those cities that have that same configuration,
18 you couldn't put all three of those -- their
19 coasts in a district and split the cities. Is
20 that correct? That's what we have been trying
21 to do. I am pretty sure the court said we
22 can't, but we can try to. I know that's what
23 we do here.

24 CHAIR GALVANO: I think we are off the
25 city thing. We are just getting into the

1 weeds.

2 SENATOR BRAYNON: Okay. All right. I
3 just wanted to make sure that this wasn't --

4 CHAIR GALVANO: The point you were making
5 --

6 SENATOR BRAYNON: -- that --

7 CHAIR GALVANO: Right. And then a
8 community of interest consideration is
9 secondary in priority to the other Tier 2.

10 SENATOR BRAYNON: Actually, third.

11 CHAIR GALVANO: Well, secondary to the
12 other Tier 2.

13 SENATOR BRAYNON: To 1 and 2, right,
14 correct, to 2.

15 CHAIR GALVANO: It's third to 1.

16 SENATOR BRAYNON: Yes, correct. All
17 right, got you.

18 CHAIR GALVANO: Okay. Further questions?
19 President Lee.

20 SENATOR LEE: Mr. Chair, just a comment.
21 I know we are not going to vote on these, but
22 can we just comment on the maps as well?

23 CHAIR GALVANO: Absolutely.

24 SENATOR LEE: So we'll -- we'll have
25 another amendment, actually two amendments,

1 9046 and 9048, which essentially accomplish the
2 same thing, but do so in a much more regional
3 manner. This is a fairly parochial revision to
4 the map based upon some well-publicized
5 objections that existed that have come out of
6 the area, and I certainly understand that.

7 I -- I guess it might be a little
8 overstated to say that we are exchanging one
9 geographical split for another as south
10 Hillsborough County remains split, but what I
11 would say to you is that at least from the
12 Hillsborough County standpoint, if this were to
13 be the -- if this were to be the NVAP, it is my
14 view that Hillsborough County would be better
15 off under the existing map because as an
16 economic -- as an economic fact, the commuting
17 patterns in southeastern Hillsborough County
18 are increasingly migrating to the south. The
19 connection between Hillsborough County and
20 Manatee and, frankly, as you get further toward
21 the county line in Hillsborough, even Pinellas
22 County over the Skyway are becoming -- as
23 traffic congests in downtown Tampa and out east
24 and north, many, many people, and we built
25 homes in Mirabay and other places, so I have

1 direct knowledge of this. Many people are now
2 migrating into south Hillsborough County to be
3 employed down in Manatee and even Sarasota,
4 much like they move east into the eastern part
5 of the -- the -- I'm sorry -- yes, move east
6 into Manatee County and commute west into
7 downtown to work.

8 And so, you know, my view is that from an
9 -- you know, from an economic standpoint, from
10 a community of interest standpoint, and even if
11 you want to raise the coastal community issue
12 as it relates to those neighborhoods of
13 residential nature that are west of I-75, they
14 relate far more to the coastal communities in
15 Manatee County and even Sarasota County than
16 they would a congressional district that is
17 based in a very, very rural setting. And so
18 there may be ways to kill more than one bird
19 with a stone, but I would just sort of offer as
20 a caveat as someone that's from this area his
21 whole life, that while I respect, understand
22 and want to try to help achieve, and to the
23 extent I can have tried to do that in two
24 separate ideas here, the reconstitution of
25 the -- of District 16, I think there is a

1 better way to get there than to have to put
2 south of Hillsborough County back in a
3 congressional district that has no real natural
4 nexus to District 17.

5 CHAIR GALVANO: Thank you. Further
6 questions or comments? Further questions or
7 comment?

8 Okay. We will take up now for discussion
9 S024C9048, and this is an amendment sponsored
10 by President Lee.

11 President Lee, would you like to make any
12 comments? And then I can recognize staff to
13 walk us through it.

14 SENATOR LEE: Yes, I would, and I am
15 wondering is -- if I wouldn't want to do 9046
16 first.

17 CHAIR GALVANO: Let's do that. Let's go
18 to S024C9046.

19 SENATOR LEE: Yes. Thank you, Mr. Chair.

20 So to the point I was just previously
21 making, I began with Congressional District 14
22 and some of the comments that Senator Joyner
23 made with respect to trying to want to improve
24 the coalition status of that district between
25 Hispanics' and African-Americans' voting

1 registration. The only district that did that
2 to the magnitude of some of the previous maps
3 was a district that created a tail on the south
4 part of Congressional District 14 that ran down
5 the coastal communities I just described in the
6 previous map. And because District 14 is not
7 subject to Tier 1 criteria, I thought that
8 visually immediately became a bit of an
9 eyesore. So I went in and tried to retain the
10 portions primarily of the Temple Terrace area
11 which would help beef up the regis- -- the
12 voting age population and African-American and
13 Hispanic populations to take the district from
14 42.8, somewhere in the range of 45 percent,
15 which is halfway in between, you know, the best
16 efforts of Senator Joyner and some others, and
17 trying to beef up those voting age populations.
18 And -- and so that is the purpose for
19 configuration of -- of Congressional District
20 14, which has done its best to respect city
21 boundaries there.

22 We did not effect Congressional District
23 12 and -- and to the south, I had heard, as I
24 mentioned earlier, that there were
25 well-publicized concerns about trying to

1 reconstitute the original congressional
2 district there of 16 for reasons that were
3 previously stated. And, of course, that
4 dovetailed very well -- those two other
5 interests dovetailed very well with my now
6 well-documented view that eastern Hillsborough
7 County has been a donor to the convergence of a
8 variety of congressional districts for which it
9 has little, you know, in common for
10 generations, and I wanted to take this
11 opportunity to try to see if there was a
12 mechanism through which to consolidate eastern
13 Hillsborough County population into a
14 congressional district that would force us
15 somewhere else in the map clearly to make
16 choices with respect to political boundaries,
17 but they just wouldn't be getting made in
18 Hillsborough as they always seem to be getting
19 made.

20 So we consolidated eastern Hillsborough
21 County into Congressional District 15. As we
22 came out of eastern Hillsborough County, we
23 tried to comport with the southern boundaries
24 that were in our base map so as to not do any
25 more adjustments than necessary, and we

1 maintained those southern boundaries as best we
2 could, and, in fact, may have dropped down a
3 little further south actually at the end of the
4 day, but roughly the same, and -- and we were
5 forced to drive Polk -- District 17 up a little
6 bit.

7 And where we -- we really made changes
8 that sort of have tangential impacts as you
9 begin to change a district that probably will
10 become the subject of discussion are the
11 changes that occur up to District --
12 Congressional District 15 in Lake County, and
13 then the interplay between that and
14 Congressional District 10 and 9.

15 And in this first iteration of the map,
16 essentially what happens is in order to create
17 adequate population in 17, we have to force or
18 drive Congressional District 9 up into Lake
19 County, and that -- and try to protect the
20 integrity of Orange County, and that
21 immediately creates a visual, you know,
22 challenge to me, so -- because you now have two
23 appendages wrapping around the south part of
24 congressional District 10.

25 But in doing -- in doing all of this, my

1 primary goal was to maintain the voting age
2 populations of a coalition nature in
3 Congressional District 9 and Congressional
4 District 10 so as to not disaffect people who
5 might have -- you know, might like the current
6 base map.

7 I guess that's probably all I have to say
8 about that except to say that -- that the next
9 amendment when we get to it will very simply --
10 a change that can be very simply explained as a
11 difference between this map and the next map,
12 which I think the committee -- I certainly like
13 it better, but I wanted the committee to be
14 able to see how I got here, in addition to the
15 three-hour audio tape, how I got here from the
16 Congressional District 14 and the desire to
17 improve 16 pursuant to some interest, my desire
18 to improve 15 and how that began to shift and
19 move things around, and this is what we ended
20 up with, only to kind of take a look at and go,
21 wow, that's not very visually compact. Let's
22 see if there is a way to clean up it even
23 further, and that will come up in the -- in the
24 next amendment.

25 CHAIR GALVANO: President Lee, if I may,

1 the next map, would you envision that to be a
2 -- if this were the traditional amendment, a
3 substitute?

4 SENATOR LEE: Well, I might just withdraw
5 this one or temporarily pass it. I wanted the
6 committee to see it as sort of a team product
7 here and get their reaction to it, but, you
8 know, when we are working under this sort of
9 time constraint, we don't have the time to do
10 much more on the fly than take a visual
11 compactness view of things, and when they start
12 working their magic with these other compaction
13 scores and what-have-you, sometimes the numbers
14 change. So I just didn't want to toss it for
15 the heck of tossing it, but -- because I
16 thought it was a good visual image of how I got
17 to the final work product. But my intuition
18 tells me that these dual appendages to the
19 north in District 9, the right one of which was
20 there to begin with, the left of which we
21 created, is probably a little bit of a bridge
22 too far in terms of compactness, and I think
23 there is a better way to do it and we attempted
24 to do so in the next amendment.

25 CHAIR GALVANO: Okay. Well, why don't I

1 recognize you, Mr. Ferrin, to give some of the
2 stats on what's before us.

3 MR. FERRIN: Sure. Thank you, Mr.
4 Chairman. I am going to have to kind of going
5 through this slowly here because I've got
6 several sheets of paper to flip through.
7 Didn't have much time to put them all on one
8 page.

9 So the initial comparison that I want to
10 make is, as President Lee mentioned -- I think
11 the attention probably gets drawn to District 9
12 initially, and the compactness scores on
13 District 9 and its iteration end up at .3 Reock
14 and .69 Convex Hull, as compared to the base
15 map, you have .69 in Reock and .88. So there
16 is a noticeable drop, but it is -- it is the
17 product of the circumstances that -- where all
18 the districts intersect kind of in Lake and
19 Polk County here and how -- when you -- when
20 you push 15 down into Hillsborough, it kind of
21 creates a void in northern Polk and southern
22 Lake that something has to fill. And so that
23 was the challenge we faced, and we feel like --
24 you know, I think we feel like we addressed
25 that in the best way possible while making sort

1 of the least amount of changes to the
2 surrounding area of the map.

3 Just for note -- just to know, we were
4 able to do this without splitting any cities in
5 Polk County, I believe. So the -- and the
6 change in Hillsborough already was the -- we --
7 it was a wash in terms of city and county
8 splits as when compared to the -- to the base
9 map.

10 In regards to District 14, the numbers of
11 minority population there, we can walk through
12 those really quick. In the -- we will start
13 with 9057, which was the court -- the plan that
14 the court -- the Supreme Court invalidated.
15 That district was at a 25 percent black
16 Hispanic -- or black voting age population,
17 25.6 percent Hispanic voting age population and
18 combined 49.6. And the reason the map is a
19 little weird on all these is because we have to
20 subtract the Hispanic and black population.
21 The population that reports to the census
22 bureau is both Hispanic and black. We can't
23 double-count them in adding these numbers up.
24 So that one, in terms of a coalition
25 population, you would be looking at 49.6

1 percent, but that, of course, went across Tampa
2 Bay and into Pinellas County and St. Petersburg
3 where it contained about 92,000, I think, if my
4 memory is correct, 92,000 people from St.
5 Petersburg.

6 Once the court said you can't do that, it
7 kind of dramatically alters the black
8 population of that district. It is really hard
9 to go anywhere else inside Hillsborough County
10 and get that kind of black population numbers.

11 And as we walk through, you can see in
12 9065, which has a little bit of different
13 configuration than District 14, the -- and that
14 is the base map, the black voting age
15 population was 18.6 and the Hispanic voting age
16 population was 25.8. Combined, it was 42.8.

17 In this the iteration here in Senator
18 Lee's 9046, the black voting age population is
19 at 20.1 and the Hispanic voting age population
20 is at 26.3. Combined, it comes out to about
21 44.8 percent, which is a little bit of a bump
22 from where we were in the base map, which we
23 were able to accomplish. Like I said, it is
24 pretty difficult to -- to add additional
25 minority population in this area and maintain

1 the Tier 2 compliance that is required because
2 this district is not -- not a Tier 1 district.
3 The court obviously also noted in its opinion
4 that despite the legislature's efforts to make
5 it a coalition district, it was not performing
6 for a minority candidate.

7 Those are kind of the highlights of what
8 we wound up doing here. I think if there's
9 anything -- if there's any statistics or
10 anything anybody else is interested in, I can
11 answer those.

12 UNIDENTIFIED SPEAKER: Yes, I have a
13 question with regard to the Detert amendment,
14 that the Congressional District 16 Detert
15 amendment is incorporated into this map?

16 MR. FERRIN: Yes.

17 CHAIR GALVANO: Seventeen.

18 MR. FERRIN: Yes, thank you, Mr. Chairman.
19 Yes, it is, and it kind of manifested itself in
20 the reconfiguration of Hillsborough there when
21 you -- when you push 15 into southern
22 Hillsborough and to encompass all of eastern
23 Hillsborough there, 16 has to go somewhere, and
24 it is -- the natural move is for it to be moved
25 to the south, and so it actually works pretty

1 well in tandem with the two amendments.

2 CHAIR GALVANO: Senators, further
3 questions?

4 Leader Joyner, you are recognized,
5 followed by Vice Chair Braynon.

6 SENATOR JOYNER: Yes, I would like to know
7 where were the black voters picked up from
8 the -- up kicked the number from 42.8 to 44.8?

9 CHAIR GALVANO: Mr. Ferrin and President
10 Lee, anytime you want to comment --

11 MR. FERRIN: I will take that. Thank you,
12 Mr. Chairman.

13 It is mostly Temple Terrace, which was in
14 -- in the base map was actually in District 15
15 because the District 14 drawn in the base map
16 was -- included only the City of Tampa. It
17 hugged the boundary between the two cities that
18 abut each other.

19 This iteration takes all of Temple Terrace
20 in. It does split the City of Tampa, but
21 that's kind of unavoidable if you're going to
22 -- if you're going to take in the population in
23 Temple Terrace. It does result in a more --
24 slightly more numerically compact district, I
25 believe, as I am double-checking the numbers

1 here -- yes, it does. And, also, the district
2 goes further east to -- towards 75 where
3 there's some additional minority population out
4 that direction.

5 CHAIR GALVANO: Follow-up?

6 SENATOR JOYNER: I want to know about the
7 split to the City of Tampa.

8 CHAIR GALVANO: Splits to the city of
9 Tampa?

10 MR. FERRIN: Okay. So I think -- this
11 might be a little bit better illustration. I
12 don't -- I don't -- in this presentation, I
13 don't have anything that shows the city -- the
14 city boundaries of Tampa, but in -- Tampa runs
15 all the way to the Pasco County line. The
16 boundary goes -- if -- it is hard to see on the
17 screen without anything in particular to point
18 at. The road that goes northeast out of Temple
19 Terrace, the city -- Tampa -- the boundary
20 doesn't necessarily follow that road, but it
21 kind of parallels it all the way up to the
22 Pasco County line. So the only way to
23 encompass the entirety of the City of Tampa is
24 to go all the way up to Pasco, and that's the
25 other way you kind of increase the minority

1 population of this iteration is you take in
2 less nonminority population in areas up closer
3 to the Pasco County line.

4 CHAIR GALVANO: Leader Joyner?

5 MR. FERRIN: If you would like to see the
6 city boundaries, I -- we can -- we can probably
7 pull those up or I can show you later how that
8 split works and how the two districts would --
9 would show you the exact differences on a map
10 and it might -- might make a little more sense.

11 CHAIR GALVANO: Leader?

12 SENATOR JOYNER: Did you talk about the
13 impact on District 9 and 10 as it relates to --

14 CHAIR GALVANO: Mr. Ferrin.

15 SENATOR JOYNER: -- this map?

16 MR. FERRIN: Thank you, Mr. Chairman, and
17 Leader, in this iteration, there were no
18 changes made to District 10. It is exactly as
19 it was in the base map.

20 District 9 does change, and it does change
21 the -- the racial makeup of the district, but
22 District 9 in the base map was not drawn as a
23 Tier 1 district, it has no Tier 1 protections
24 and is not -- was not -- probably not likely to
25 perform at the level of Hispanic population

1 that it was at, given the fact that -- that
2 we -- and today, in the enacted plan in 2012,
3 there is a Hispanic district, I believe, close
4 to 40 percent, and it did not perform -- thirty
5 -- 38 percent.

6 Does that answer your question, Leader?

7 CHAIR GALVANO: For the time being.

8 Vice Chair Braynon.

9 SENATOR BRAYNON: Maybe you can't answer
10 my question because I am looking at -- I pulled
11 it up on District Explorer, right, and I opened
12 up the -- I opened it up and I looked at the
13 value ramp portion, and I was just -- I am
14 struggling to figure out how Temple Terrace --
15 I am not from the area, so I don't know. I can
16 only go on what your district thing tells me.
17 It doesn't look like it's very many
18 African-Americans there. It looks like there's
19 some around it right here, but it does -- it
20 looks pretty -- pretty -- you know, not red or
21 blue here.

22 CHAIR GALVANO: Mr. Ferrin.

23 MR. FERRIN: Thank you, Mr. Chairman. And
24 I understand when you are -- when you are
25 looking in District Explorer, there's -- those

1 value ramps are kind of generalized at the
2 higher levels. So that is -- they show for
3 VTDS. So the shading is -- at the level you
4 are looking at is at a VTD. If you zoom in,
5 you get to the block level and you can kind of
6 see that, you know, some of that may be to the
7 way the VTDS kind of generalize the population.

8 And I am not suggesting that Temple
9 Terrace is a heavily minority community, but I
10 believe that section there is in the city
11 boundary.

12 And -- and it is -- when you do that, you
13 are kind of -- the population that you pick up,
14 if it is a higher density of minorities, it is
15 going to increase the overall minority
16 population when you shed areas that are lower
17 density. So it is not just about picking up
18 the highest density areas of minority
19 population. It is frequently about what you
20 lose.

21 SENATOR BRAYNON: Kind of looks like
22 that's what's happening here, like you lost
23 some -- you lost north Tampa. It is not really
24 the addition of Temple Terrace. It is really
25 more the loss of north Tampa that kind of moves

1 that number 2 percent. Is that -- would that
2 be --

3 MR. FERRIN: It is the combination of the
4 two. It's the two moves made in tandem that
5 have that effect.

6 SENATOR GIBSON: Mr. Chair, and that was
7 the reason why I asked the question about the
8 African-American population, because I live
9 south of the river right before you get into
10 Temple Terrace, and Temple Terrace does not
11 have a big black population there further in
12 Thonotosassa and Seffner. And if you pull up
13 the map, you will see it's redder in
14 Thonotosassa, but that's around the other side
15 beyond. So I just wanted to know where they
16 were coming from because I know they don't live
17 in Temple Terrace.

18 CHAIR GALVANO: Mr. Ferrin.

19 MR. FERRIN: I believe the area you are
20 referring to is in the district.

21 CHAIR GALVANO: Okay. Let's have our
22 questions on the record.

23 Vice Chair Braynon, you had a comment or
24 question?

25 SENATOR BRAYNON: Since we can't put up

1 the value ramp map, I have zoomed in, I heard
2 what she was saying and I am pointing out that
3 this is the area that I assume that Senator
4 Joyner -- Leader Joyner is talking about that
5 is a red area between 41 and 58. You see where
6 I am talking about? Maybe the next time we
7 should have -- we can put -- plug somebody's
8 thing up on that thing.

9 CHAIR GALVANO: And that's a good
10 suggestion when we are going to take action on
11 these.

12 MR. FERRIN: Thank you, Mr. Chairman.

13 I am -- I am not suggesting by any means
14 that we -- we got all of the minority
15 population in the area. Sometimes when you do
16 this, you have to look at -- at the area that
17 you would pick up on your way there to find out
18 if it would -- if it would work.

19 And the other thing to look at, too, is
20 these -- these maps, these value ramps, they
21 show density. Those -- you could have a very
22 bright red block with one person in it, and it
23 would be a hundred percent -- you know, if it
24 is a black person in that block, it would be a
25 hundred percent, you know, minority population.

1 And show -- I am not -- you can -- all
2 these things are factors to take into
3 consideration. I just want to be clear that
4 you have to look at all of this and how it --
5 and how it would work together to make sure
6 that, you know, you are not just picking up the
7 darker red blocks and you are thinking about
8 things you are adding and removing in the
9 process.

10 CHAIR GALVANO: Mr. Vice Chairman.

11 SENATOR BRAYNON: I didn't draw this or
12 try to. I was just listening to what people
13 were saying and looking at the information
14 provided to me. And if -- and maybe I am just
15 making a suggestion that if that is the goal,
16 there are some red spots, according to this
17 map, out there, and I guess that it would take
18 someone going there and drawing that. So if
19 that was the goal, I am showing it to you.
20 That's how we communicate now, right, out here
21 in the open?

22 CHAIR GALVANO: Absolutely.

23 Chair Simmons, you are recognized.

24 SENATOR SIMMONS: Thank you, Mr. Chair.

25 In -- in staff's work over the weekend,

1 I'm sure we've got plenty of time, that in
2 looking at these various iterations of District
3 13 and 14 -- and I am looking at the base map
4 that we have in front of us, and it shows for
5 District 14, that there would be 18.6 percent
6 African-American and 25.8 percent Hispanic.

7 And then I see an effort to go ahead and
8 increase this coalition between black and
9 Hispanic in the fact that it is being increased
10 by virtue of the work that Senator Joyner and
11 President Lee have been doing, and I would ask
12 in -- when we reconvene on Monday, is it
13 possible that there could be an explanation as
14 to how well these two groups work together to
15 create a coalition so that we could see, you
16 know, the purpose and the effort to increase
17 this -- you know, this opportunity for these --
18 for these individuals to have a coalition?
19 Because that would give us a lot of reason to
20 say to ourselves if they are working together
21 to support something that is being suggested
22 here.

23 CHAIR GALVANO: Thank you, Chairman. And
24 you will take note of that?

25 SENATOR JOYNER: Mr. Chairman?

1 CHAIR GALVANO: Leader Joyner, you are
2 recognized.

3 SENATOR JOYNER: I -- I withdrew my
4 request to amend the map to change the numbers.
5 So I want the record to reflect that because
6 when you make changes in one place, you either
7 inadvertently or purposely make changes in
8 other places, and the effect of those changes
9 could negatively impact one's overall goal in
10 making changes. So, consequently, I have
11 withdrawn my request to change the numbers
12 until I can see something that -- see a map
13 that -- that represents my intent in totality,
14 which is looking at it from a statewide
15 perspective, because if you move here, then you
16 create a bubble there, and I've got to know all
17 of the effects on the other districts before I
18 can put my fingerprint on any of this. So I
19 withdrew my request to increase the coalition
20 numbers.

21 It is true that this district
22 historically, as Congresswoman Brown said, was
23 created as a minority access district, and, of
24 course, it has never been a minority in this
25 congressional seat since it was created.

1 Congresswoman Kathy Castor has been the sitting
2 Congressperson in this seat. And the numbers
3 at that time were greater than what we are
4 going to -- than what we -- was projected under
5 this map and what under the base map, and I
6 respectfully withdraw.

7 In fact, I told -- I've already instructed
8 staff not to prepare a map for me to increase
9 it because I don't see what I would like to see
10 in totality. I am not looking at it piecemeal.
11 I've got to see every effect that it would have
12 on every district, and that is why I withdrew.

13 CHAIR GALVANO: Thank you, Leader Joyner,
14 and the record will reflect that, and,
15 actually, there was nothing filed to be
16 withdrawn. I do understand that you had worked
17 with staff to explore the possibility, but that
18 it didn't come to fruition, and what we are
19 dealing with is a proposal by Senator Lee.

20 Chairman Simmons, you are recognized.

21 SENATOR SIMMONS: Yes. I now understand
22 that Leader Joyner is withdrawing hers, but
23 Senator Lee I understand is not withdrawing
24 his, and his does increase the percentage of
25 that coalition. So I would still ask that --

1 that staff, with your permission, Mr. Chair,
2 give us that information as to the historical
3 ability or propensity of those to work
4 together.

5 CHAIR GALVANO: Absolutely. Your request
6 is still -- still valid. And I have a laser
7 for you, Mr. Ferrin.

8 Further questions or comments? Further
9 questions or comments?

10 Why don't we move, then, into S024C9048,
11 and President Lee, if you'd like to further
12 comment. You've given us a trailer on this,
13 but now it is something we can discuss.

14 SENATOR LEE: Yes, sir. If only I can
15 find it.

16 So, yes, sir, you know, the only
17 distinction between this map and the previous
18 map that you were just viewing is in -- up in
19 the area to the north of Congressional District
20 9. When -- you remember from the prior map
21 there were two appendages that wrapped around
22 District 10, the fuchsia district or purple
23 district there, the one to the right and then
24 another to the left. And in an effort to try
25 to clean up what visually looked troubling to

1 me -- whether it was or not, it visually looked
2 troubling to me -- what we did was we expanded
3 the voting population on the appendage at the
4 right or eastern side of Congressional District
5 10 and we slid -- in an interplay between
6 Congressional District 10 and Congressional
7 District 11, we slid Congressional District 10
8 westwardly a little bit to pick up some
9 population in Congressional District 10, and
10 thus be able to eliminate the dual appendages,
11 if you will, that were protruding northward
12 from Congressional District 9 in the prior map.

13 CHAIR GALVANO: Mr. Ferrin, do you want to
14 further comment on the stats?

15 MR. FERRIN: Sure, and thank you, Mr.
16 Chairman.

17 In -- in removing the sort of protrusion
18 into Lake County out of District 9, as Senator
19 Lee explained, we do kind of help ourselves
20 some on all the scores here, and like I said, I
21 don't really have them all kind of next to each
22 other here, so we are going to have to go
23 through them one by one.

24 But District 9 is still less compact than
25 the base map, but it is an improvement over the

1 last iteration.

2 District 10 actually ends up being --
3 having a higher Reock score in the base map, it
4 is .49; here, it is .64. The Convex Hull on
5 the district in the base map is .89 and the
6 Convex Hull on this iteration is a .85.

7 This also changes District 11's boundaries
8 to only 1/100th of a point in either direction.
9 It actually goes up 1/100th of a point both for
10 Reock and Convex Hull.

11 So, statistically speaking, this -- the
12 Districts 10 and 11 in this are going to be a
13 little bit more compact. Nine is going to be
14 less, but the way 9 was drawn in the base map
15 was -- was incredibly square, and, therefore,
16 it had a high -- high scores when you run the
17 test.

18 The other thing that is noteworthy on
19 this -- well, there's a couple of things, one
20 of which is we can talk about the makeup of
21 District 10. District 10 in the base map was
22 27.1 percent black voting age population and
23 22.9 percent Hispanic. In the -- and then from
24 a coalition standpoint, that came to 48.5. In
25 the new configuration here, it is 21 point --

1 it is still 21.7 black voting age population
2 and 19.8 Hispanic. So it did lose some
3 Hispanic population. And I haven't done the
4 math on that one yet. I don't want to say the
5 wrong numbers, so -- yeah, that one's -- the
6 combined population on that is 45.6.

7 So at that level, you know, it does drop
8 some, and so the next question in terms of the
9 district is how does it -- does it still
10 perform kind of like we had thought it would on
11 the -- the -- in terms of a coalition district.
12 And in looking at the functional analysis,
13 paying particular attention to the Democratic
14 primary, you end up in a situation where the
15 combined black and Hispanic turnout for 2010
16 comes to 48.6 -- yeah -- no, I'm sorry, 50.6
17 percent. So it is still above 50 percent,
18 which would lead one to believe that in a -- in
19 a situation where the blacks and Hispanics were
20 voting cohesively, they could theoretically
21 have a reasonable chance at controlling the
22 primary in that district.

23 I believe that kind of covers all the high
24 points right there. The only other thing worth
25 mentioning is on the city splits, in this

1 iteration, in the base map, when we went to
2 Lake County and kind of had the line right
3 there just in southern Lake County, we had to
4 split the City of Groveland in order not to --
5 to have a large northern protrusion. This
6 configuration allows us to not split any cities
7 in Lake County at all, which is why the
8 boundary between 11 and 6 is a little jagged
9 and there's some jagged edges on this division
10 between 10 and 11. So, overall, this -- this
11 plan actually drops the city splits by one and
12 beats where we were at in the base map.

13 CHAIR GALVANO: And with regard to CD 10,
14 it appears the Convex Hull score would go down.
15 Was this Reock actually better?

16 MR. FERRIN: Thank you, Mr. Chairman.
17 That's what the numbers are telling me. The
18 change from the base map, CD 10 is -- was .49,
19 and the -- this iteration is .64 on Reock. The
20 Convex Hull slips four-hundredths of a point
21 from .89 to .85.

22 CHAIR GALVANO: And to be clear, this also
23 includes the Detert amendment?

24 MR. FERRIN: Yes, yes, that is one
25 thing -- I am not sure if you mentioned that,

1 Senator Lee, but it does keep the Detert
2 amendment in there.

3 SENATOR LEE: Mr. Chair, may I ask -- and
4 it does, and I really meant to direct
5 everybody's attention to the Osceola/Orange
6 area in District 9, 10 and 11 because that's
7 really the only changes that this map makes
8 from the previous one.

9 But did -- did our staff explain the
10 voting age population breakdown in
11 Congressional District 9 as a result of the
12 changes in the interplay between 9 and 10 so
13 that we can see where Congressional District 9
14 went relative to the base map? I might have
15 missed that. There's --

16 CHAIR GALVANO: No, that wasn't -- wasn't
17 done.

18 Mr. Ferrin, if you can highlight that,
19 please.

20 MR. FERRIN: Yeah, and I apologize for
21 that. There's a lot of numbers here. It is
22 hard to remember which ones I need to read.

23 So District 9 in the base map was at 32.0
24 percent Hispanic population. As a result of
25 the population that it picked up from 10 right

1 in that area there, which is densely Hispanic,
2 the voting age population in this iteration of
3 9 increases to 35.7 percent.

4 CHAIR GALVANO: Follow-up?

5 SENATOR LEE: The net difference -- I'm
6 sorry, could you say that one more time for me?
7 I apologize.

8 MR. FERRIN: Yes. The base map had a
9 Hispanic voting age population in District 9 of
10 32 percent, and this S024C9048 has a Hispanic
11 voting age population of 35.7.

12 SENATOR LEE: Thank you.

13 CHAIR GALVANO: Senator Thompson, you are
14 recognized for a question.

15 SENATOR THOMPSON: Thank you, Mr. Chair.

16 In the base map, District 10 was all
17 contained within Orange County, and under this
18 proposal, it now would be Orange and Lake. And
19 how would the objective -- how would this
20 impact the objective of compactness and
21 honoring political and geographical boundaries?

22 CHAIR GALVANO: Mr. President, you are
23 recognized.

24 SENATOR LEE: Well, we can defer to staff
25 for the net effect, but -- but this is sort of

1 a classic case of, you know, having to set
2 priorities. In the base map, for some reason,
3 without any Tier 1 requirement to do so, staff
4 chose in working with the House to draw a map
5 in tandem that protected all the political
6 boundaries in -- in District 10 to the -- to
7 the Orange County line there. But in a series
8 of other choices that they made is they moved
9 down to the west coast south of there and they
10 chose to carve up eastern Hillsborough County
11 like swiss cheese.

12 So I understand what you -- how that may
13 make you feel, but I've been there. But the
14 truth of the matter is that what we have done
15 essentially is, with hopefully *de minimis*
16 implications on the minority populations in
17 District 10, increased a county split in order
18 to decrease county splits somewhere else in the
19 state so the net effect is either the same or
20 actually positive.

21 CHAIR GALVANO: And it is positive, as I
22 understand it.

23 Do you have a follow-up, Senator Thompson?

24 SENATOR THOMPSON: I do. Thank you, Mr.
25 Chair.

1 We got the functional analysis numbers for
2 2010, which I recorded as 50.6. I did not see
3 the functional analysis for 2012 and how that
4 would compare looking at a gubernatorial
5 election versus a presidential year.

6 CHAIR GALVANO: Mr. Ferrin.

7 MR. FERRIN: Thank you, Mr. Chairman.

8 We are -- we don't have primary data
9 available for 2012 to analyze in these
10 things -- in this case, you know. If we did,
11 we would certainly have it and use it, but at
12 the moment, you know, it is not available to
13 us.

14 CHAIR GALVANO: President Lee.

15 SENATOR LEE: Yes, and I would just like
16 to say for the record I was sort of asked that
17 earlier prior to lunch, and I have not looked
18 at the first piece of information with respect
19 to how these districts might perform. I
20 haven't the slightest clue how they might
21 perform. They were drawn entirely with the
22 idea of trying to improve the two tier -- the
23 second tier implications of this map and do the
24 things I mentioned in my previous testimony. I
25 couldn't tell you how they perform.

1 CHAIR GALVANO: Mr. Ferrin, you had a
2 footnote or --

3 MR. FERRIN: Yeah, I just want to also
4 clarify that, Senator Thompson, one of the
5 reasons the 2010 primary turnout is valid in
6 this case is because the turnout is
7 traditionally lower in non-presidential years
8 in these areas. So if we are looking for sort
9 of the low -- I want to say low water mark, but
10 I don't feel like that is right, but the point
11 at which the district would start to perform,
12 you can look at one of the lower turnout
13 elections, and if a district performs only in
14 presidential years, that's not necessarily the
15 way you would want it to work.

16 CHAIR GALVANO: Senator Thompson.

17 SENATOR THOMPSON: In terms of the
18 coalition district and trying to give an
19 opportunity for Hispanics and African-Americans
20 to participate in the political process, under
21 this map, the numbers go down in terms of the
22 coalition to 45.6 minorities and goes up to
23 47.4 whites. How does that help in terms of
24 providing an opportunity for a coalition
25 district?

1 CHAIR GALVANO: Mr. Ferrin or -- Mr.
2 Ferrin.

3 SENATOR LEE: Well, I am happy to --

4 CHAIR GALVANO: President Lee.

5 SENATOR LEE: Well, you know, what I would
6 say as a threshold matter is, once again, you
7 know, we're -- this is a good exercise because
8 we are seeing how when you push in on the
9 balloon one place, it pops out somewhere else.
10 It isn't just as simple as making a parochial
11 change for your neck of the woods at the
12 expense -- and the further out from the
13 epicenter of the change you are trying to make,
14 the greater the magnitude of changes across the
15 map. So you try to minimize them as much as
16 you can, and we've had to go into Orlando to
17 sort of thread them out.

18 But the specific answer to your question
19 is the -- there is an improvement in
20 Congressional District 9 at the expense of a
21 slight reduction in Congressional District 10.
22 So there is an interplay between those two, and
23 the actual Hispanic voting age population in
24 Congressional District 9 I believe goes up by
25 -- not voting age -- yes, voting age population

1 goes up by, what, three or four percent, I
2 believe, as a result of these changes.

3 CHAIR GALVANO: Mr. Ferrin, you had an
4 additional comment on that question?

5 MR. FERRIN: Yes, and -- and I believe,
6 Senator Thompson, your question was how that
7 change helps the performance of the district.
8 I don't know that the change was made to help
9 the performance of the district. The change
10 does not significantly hurt the performance of
11 the district. It -- the district is still Tier
12 2 compliant, it is a Tier 2 district, it is not
13 under a Tier 1 mandate. The reason a coalition
14 district was drawn here in the first place is
15 because we could do so while maintaining close
16 compliance with Tier 2 standards. And we've
17 looked -- made the choice to try and give the
18 minority population that had been traditionally
19 represented by the north/south CD 5
20 configuration that no longer was to try and put
21 that population in a district which had a
22 reasonable chance at performing for a minority
23 candidate.

24 CHAIR GALVANO: Vice Chairman Braynon.

25 SENATOR BRAYNON: Thank you, Mr. Chair.

1 I am looking at the county splits between
2 Hillsborough and Orange County, and I go back
3 to the base map. In the base map, there is a
4 district that's wholly encompassed within
5 Hillsborough, which is 14, and then there are
6 pieces of 16, 15 and 12. That is three. Then
7 I go to Orange County, and there is a district
8 that is wholly encased in Orange County, which
9 is District 10, and then our three districts
10 that are encompassed in Orange County, which is
11 7, 9 and 8. Would that be correct?

12 CHAIR GALVANO: Mr. Ferrin.

13 MR. FERRIN: That sounds correct. I
14 wasn't quite following exactly what --

15 SENATOR BRAYNON: Four, I think, yes,
16 four. When it is wholly encompassed and
17 then --

18 MR. FERRIN: In Orange -- it is Orange
19 County, yes, it has four districts.

20 SENATOR BRAYNON: It has four districts,
21 one is wholly encompassed, which is 10 --

22 MR. FERRIN: Right.

23 SENATOR BRAYNON: -- and a piece of 7, a
24 piece of 8 and a piece of 9. And basically the
25 same thing -- it is 1, 2, 3, right, it is --

1 yeah, and the same thing when you get to
2 Hillsborough.

3 So I only ask -- I only point that out
4 because I heard the interplay of -- I'm car- --
5 Hillsborough is carved up like swiss cheese, so
6 I know where you are. So I made my mine whole,
7 and now yours is even more separated. I think
8 in our base map you guys are pretty much on the
9 same -- I mean, as far as that description
10 goes. Now, maybe if you do numbers, maybe it
11 is not, but, I mean, just, you know, playing
12 Faircules here, because I don't live in either
13 one or know the area like that, just looking at
14 the base map, it seems like they are already
15 kind of split as far as between Hillsborough
16 and Orange County, they are kind of the same.

17 CHAIR GALVANO: President Lee.

18 SENATOR LEE: Yes, and I don't know the
19 historical -- I didn't know the history of the
20 Orange County area and what splits have
21 occurred. I do know the history of eastern
22 Hillsborough County, and I know that there is a
23 lot of pent-up frustration out there given that
24 this has been the way maps have played out over
25 one iteration of reapportionment after another,

1 session in and session out. And I would only,
2 you know, remind the committee that there is at
3 least a couple hundred thousand more people in
4 Hillsborough County than there is in Orange
5 County. So, you know, you could, you know,
6 kind of take that either way, but -- but the
7 ability to -- you almost have two full
8 congressional districts inside of Hillsborough
9 County without having to go outside of
10 Hillsborough County, and I think the base map
11 had four and we now have it down to three.

12 CHAIR GALVANO: Senator Gibson, you are
13 recognized.

14 SENATOR GIBSON: Thank you, Mr. Chair.

15 Are any of the -- does any of the
16 population that was in CD 5 prior to the base
17 map, in 10 -- in your map, are they moved to 10
18 where formerly they were a part of a population
19 that could elect a candidate of their choice
20 and have a less opportunity to do so because
21 the coalition numbers went down?

22 CHAIR GALVANO: Mr. Ferrin.

23 MR. FERRIN: All of the population that
24 would have been in old CD 5 in the northwest
25 area, the north/south CD 5 is still encompassed

1 in both iterations of District 10.

2 CHAIR GALVANO: Senator Gibson.

3 SENATOR GIBSON: Thank you. Thank you,
4 Mr. Chair.

5 And maybe I didn't hear the coalition
6 numbers right then. I understood that 10 now
7 has a reduced coalition opportunity. Is it 10
8 or 9?

9 CHAIR GALVANO: Mr. Ferrin.

10 MR. FERRIN: Thank you, Mr. Chairman. The
11 numbers did fall a little bit in 10.

12 CHAIR GALVANO: From the base map?

13 MR. FERRIN: From the base map, but --
14 right, right.

15 CHAIR GALVANO: Further question --

16 SENATOR GIBSON: And so --

17 CHAIR GALVANO: -- comment?

18 SENATOR GIBSON: -- from that perspective,
19 then, people who were in 5 who ended up in 10,
20 which was a coalition district based on the
21 percentages, now that that coalition -- now
22 that coalition opportunity is somewhat reduced
23 is what I am asking? Because the number -- the
24 numbers went down in order to be able to build
25 the coalition, right?

1 CHAIR GALVANO: Right. Your point is that
2 in the enacted map in CD 5, if they were moved
3 to the base map, it would go one step down and
4 then this iteration impacts it to the negative
5 a little further.

6 Further questions, comments? Yes, if you
7 would like to make a comment.

8 SENATOR GIBSON: Just probably to maybe
9 Senator Lee and Mr. Ferrin. Is there -- did
10 you look at any other ways so that the numbers
11 you were looking for would not negatively
12 impact further the opportunity to at least have
13 a -- to at least build a coalition,
14 particularly for those folks in the former CD 5
15 who are now in CD 10?

16 CHAIR GALVANO: Mr. Ferrin. And let me
17 make one note before. That is the -- in
18 putting together the base map, as I understand
19 what staff and counsel did, they took advantage
20 of an opportunity to create a coalition within
21 that district, notwithstanding that the Supreme
22 Court gave them no direction to do so.

23 Mr. Ferrin, further --

24 MR. FERRIN: That's right, Mr. Chairman.
25 It -- I don't believe we are under any Tier 1

1 obligation to draw the coalition district
2 there, as I understand how all that works from
3 the legal analysis that I've been given from
4 the legal team. And so the decision to draw
5 the Tier 2 district -- or the Tier 1 -- it is
6 not the Tier 1 district -- the coalition
7 district, excuse me, here was a conscious one
8 to try and ensure that those -- those
9 populations you referred to had the opportunity
10 to elect a candidate of their choice after that
11 was no longer available to them in CD 5.

12 CHAIR GALVANO: Further questions?

13 President Lee, you are recognized.

14 SENATOR LEE: Right, and to Senator
15 Gibson's question, we did spend a lot of time
16 on this, and I have been remiss in not, you
17 know, applauding the patience and the stamina
18 of our staff.

19 So, yes, we did spend a lot of time
20 looking at some different options, and
21 truthfully, Senator Gibson, had we decided that
22 we had the time to go in and redraw the entire
23 map, yes, we could have continued to push some
24 things around, but as you can see from this
25 conversation, every time you move something,

1 you change the expectation that has been set in
2 the minds of other people who have already
3 viewed the base map and you have a lot of
4 convincing to do.

5 So we wanted to try to go as far as we
6 could to ameliorate and not pick up anymore
7 potential objections than necessary, and thus
8 the opportunity to take advantage of the
9 interplay between Congressional District 9 and
10 10 in terms of creating coalition opportunities
11 or opportunities to elect an individual of a
12 particular minority's choice. So I felt like
13 we did a pretty good -- when you look at those
14 two districts together, the increase in
15 Hispanic-performing population, if you will, in
16 Congressional District 9 vis-á-vis the slight
17 reduction in Congressional District 10, whereas
18 neither have proven to necessarily perform for
19 minority candidates in a coalition or
20 otherwise, we did our best to try to preserve
21 the integrity of the base map so as to not
22 reinvent the wheel.

23 CHAIR GALVANO: Senator Gibson.

24 SENATOR GIBSON: Thank you, Mr. Chair. It
25 is my last question. So --

1 CHAIR GALVANO: Take your time. That's
2 why we're here.

3 SENATOR GIBSON: So are you saying that
4 within 9 and 10, there is still the opportunity
5 for a coalition in each one, or is it just in
6 10?

7 CHAIR GALVANO: President Lee.

8 SENATOR LEE: Well, you know, Mr. Ferrin
9 can read the numbers again. I don't think we
10 have any knowledge -- I don't have any
11 knowledge of performance data with respect to
12 how 9 or 10 would perform in any particular
13 election. I was looking at this outside the
14 context of that.

15 I can only tell you that the Hispanic
16 voting age population in Congressional District
17 9 went up about the same amount as the
18 coalition population in Congressional District
19 10 went down. So one went down slightly, the
20 other went up slightly, but they are both, I
21 believe, in the 40s between Hispanic and
22 African-American voting age population.

23 CHAIR GALVANO: Am I correct that in 9046,
24 however, the population in 10, you don't see
25 that reduction?

1 Further questions or comments on 9048?

2 Thank you, President Lee, and Mr. Ferrin.

3 Let's now move to 9050. That is Chairman
4 Simmons, and I will recognize you, Chairman
5 Simmons for some comments and then we will have
6 staff go through that as well.

7 SENATOR SIMMONS: Well, I think it would
8 be important for me to yield to Senator
9 Gibson --

10 CHAIR GALVANO: Okay.

11 SENATOR SIMMONS: -- on this unless you
12 would prefer that I start.

13 CHAIR GALVANO: Senator Gibson, you are
14 recognized.

15 SENATOR GIBSON: And 9050 is the
16 Gibson-Simmons amendment.

17 CHAIR GALVANO: The Gibson-Simmons
18 amendment.

19 SENATOR GIBSON: Or Simmons-Gibson or --

20 CHAIR GALVANO: We will --

21 SENATOR GIBSON: -- Simi-Gib.

22 CHAIR GALVANO: We will get Lotto balls
23 and figure out whose name goes first.

24 SENATOR GIBSON: Okay. Thank you, Mr.
25 Chair.

1 And like Senator Lee, Senator Simmons and
2 I probably have three or four hours of
3 recording, although not in one sitting. We
4 were back and forth several times yesterday
5 trying to make things get better and better and
6 better, and I think we have accomplished that
7 for the most part. I guess it depends on whose
8 glasses you are looking through.

9 And the map -- I don't want to make a lot
10 -- a whole lot of comments except I believe
11 that CD 5 is probably the most -- the most
12 changed of any of the districts and is
13 extremely impactful, and the map that we worked
14 on yesterday enfranchises more people, I think,
15 to have more of a voice. The idea was also to
16 try to reduce the impact on Leon County, to
17 take -- to take less of Leon and find more
18 enfranchised voters in other ways.

19 And so where do I begin? The
20 Simmons-Gibson map picks up more of Alachua,
21 and thank you so much to Mr. Ferrin for working
22 with us on this yesterday, which raises the
23 2010 census BVAP to 46.6 percent, up from the
24 base of 45.1 percent. And we had to do some --
25 some digging and circling, I guess you would

1 call it, in order to try, again, to leave as
2 much of Leon County as possible in District 2,
3 and which leads me to why I asked the question
4 about packing this morning. While the map adds
5 more black voters, the surrounding counties are
6 not in any way leaning Democrat or coalition or
7 minority whatsoever. And so we thought it
8 would be good to try to put as -- put more
9 individuals within that east/west forced
10 district to increase the BVAP to 46.6 percent.

11 The other thing I noticed before I turn it
12 over to Senator Simmons is in looking at the
13 election attributes for functional analysis on
14 the base map, as well as our map and even the
15 Romo 1 map, when you consider, I guess,
16 conservatism -- and I made a comment to a
17 friend of mine earlier that it seems that
18 Jacksonville is pretty conservative, and as you
19 stay close to the border and get closer to the
20 -- stay close to the Georgia border and get
21 closer and closer to the Alabama border, I
22 guess, things get a little more and more
23 conservative. And I looked at the percentages
24 in particular in 2010 when Kendrick Meek, an
25 African-American, was on the ballot for U.S.

1 Senate, and I know we spent a lot of time
2 talking about the BVAP and what percentages a
3 district will perform and so on and so on. And
4 so when I looked particularly at that, the only
5 African-American on our sheets that we can
6 really look at as having run in this east/west
7 configuration, in the Gibson-Simmons map, the
8 percentage of voters for Mr. Meek is
9 42 percent; in the base map, the percentage for
10 Mr. Meek is 40.5 percent; and in the Romo map,
11 it is 43.1 percent. And so I believe that as
12 we went through with Jay to pull our numbers,
13 it makes a difference more than just in the
14 BVAP by itself and more than just in a tight
15 Reock score. It makes -- it makes a difference
16 in actual ballot voting in terms of potentially
17 race. And race is the elephant in the room,
18 unfortunately. Now, I am from the 31 flavors
19 coalition, but not everybody is. And so I
20 believe that we need to take that into
21 consideration, not the 31 flavors, but take
22 into consideration what factor does race
23 ultimately play in how we configure an
24 east/west district. And so I am going to
25 reserve further comments and yield to Senator

1 Simmons.

2 CHAIR GALVANO: Chairman Simmons.

3 SENATOR SIMMONS: Thank you, Mr. Chair and
4 Senator Gibson.

5 What, Senators, you can see from this is
6 that knowing that there is the requirement from
7 the Florida Supreme Court to take the existing
8 north/south District 5 and literally rotate it
9 up so that it becomes an east/west district,
10 interestingly enough, it changes from its
11 existing approximate 143 miles from
12 Jacksonville to Orlando to approximately
13 206 miles from Jacksonville to Gadsden County.
14 And the result of this is, of course, with the
15 -- with the requirement from the Florida
16 Supreme Court to do this in a way that is
17 appropriate, that meets the concerns of the
18 Florida Supreme Court and certainly the
19 concerns that all of us have relating to the
20 Fair Districts amendment and the Voting Rights
21 Act, the Federal Voting Rights Act, and when
22 Senator Gibson and I began discussing this, the
23 idea was to -- to go to staff, and we met with
24 Jay, with Mr. Ferrin, and began going over what
25 would be the best way to, in fact, draw such an

1 east/west configuration.

2 The result was that we know that there is
3 a plaintiff's Romo A map, which was the one
4 that legal counsel and staff told us was
5 incorporated into the base map that was
6 presented to us by staff, and then looking and
7 finding out that there is a Romo B map, a map
8 that the plaintiffs had proposed that does seek
9 to maintain the black voting age population
10 that is significantly greater than the amount
11 that is approximately 45.12 percent.

12 And so Senator Gibson and I worked with --
13 with Jay, and the result was a map that -- that
14 you see that, in fact, is what I would call,
15 rather than Romo A, which is the base map, or
16 Romo B, I would call it either A minus or B
17 plus because it is -- it is literally somewhere
18 between those two, but is certainly one in
19 which it seeks to assure that the integrity and
20 the -- in the percentages, particularly the
21 BVAP percentage, is maintained better than what
22 is in the base map.

23 The result is what we came up with. It
24 was drafted as we were there with -- with Jay,
25 and we ended up coming up with something that,

1 while it does have this appendage that goes
2 down to Alachua County that one can see on the
3 southeastern corner, it is simply a remnant or
4 a small part of what was in Romo B, and -- and
5 while it looks like Italy, I call it little
6 Italy, it -- it does help to maintain --
7 because it goes down to Alachua County, it
8 maintains the percentage that exists relating
9 to the African-American population in that
10 area.

11 The result on all of this is, in fact, to
12 -- to meet the concerns of the -- of the
13 Constitution, to meet the concerns of
14 attempting to assure that there is a district
15 that -- that maintains the constitutional
16 requirement as well as the voting rights
17 requirement of non-diminution. And with that,
18 we -- we came up with this. And I am certainly
19 available to ask questions -- or answer
20 questions relating to it.

21 CHAIR GALVANO: Mr. Ferrin, do you want to
22 add anything from a numbers or statistical
23 standpoint?

24 MR. FERRIN: Thank you, Mr. Chairman, and
25 we -- just for clarity's sake, there were two

1 plans published under Senator Simmons' and
2 Senator Gibson's name. The other one was 9044,
3 and through an oversight of my own, I left one
4 person in the wrong place, and the deviation
5 was a little out of whack and I didn't realize
6 it until after it had been published. So that
7 was last night, and then this morning, I went
8 ahead and corrected it and we've republished
9 the plan. Of course, it gets a new number
10 because it is, in fact, a different plan even
11 though it is only one person change.

12 So this is the same general map, and I
13 think in a moment we've got some printouts that
14 are actually of the 9044 and the statistics are
15 going to be -- probably at the level we are
16 going to look at them, they are going to be
17 identical.

18 CHAIR GALVANO: Minus one.

19 MR. FERRIN: Yeah, minus one. Don't pay
20 attention to the deviation. Everything else
21 should be the same between the two plans, and I
22 apologize for that, but, yeah, it was just a
23 minor mistake.

24 So I believe that Senator Simmons said
25 this configuration of District 5 increases the

1 voting age population in CD 5 to 46.6. It does
2 so while still splitting -- it splits an
3 additional county, and now the district splits
4 Leon, Jefferson, Columbia, as well as Alachua.
5 But in order to get that little bit of extra
6 voting age population, we had to take it down
7 to Alachua.

8 In terms of some of the compactness
9 metrics, the Reock is about the same of what
10 the base map is at .12. The Convex Hull goes
11 down significantly because the iteration of the
12 district that is in the base map is
13 significantly more rectangular. This -- with
14 the portion that extends down into Alachua
15 County, in Gainesville, it forces the Convex
16 Hull, the rubber band measurement, to stand out
17 a little bit more.

18 The -- it also changes the metrics on
19 District 3, which we previously had a
20 compactness score of .71 on the Reock and .89
21 on Convex Hull. Now, with this configuration,
22 that is down to .54 and .81.

23 So the additional -- I mean, the
24 additional voting age population comes at the
25 expense of some of the compactness scores and

1 some of the political and geographical
2 boundaries, which in the Tier 1 district is
3 probably an acceptable tradeoff to the extent
4 that it doesn't go beyond what is necessary for
5 the district to perform.

6 CHAIR GALVANO: Senator Gibson.

7 SENATOR GIBSON: Thank you. Thank you,
8 Mr. Chair.

9 I just wanted to add that I guess I don't
10 understand the whole Convex Hull divide and
11 conquer, but the -- the area of square miles
12 within the Gibson-Simmons map is the -- is the
13 smallest of the base and Romo B. So I am not
14 sure what you multiply to get -- maybe it is
15 the length -- because the length -- the length
16 increased somewhat and the perimeter increased,
17 but the square miles area is the smallest in
18 the amendment. It is 3,833 square miles, as
19 compared to Romo B, which is 4,440 square
20 miles, and the base map is 3,911 square miles.
21 So --

22 CHAIR GALVANO: All right. Any --
23 Mr. Ferrin, did you want to say --

24 MR. FERRIN: I'm sorry, Senator Gibson,
25 did you have a question, or was that an

1 observation about compactness scores, or --

2 SENATOR GIBSON: Sort of.

3 MR. FERRIN: Okay.

4 SENATOR GIBSON: I was saying in square
5 miles, it is -- this amendment is pretty tight.

6 MR. FERRIN: Okay. It is going to take up
7 some more geographical area.

8 SENATOR SIMMONS: Mr. Chair?

9 CHAIR GALVANO: Senator Simmons.

10 SENATOR SIMMONS: Could you show the
11 Senators what Romo A is, which is, in fact, the
12 base map that was taken from -- I mean the base
13 map is Romo A? And then do you have Romo B so
14 that the Senators can see and the audience can
15 see what Romo B is, which is their second
16 alternative?

17 MR. FERRIN: Mr. Chair, Senator Simmons, I
18 unfortunately don't -- didn't have time to load
19 that into the slide show before coming down for
20 the meeting. But this is Romo A and this is --
21 this is -- this is the base map with the CD 5
22 from Romo A in it, and the difference in -- in
23 the two -- I will try and describe it kind of
24 the best I can without showing it, and I don't
25 want to get into too much detail because I

1 haven't paid that close attention to it, but I
2 believe the other version takes in less
3 population in Leon County in general. The --
4 kind of the area -- well, I have my laser
5 pointer.

6 So this area right in here is pushed back
7 a little further west, and then there's an
8 additional extension that comes down all the
9 way to Ocala in Marion County. And so when
10 you -- when you lose the population in Leon,
11 you pick it up in -- probably going down to
12 Ocala.

13 CHAIR GALVANO: All right. Any more
14 questions or comments on this map?

15 All right. Thank you. Do we have any
16 more amendments here? I think we've done them
17 all, right?

18 All right. All right. President Lee, you
19 have some comments or questions?

20 SENATOR LEE: Well, I am not sure where we
21 are, except that my understanding was that
22 someone -- that Senator Montford might be
23 working on something, that we might be -- still
24 have a work in progress going on somewhere.

25 I guess my question -- my first question

1 would be as I understand it, we are kind of
2 coming to the tail end of our business here for
3 today and the plan is to come back on Monday
4 and take up amendments. Is that your
5 understanding, sir?

6 CHAIR GALVANO: Yes, that is my
7 understanding, to take up the other -- and
8 actually -- we'll actually hear the item and
9 then take up the amendment, right?

10 SENATOR LEE: Excuse me, the item being?

11 CHAIR GALVANO: Being the base -- I think
12 the item was the base map -- the bill, which is
13 the base map.

14 SENATOR LEE: If I might make a suggestion
15 with the indulgence of the Chair and the
16 members, given the time that we have -- and I
17 offer this sort of for input. It may be a bit
18 of a non-starter, but we have -- you know, we
19 have heard pretty much the interest or the
20 concerns or the preferences of all of the
21 members. We have seen several amendments
22 offered that really relate to two areas of the
23 state, west central Florida and the
24 Congressional District 5. And then we have
25 heard feedback from members as to -- you know,

1 without really necessarily injecting any real
2 specifics, just some general inquiry about what
3 moving the lines might do in -- as a result of
4 these amendments. And I am wondering if based
5 upon all of that testimony that we have and the
6 amendments before us, if there might not be an
7 opportunity, Mr. Chair, for our staff to see if
8 there was a way to put together an amendment
9 that within working with our committee staff
10 and working with the lawyers who review this
11 within the context of what might be a bridge
12 too far, we could come back here with one
13 amendment that incorporates all of these things
14 and see if maybe we have something that
15 everyone can live with, making our best effort
16 to accommodate the give and take and the pros
17 and cons that have been offered up here in
18 committee, and whether that would be of
19 interest to the committee or not.

20 CHAIR GALVANO: Thank you, President Lee.
21 I think there is probably an opportunity to
22 attempt that. We probably still need to look
23 at the separate issues. Maybe it reduces the
24 number of votes that we have, but I don't have
25 any objection to staff taking a stab at that.

1 I do want to have legal counsel work with
2 staff on all of these things, and I know that
3 staff -- and, Jay, you have additional work
4 that you want to do with regard to these
5 amendments, and then hopefully by Monday, we
6 will have had a chance to have any public input
7 on them as well.

8 SENATOR LEE: Mr. Chair, follow up?

9 CHAIR GALVANO: Yes.

10 SENATOR LEE: Let me just say for the
11 record, I am certainly flexible. I understand
12 that anyone attempting to amend this map and as
13 a practical matter is a little bit of a
14 disadvantage in that we have a base map in
15 place, it was drawn in tandem with the House,
16 so there is one document out there on which
17 both chambers agree. In a normal
18 reapportionment process, we would both go about
19 our own business and the maps would be vastly
20 different and there would be a lot of
21 negotiation and give and take that has to take
22 place. And I certainly kind of hear some of
23 the questions and maybe some concerns embedded
24 in questions, and I am inferring from those
25 questions. And I just want the committee to

1 know I am very flexible in terms of trying to
2 make our maximum effort to accommodate what I
3 am trying to achieve. I don't know how Senator
4 Simmons and Senator Gibson feel about that, but
5 my -- the most important thing to me is that I
6 want my committee members to know that I am
7 going to keep an open mind.

8 We may not be able to accommodate all of
9 these concerns in comprehensive amendment, but
10 I certainly am very flexible, I certainly am
11 willing to keep a very open mind, and to the
12 extent that we make a run at that and can
13 accomplish it, I think it would simplify our
14 work.

15 CHAIR GALVANO: And, President Lee, to
16 your point, if, in fact, we were to say what is
17 before us, adopt 9048, followed by the
18 Gibson-Simmons amendment, then, ultimately,
19 that's what would have to happen anyway. And
20 so your point is well taken and it is something
21 with the additional time that we have between
22 now and Monday that staff can take a look at,
23 and if it doesn't work, they will let us know
24 that as well.

25 Senator Gibson for a comment, question,

1 remark, motion.

2 SENATOR GIBSON: I can do a motion after
3 my question.

4 CHAIR GALVANO: The only one is to rise.

5 SENATOR GIBSON: Yes.

6 CHAIR GALVANO: Or adjourn --

7 SENATOR GIBSON: I lost my --

8 CHAIR GALVANO: -- chairman Simmons.

9 SENATOR GIBSON: Yes.

10 In terms of putting the -- in terms of
11 public testimony, I guess would be my question,
12 making one amendment, how does that play out?
13 When you talk about putting -- making one
14 amendment as opposed to public testimony on
15 four, I think we will end up with maybe -- is
16 it four amendment?

17 CHAIR GALVANO: Yes. Once we have our
18 final count for next Monday, we will take -- we
19 will take them up as we would any amendment.
20 So I guess what we will be looking at is the
21 individual iterations, as well as if there is
22 one that comes all together based on President
23 Lee's recommendation, we will have that
24 available, too. But we will hear testimony
25 from the public before we vote, and I would

1 also like to hear from -- further from staff
2 and from legal counsel before we vote on any of
3 these things on Monday.

4 Chairman Simmons, followed by Vice Chair
5 Braynon.

6 SENATOR SIMMONS: Thank you, Mr. Chair.

7 I agree with President Lee's analysis that
8 we don't have to change any of the things that
9 has happened so far with respect to an amended
10 -- an amendment being filed, a map being filed.

11 What we could do is if -- with your
12 indulgence, have staff prepare a confluence and
13 a composition of all of the -- of the maps that
14 have been shown that we believe that we have
15 somewhat of a consensus, that legal counsel can
16 look at and that Jay can look at and come up
17 with something that meets the constitutional
18 concerns that we have and the -- the view
19 towards assuring that we are not diminishing
20 the ability, for example, with respect to
21 Congressional District 5, that we are not
22 diminishing the ability of African-Americans to
23 elect a candidate of their choice, that -- I
24 mean, I personally have a concern about
25 dropping down to 45.12 percent, knowing that

1 the Voting Rights Act says there should be
2 non-diminution. Our Constitution says it will
3 be a non-diminution.

4 And to take something that was originally
5 north/south and move it into an east/west, it
6 is the kind of situation where doing that, you
7 have disenfranchised in many respects many of
8 those people in that north/south corridor. Are
9 we going to comply? I've always concerned
10 about, you know, compliance with the Voting
11 Rights Act. And are we going to further
12 diminish the ability of minorities to elect a
13 candidate of their choice by then going down to
14 45.12 percent? I realize the footnote that is
15 contained in the Florida Supreme Court's
16 decision, but I don't know that it incorporates
17 the concern that I have that irrespective of
18 what has been said there, we've got to treat
19 this to comply with the Voting Rights Act,
20 which takes supremacy and is supreme over any
21 interpretation that exists relating to the Fair
22 Districts amendments, which are supposed to
23 mirror the Voting Rights Act, according to the
24 interpretation that our own Florida Supreme
25 Court, as well as the 11th Circuit Court of

1 Appeals both have stated.

2 So my point is that I do agree with
3 Senator Lee, and if it is okay with Senator
4 Gibson and the rest of the members of the
5 committee, that we would at least, without
6 withdrawing any of the other maps, make an
7 attempt to meet the concerns and maybe publish
8 that sometime on Friday or Saturday so that we
9 could -- we could see that draft. And that
10 would be -- that would be my thought. And
11 certainly that is, you know, with somewhat of
12 my teammate there, Senator Gibson --

13 SENATOR GIBSON: I got it.

14 SENATOR SIMMONS: -- as to assuring that
15 that's okay with her.

16 CHAIR GALVANO: And I think that would be
17 acceptable. Do you have some comment on --

18 SENATOR GIBSON: I think you answered
19 my -- it is acceptable if we are going through
20 the --

21 CHAIR GALVANO: Right, exactly.

22 SENATOR JOYNER: I have a question, Mr.
23 Chair --

24 CHAIR GALVANO: Leader Joyner, can I
25 recognize --

1 SENATOR JOYNER: -- before you vote on
2 that, please.

3 CHAIR GALVANO: Excuse me?

4 SENATOR JOYNER: Before you decide on
5 that.

6 CHAIR GALVANO: Yes, let me recognize you
7 one minute because Vice Chair Braynon has been
8 waiting to --

9 SENATOR GIBSON: Would you defer to me
10 just for this?

11 CHAIR GALVANO: Sure.

12 SENATOR JOYNER: Doesn't Senator Montford
13 have an amendment that hasn't been heard? So
14 how can you decide that you are going to put
15 them all in one when you haven't even heard all
16 of them? And what about the potential
17 conflicts that someone may have on the other?
18 And I know you did say that at the end of the
19 day when everything has been decided, that it
20 will, in fact, be one document. So I just
21 wanted to throw that out. I knew --

22 CHAIR GALVANO: No, that is a valid point,
23 and Senator Montford's amendment is very, very
24 similar. He has instructed staff to take a
25 look at the Romo east/west, Romo B --

1 SENATOR JOYNER: Okay.

2 CHAIR GALVANO: -- and then increase some
3 numbers on it.

4 I think what is being requested of the
5 committee by President Lee and Chairman Simmons
6 is in addition to these specific iterations,
7 that if there is an opportunity in revisiting
8 the concerns that the committee has raised
9 throughout the course of our meetings, you
10 incorporate the multitude of changes -- and
11 it's really -- really not that many
12 iterations -- into one map, that we have that
13 on hand to discuss as well.

14 President Lee -- or Vice Chair Braynon,
15 followed by President Lee.

16 SENATOR BRAYNON: Thank you. I want to
17 shift gears really quickly. I got a -- I was a
18 -- I got a little excited yesterday and I
19 didn't ask the question that I wanted to ask.

20 It is a very simple question about 26 and
21 27 -- not yesterday, Tuesday, about District 26
22 and 27. And it was really about on District
23 27, how did we -- what was the -- where do we
24 get people after we put Homestead into District
25 26, and why do we do that? Because we kind of

1 just glossed over that, we didn't talk about
2 it. I wrote it down, and I never -- and I
3 never asked it.

4 MR. FERRIN: Mr. Chairman?

5 CHAIR GALVANO: You are recognized.

6 MR. FERRIN: I am trying to kind of
7 remember exactly where -- okay. So part of the
8 old boundary that was there came down and
9 intersected U.S. 1 as it came down from the
10 area west of Miami. And when we took the -- we
11 tried it both ways, and when you added
12 Homestead to 27, you pushed the northern
13 boundary further east towards Miami. And we
14 were able to do that and we kind of looked at
15 the numbers on that in terms of the compactness
16 scores and determined that, you know, one of
17 them was slightly better than the other.

18 The one that we went with is the one I
19 think you are referring to where we put
20 Homestead into -- all of Homestead into
21 District 26 and came off of U.S. 1 to -- I
22 don't remember the name of the --

23 SENATOR BRAYNON: Turnpike.

24 MR. FERRIN: It might be the turnpike. So
25 we came to the turnpike, and that was -- it

1 was -- when we were looking for a place to come
2 off of U.S. 1, we were looking for a major
3 road, a major thoroughfare, a
4 widely-recognizable geographical boundary as
5 much as possible, and to try and keep it, you
6 know, as square and tight as we could through
7 the other boundary of the district. And so the
8 result and the desire there was to leave sort
9 of a stair-step shape as it came down so that
10 it didn't just go out -- we didn't go out and
11 arbitrarily grab population. We were thinking
12 about the geographical boundaries available to
13 us in the area, as well as the shape of the
14 district and how that would be perceived.

15 SENATOR BRAYNON: Do you know why -- I
16 looked at the -- at the top of that stair step,
17 and it is a little jagged. Is that from the
18 VTDS? Is that from the neighborhood? How did
19 that get so jagged?

20 CHAIR GALVANO: Mr. Ferrin.

21 MR. FERRIN: That is -- that is where you
22 equalize population. In drawing congressional
23 districts, we don't have the luxury of just
24 being able to -- it is not a luxury, that is
25 the wrong word. You can't just say, okay,

1 well, we are on all these major roads and good
2 political boundaries, and we are -- we are a
3 few hundred people under or over the ideal
4 population. You can't stop there. You got to
5 go down to zero or one. And so what ends up
6 happening is you end up looking for small
7 blocks of small population that you can -- and
8 you frequently have to go across a road or in a
9 neighborhood to get, you know, those last 43
10 people or one person, whatever.

11 Last night with the Simmons-Gibson
12 amendment, it was -- I was looking for one
13 person, and I accidentally put it in the wrong
14 district.

15 So it is the equalizing population, and it
16 is a challenge, and if you look closely at all
17 the district boundaries, you can probably
18 identify where we did that, and if there's
19 going to be a small neighborhood somewhere
20 where there's a little bit of a jagged edge,
21 you do the best you can to not -- to minimize
22 that, but that's what it is is equalizing
23 population.

24 CHAIR GALVANO: President Lee, followed by
25 Chair Simmons.

1 SENATOR LEE: Yes, and I just wanted to
2 point out, you know, that there's another
3 practical benefit to trying to see if we can
4 come up with a consensus type of more of a work
5 product. And as I look at -- and this was, you
6 know, likely to happen, but as I look at
7 Senator Simmons' and Senator Gibson's amendment
8 and as I look at one of the amendments that I
9 am proposing to offer, I do see some small
10 changes, for instance, to Congressional
11 District 3 that would not be reconciled by the
12 adoption of both of those amendments. So, in
13 other words, if we came up with a compo- -- we
14 would then have a gap, you know, in essence, if
15 I am not mistaken, because there are some
16 changes being made to the map by the
17 Gibson-Simmons amendment that -- well, there's
18 some amendments -- there's some changes being
19 made in -- in the iteration of the map under
20 9048 that are incompatible with those made in
21 -- in the Simmons amendment and the Gibson
22 amendment that would then need to be
23 reconciled. Does that make sense,
24 Congressional District 3?

25 CHAIR GALVANO: That makes -- it does make

1 sense.

2 Mr. Ferrin, did you want to add?

3 MR. FERRIN: Let me just try and kind of
4 clarify. I think when you adopt two amendments
5 in a redistricting situation, it is going to be
6 the last one passed that is the plan that goes.
7 Because it is not like a traditional bill in
8 that you can amend one section of the bill in
9 one amendment and one section of the bill in
10 another. It is essentially -- each
11 redistricting plan is essentially a strike-all,
12 and that is kind of -- that is the best way I
13 can describe it in which it is going to be the
14 last thing that is passed is going to kind of
15 -- kind of be the thing that goes.

16 And so to the extent that what I am
17 hearing is a desire to start looking at merging
18 some of the different concepts we have seen, if
19 we can do that -- and I don't necessarily want
20 to suggest that we can just smash the two
21 together and everything is going to work out
22 fine. There may be some other changes that
23 need to be made. And so I think we can start
24 doing that if it is the consensus of the
25 committee to -- and then the Chair and the

1 direction of the Chair to start working off of
2 kind of one draft or one plan to make the
3 further changes to.

4 CHAIR GALVANO: And, yes, I think that is
5 where we are as the committee and that's where
6 I am as the Chairman.

7 Chairman Simmons.

8 SENATOR SIMMONS: Yes, I went over this
9 with Mr. Phillips, with John Phillips, and what
10 Jay says is correct, that unless we do a
11 composite map, we are in a situation in which
12 we have various iterations, various separate
13 amendments that would be presented, and then
14 whichever one is adopted may not have all of
15 the other points that each one of the Senators
16 believes is important to be included in his or
17 her map. And for that reason, it seems it
18 would be incumbent upon us over the weekend and
19 on Friday for -- for staff to work, I think by
20 e-mailing, whatever, but ultimately get a
21 composite that we could all look at.

22 There may be tweaking, and probably would
23 be tweaking of it on -- on Monday, but the idea
24 is we would be very close to getting something
25 that would -- would be acceptable. And as --

1 as President Lee has said so astutely, that
2 doing it that way will force each one of us to
3 understand and realize the concerns of the
4 other Senators and, of course, the -- of the
5 audience and the public as to what is going on.

6 And so I would propose that I agree with
7 the President on that and that we do come up
8 with a composite map.

9 CHAIR GALVANO: Thank you, Chairman
10 Simmons, and, yes, that's what we are going to
11 have staff work on with the assistance of
12 counsel; again, understanding that we may have
13 other options to look at -- that we will have
14 other options to look at too, but I don't want
15 to presume as Chair that everyone agrees with
16 everything that was put forward today.

17 Further questions or comments?

18 We have just a couple of housekeeping
19 matters. We do have packets that we prepared,
20 public comment packets that you can take with
21 you to review and study.

22 Also, as you go forward through the
23 weekend and into Mon- -- Monday, remember we
24 still are in the remedial process, so I would
25 use discretion in terms of who you are

1 communicating with and having discussions on
2 these maps with. And when we do vote on these,
3 on the bill as well as the amendments, we will
4 lay a predicate. And what I mean by that is
5 there will be specific questions that are asked
6 about the drawing of the amendment, where it
7 came from, what the basis is, and that is so
8 that we do have a solid record when we go back
9 for any judicial review after the congressional
10 maps are passed.

11 Yes, Vice Chairman.

12 SENATOR BRAYNON: Doesn't some of this,
13 what we just did, doesn't this count?

14 CHAIR GALVANO: It absolutely counts, and
15 I was --

16 SENATOR BRAYNON: Okay.

17 CHAIR GALVANO: Absolutely, and I was
18 going to get into that for just a second.

19 I am very pleased with the way this
20 committee has been going. I think everybody
21 has made a real effort to not just take the
22 base map and accept it, but to study it,
23 understand it and to try to improve it and to
24 fulfill our constitutional duty in terms of the
25 Tier 1 and Tier 2 requirements, as well as to

1 comply with federal law. And that is what I
2 envisioned when this committee came together,
3 so I am looking forward to what we continue to
4 vet out over the weekend and what we do on
5 Monday in terms of voting and move to the --
6 the floor.

7 Senator Gibson.

8 SENATOR GIBSON: Now you want to go, Mr.
9 Chair. There is no --

10 CHAIR GALVANO: Take your time.

11 SENATOR GIBSON: -- prohibition against
12 speaking with our constituents over the weekend
13 about those items that have been published,
14 correct?

15 CHAIR GALVANO: You are correct, there is
16 not a prohibition. I just wanted to give you
17 the benefit of reminding you that at some
18 point, we will be justifying these maps again,
19 and the meetings and conversations that you
20 have as members are subject to discovery.
21 That's all I am saying.

22 Okay. Without any further question or
23 comment, Chairman Simmons moves that we
24 adjourn.

25 (Whereupon, the proceedings were

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CERTIFICATE OF REPORTER

I, CLARA C. ROTRUCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 01 through 199, is a true and correct record of my stenographic notes.

Dated this 20th day of August, 2015, at Tallahassee, Leon County, Florida.

CLARA C. ROTRUCK

Court Reporter

Commission No.: FF 174037

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