

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONCURRENT MEETING OF
SENATE COMMITTEE ON REAPPORTIONMENT
AND
HOUSE SELECT COMMITTEE ON REDISTRICTING
OCTOBER 19, 2015
2:00 p.m.

Transcribed by:
CLARA C. ROTRUCK
Court Reporter

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

2 SENATOR GALVANO: Good afternoon,
3 everyone. Good afternoon. How are you? We
4 will call to order the Senate Committee on
5 Reapportionment and ask the Senate
6 administrative assistant to please call the
7 roll.

8 SENATE CAA: Chairman Galvano?

9 SENATOR GALVANO: Here.

10 SENATE CAA: Vice Chair Braynon?

11 SENATOR BRAYNON: Here.

12 SENATE CAA: Senator Bradley?

13 SENATOR BRADLEY: Here.

14 SENATE CAA: Senator Gibson?

15 SENATOR GIBSON: Here.

16 SENATE CAA: Senator Lee?

17 SENATOR LEE: Here.

18 SENATE CAA: Senator Montford?

19 SENATOR MONTFORD: Here.

20 SENATE CAA: Senator Simmons?

21 SENATOR SIMMONS: Here.

22 SENATE CAA: A quorum is present, Mr.
23 Chairman.

24 SENATOR GALVANO: Thank you.

25 REPRESENTATIVE OLIVA: Hello. I would now

1 call to order the Select Committee on
2 Redistricting. Will staff please call the
3 roll?

4 HOUSE CAA: Chair Oliva?

5 REPRESENTATIVE OLIVA: Here.

6 HOUSE CAA: Vice Chair McBurney?

7 REPRESENTATIVE MCBURNEY: Here.

8 HOUSE CAA: Representative Boyd?

9 REPRESENTATIVE BOYD: Here.

10 HOUSE CAA: Representative Cummings?

11 REPRESENTATIVE CUMMINGS: Here.

12 HOUSE CAA: Representative Fullwood?

13 REPRESENTATIVE FULLWOOD: Here.

14 HOUSE CAA: Representative Metz?

15 REPRESENTATIVE METZ: Here.

16 HOUSE CAA: Representative Moskowitz?

17 REPRESENTATIVE MOSKOWITZ: Here.

18 HOUSE CAA: Representative O'Toole is
19 excused.

20 Representative Santiago?

21 Representative Slosberg?

22 REPRESENTATIVE SLOSBERG: Here.

23 HOUSE CAA: Representative Sullivan?

24 REPRESENTATIVE SULLIVAN: Here.

25 HOUSE CAA: Representative Trujillo?

1 REPRESENTATIVE TRUJILLO: Here.

2 HOUSE CAA: Representative Watson?

3 REPRESENTATIVE WATSON: Here.

4 HOUSE CAA: We have a quorum.

5 REPRESENTATIVE OLIVA: Thank you. Mr.
6 Chairman, we have a quorum on the House side.

7 SENATOR GALVANO: Thank you, Mr. Chairman.
8 Also thank you for agreeing to the joint
9 meeting here, or I guess collective meeting
10 because it is not officially a joint meeting.

11 And it is my understanding that we are
12 going to hear presentations from the Senate and
13 House staff that prepared the maps, the base
14 maps that came out last Wednesday. Counsel is
15 on hand if any questions should come up that
16 would require their input, but with your
17 indulgence and agreement, I think that's what
18 we will do, and again, I look forward to
19 working with you and the Speaker and the House
20 of Representatives in this remedial process,
21 Mr. Chairman.

22 REPRESENTATIVE OLIVA: Thank you,
23 Mr. Chairman. We are in agreement. And so
24 with that, please feel free to proceed.

25 SENATOR GALVANO: Okay. I will recognize

1 Jay Ferrin from the Senate staff. You are
2 recognized.

3 MR. FERRIN: Thank you, Mr. Chairman. If
4 we can go ahead and get the Power Point on, we
5 will proceed with our presentation here.

6 (Brief pause.)

7 SENATOR GALVANO: We're waiting on the AV?

8 MR. FERRIN: Technical AV issues here.

9 SENATOR GALVANO: Okay. We will stand --

10 MR. FERRIN: I can go ahead if you want.
11 We will --

12 SENATOR GALVANO: Why don't you start --

13 MR. FERRIN: I will start talking about
14 the process to begin with here.

15 As you recall, in late July the President
16 and Speaker sent out a joint memo directing the
17 professional staff of both the House Select
18 Committee on Redistricting and the Senate
19 Committee on Reapportionment to work together
20 to develop a base map. At the time, a base map
21 for the Senate process, as much as we had done
22 for the congressional one.

23 The directive we received from the
24 presiding officers was to produce a map that
25 complied with the Florida Supreme Court's

1 recent rulings, as well as all relevant legal
2 standards in the State Constitution, as well as
3 Federal law.

4 During the -- during September, late
5 September, on the 22nd, staff received
6 instructions via legal counsel and the Chairs
7 of the respective committees to work to develop
8 multiple base maps, and in doing so, to apply
9 two different methodologies that would produce
10 a variety of maps.

11 The base maps that we did produce -- here
12 we go. Now we are -- now we are up. The base
13 maps produced were drawn solely by staff in
14 collaboration with counsel and were provided
15 simultaneously to the members and the public on
16 October 14th. There was no sneak peak previews
17 for anybody. It all came out at the same time.

18 Except where we were required to review
19 political data in the scope of a functional
20 analysis to assess compliance with state and
21 federal minority voting rights provisions, we
22 never made any assessment of the political
23 performance or implications of any of the base
24 maps or the drafts while we were drawing.

25 It's been clear through the instructions

1 from the presiding officers that we are not to
2 do so throughout this process as we work
3 through the special session, and I believe that
4 is our intent to continue that.

5 As with the congressional process, during
6 the base map drawing, none of our staff had any
7 interactions with any of the members in terms
8 of how we were working on the base maps. We
9 did not discuss that progress with anyone
10 outside of ourselves and legal counsel.

11 All of those meetings of the base map
12 drawing process, including the meetings with
13 counsel where we either posed questions or
14 sought direction and then received those
15 directions or advice, were recorded and have
16 been published on the respective House and
17 Senate websites and -- for public review. Also
18 on those websites are all of the 75 drafts that
19 were produced as part of this process and the
20 accompanying statistical reports for each one
21 of those.

22 Moving along into the methodologies that
23 were applied during the base map drawing
24 process, Methodology 1 held the Tier 1
25 principle of avoiding dilution or retrogression

1 of voting strength in minority districts. that
2 is something that we applied throughout the
3 base map process, and to not give any regard to
4 partisanship or incumbency.

5 These methodologies really had to do with
6 Tier 2 principles and kind of how -- how the
7 approach was with specific regard to counties.
8 In Methodology 1, we were directed to seek to
9 consistently respect county boundaries by
10 keeping counties whole and keeping districts
11 entirely within counties where feasible. Not
12 every county -- it is not possible to keep a
13 district entirely within every county due to
14 the population sizes and the required district
15 sizes.

16 Senate district requires 470,033 people is
17 the ideal population. So there is a number of
18 counties in which we can get at least one whole
19 district, especially in south Florida, there's
20 opportunities for many more.

21 Where we could not utilize county lines as
22 a boundary for a district, and again, to kind
23 of reinforce the theme that we have seen
24 repeatedly, county lines are a favored boundary
25 where feasible because they don't frequently

1 change. Municipal boundaries change. Roadways
2 are also acceptable boundaries, as well as
3 rivers, but these are things that don't change.
4 So in terms of a political boundary, a county
5 boundary is sort of favored over a municipal
6 boundary because it is much less likely to
7 change and it is more easily understood than a
8 municipal line.

9 But where we could not keep the county
10 whole or where we had to stray from a county
11 boundary, we sought to respect the municipal
12 boundary lines, and where feasible, keep those
13 whole. We also looked to find major roadways,
14 other easily ascertainable and commonly
15 understood geographic boundaries, railroads,
16 major roads, interstates, rivers, bodies of
17 water, things that people would understand and
18 recognize easily.

19 The other part of the instructions in the
20 methodology was related to the deviations. The
21 acceptable range we sought to establish was
22 four percent overall, meaning that there would
23 be -- if zero was your ideal, you could go two
24 percent under or two percent over. That has
25 some flexibility depending on if you are one

1 percent over -- under, you can go three percent
2 over and still have a four percent overall.

3 I think all of our deviations are in the
4 range. They are much closer to three, three
5 and a half percent overall. So I think in all
6 of the base maps too, we were able to maintain
7 that maximum overall range.

8 In the past, the Senate maps had kind of
9 stayed closer to one percent on the deviation.
10 The change to four percent really allows for
11 better use of things like county boundaries,
12 major roadways, better geographical boundaries
13 in that you won't necessarily have to break a
14 county to get down to that one percent
15 deviation. You could stop at a higher
16 deviation and still maintain the whole
17 counties, and we will get into more of that as
18 we move through here.

19 The second methodology is a -- still
20 relates in particular to counties. It
21 maintains the same principles regarding to Tier
22 1 with respect to dilution and retrogression of
23 minority voting strength and partisanship and
24 incumbency.

25 The major difference in the methodologies

1 is in Tier 2 and county boundaries where in
2 Methodology 2, we sought to reduce the number
3 of times counties were split versus keeping
4 counties whole. Keeping counties whole is
5 still a relevant concept, which we were --
6 strove to do, but in cases where the choice was
7 to either split a county, you know, four or
8 five times or split the county next to it one
9 time, Methodology 2 dictates that we would go
10 with splitting the adjacent county.

11 So as a result, in the overall metrics,
12 you will notice that Methodology 2 maps have
13 more split counties, but they also have less
14 districts in the larger counties. So that is
15 kind of an application of Methodology 2.

16 The other part of this is to reduce the
17 aggregate number of county splits statewide.
18 That is something that is difficult to do
19 because the best way to reduce aggregate splits
20 is to keep the county whole, and when you are
21 trying to balance that and to reduce the splits
22 to a larger populated county by splitting the
23 neighboring county, you are naturally going to
24 end up with more aggregate splits.

25 So the best way to maybe think of that is

1 the aggregate number of splits to these
2 counties. So where we've got less districts in
3 a county is really where we are headed with
4 Tier 2. Again, the other principles behind --
5 excuse me, not Tier 2 -- Methodology 2.

6 The other principles behind Methodology 2
7 are about the same as Methodology 1 in that we
8 were -- where we were breaking county lines, we
9 sought to respect the municipal boundaries,
10 keeping municipalities whole, and follow major
11 political and geographic boundaries, again,
12 with a maximum overall range of four percent.

13 I don't think I mentioned it under
14 Methodology 1, but the final kind of principle
15 there was compactness, that we were to draw
16 districts that were compact in both
17 methodologies.

18 The -- one of the other techniques that we
19 employed in drafting the base maps was use of
20 whole county districts in sandboxes. And these
21 are kind of the same principle in that the way
22 we applied them was to look at all of the
23 county populations in Florida and try different
24 combinations of counties to see if we could
25 keep a set of counties whole as their own

1 Senate district. When we were able to do that
2 and stay within the deviation range of four
3 percent, which is, again, about plus or minus
4 two, we were able to basically make a whole
5 county district, and that is a single district
6 that doesn't break any counties for its entire
7 border, it follows county boundaries.

8 The other aspect of that, and what we
9 looked at when we were continuing the process
10 of identifying whole county districts, is the
11 concept of a sandbox in which basically there's
12 a set or subset of counties that makes up a
13 multiple -- multitude of Senate districts. So
14 it could be two, three, four, up to 12.

15 Like, for example, in south Florida, the
16 sandbox that we identified and used throughout
17 all six of the base maps consists of Monroe,
18 Miami-Dade, Broward and Palm Beach Counties.
19 Those four counties are over five and a half
20 million people, and when you divide that by 12,
21 you get 469,810. That is almost enough to be
22 an ideal population for a Senate district.

23 So when we would identify one of these
24 sandboxes, we would calculate sort of the new
25 ideal population, and that way we kind of had a

1 target to go for. If you weren't -- if we
2 didn't do that and we just kind of drew the
3 county sandboxes without sort of identifying
4 that new ideal population deviation, we would
5 kind of draw ourselves into a corner where that
6 last district might not have enough people or
7 might have too many people and you would have
8 to go back and refill through that population
9 throughout the map.

10 So the sandbox concept kind of helps us
11 make the best use of county boundaries that we
12 could possibly do. It was something that we --
13 we used consistently and heavily throughout
14 this base map process.

15 One thing that you may notice as you are
16 looking at the different maps is that there's
17 one district that is the same throughout all
18 six base maps, and that is Senate District 3.
19 It is the same number on all of the maps. It
20 consists of the same 11 counties: Calhoun,
21 Franklin, Gadsden, Gulf, Hamilton, Jefferson,
22 Leon, Liberty, Madison, Taylor and Wakulla.

23 Those 11 counties, when added together, is
24 474,408 people. It is a little less than one
25 percent over the statewide ideal population.

1 We did -- and here's an image of District
2 3 as it would appear on all the maps. We did
3 look at drawing this just a little bit
4 differently in one of the early drafts. We
5 drafted it with Lafayette County added to the
6 district instead of Hamilton. It didn't -- it
7 kind of limited the other things that we could
8 do in the neighboring district and the way it
9 looked. So keeping this configuration kind of
10 allowed us to maximize the metrics for Tier 2
11 on the neighboring district to the east.

12 And then to the west, we have sort of
13 another sandbox, and I think we will get into
14 that here. It's the Western Panhandle sandbox
15 that is Bay, Escambia, Holmes, Jackson,
16 Okaloosa, Santa Rosa, Walton and Washington,
17 and those eight counties make up two Senate
18 districts within an ideal population that is
19 slightly over one percent -- or under one
20 percent in each district.

21 So -- and the issue with the Panhandle is
22 if you start in the west, you can only get so
23 far east before you've drawn two districts, and
24 utilizing those county boundaries kind of
25 limits the ability to draw District 3

1 differently. So that's why it is the same
2 throughout all the different maps.

3 Continuing on that thought, there's a
4 handful of other sandboxes that appear in all
5 the different base maps, including the
6 Nassau -- Nassau/Duval district, which is two
7 counties and two Senate districts, one of which
8 is always contained entirely within Duval
9 County, and then as I mentioned earlier, the
10 south Florida area, where we have those four
11 counties that make up exactly 12 Senate
12 districts.

13 The way we put together the base maps was
14 to draft three of each methodology. The
15 Methodology 1 maps that we have drafted are
16 9070, 9072 and 9074. The Methodology 2 maps
17 are 9076, 9078 and 9080.

18 During the drafting process, we developed
19 three different configurations of south
20 Florida, and because it was its own sandbox, we
21 could plug that in to any of the other
22 statewide maps and chose to do so in a way that
23 applied a south Florida configuration to each
24 of a Methodology 1 and a Methodology 2 map.

25 In drawing south Florida, the

1 methodologies weren't necessarily as applicable
2 in part because of the way the populations are
3 broken out. It is -- you don't have a lot of
4 control over how the counties would be split
5 or -- or different ways to do it. There's
6 basically, in the drafts, one kind of
7 alternative way to do that in which we break --
8 where it comes into play is how many times you
9 would break the county line in either Palm
10 Beach or Broward as it goes into Dade or Palm
11 Beach and Broward. And so we will highlight
12 that a little bit when we get there.

13 The other two different -- the other two
14 sandboxes that we see throughout the -- all the
15 different base maps are the Western Panhandle
16 and the Nassau/Duval. Those were drawn two
17 different ways as well. The Western Panhandle
18 district is -- it's the next slide -- was drawn
19 in both a horizontal split to Okaloosa County
20 and a vertical one.

21 Either configuration we believe is
22 compliant, and we will see a mixture of that
23 applied to the different maps in both
24 methodologies.

25 Same thing with the Nassau/Duval

1 districts, there's two configurations. One of
2 those is slightly more compact than the other.
3 The other one does a slightly better job of
4 following political and geographic boundaries.
5 So there's some evident trade-offs there
6 amongst those two sandboxes.

7 And I think at this point, I will turn it
8 over to Jason to start off with 9070.

9 SENATOR GALVANO: Before we go there, are
10 there any specific questions to the process
11 that was just described? If not, we will move
12 into the maps themselves.

13 President Lee.

14 SENATOR LEE: Thank you. Thank you, Mr.
15 Chair.

16 In trying to second guess what a court
17 might conclude as the most constitutionally
18 compliant map as we work through this process,
19 whether it is one of these six or something we
20 might be presented by other parties, I realize
21 that it is very difficult to second guess what
22 might be perceived as a work of art by a court.

23 I've spent a little time on that hamster
24 wheel and it is really very, very difficult to
25 do. As I see all these maps and I listen to

1 what you are saying about methodology, it seems
2 like the difference between the first and
3 second set of maps, if you will, is in the
4 first set of maps under Tier 2 principles,
5 that is 9070, 72 and 74, you consistently try
6 to respect county boundaries by keeping
7 counties whole and keeping districts entirely
8 within counties, then went to municipal
9 boundaries, then went to compaction.

10 And then in the second set of -- the
11 second methodology, you -- the difference was
12 that you wanted to respect county boundaries by
13 minimizing the number of times each boundary --
14 each county was split, and then you went to
15 city boundaries and compaction. Is that an
16 accurate distinction between the two?

17 SENATOR GALVANO: Mr. Ferrin.

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

19 Yeah, I think that's correct. The easiest
20 way, as I said, to think about it is in terms
21 of how the splits to these different counties
22 are concentrated. Methodology 1 concentrates
23 the splits in smaller -- in larger counties
24 that have more population and can afford to
25 have more districts in them.

1 Methodology 2 disperses those amongst the
2 surrounding counties so that the larger
3 counties are split fewer times.

4 SENATOR GALVANO: Yes, sir.

5 SENATOR LEE: Thank you, Mr. Chair, and
6 this may be better directed for legal counsel.

7 I like the concept of having
8 methodologies, but isn't the methodology we are
9 supposed to follow embedded in the constitution
10 itself where it says there shall be no priority
11 of counties over cities, over geographic
12 boundaries and compaction, that they're all to
13 be taken equal, that there shouldn't be a
14 prioritization of county boundaries?

15 And yet our own methodology, as you are
16 testifying, is that you place county boundaries
17 ahead of cities or compaction.

18 SENATOR GALVANO: Mr. Cantero.

19 JUSTICE CANTERO: Thank you, Mr. Chair.

20 The constitution provides that all Tier 2
21 factors are the same. And so the way I
22 analogize it is that the Florida constitutional
23 amendments have narrowed the kind of field that
24 you can play in determining how to draw
25 districts, but there's still a field. And so

1 within that field there are still discretionary
2 decisions that can be made, and therefore, if
3 the Legislature in drawing the districts wants
4 to say, well, we want -- we think that counties
5 are important and county integrity and having
6 counties united with districts is important,
7 then I think that is a policy choice that can
8 still be made by the Legislature.

9 If, on the other hand, the Legislature
10 said, well, we think we -- that making
11 districts as compact as possible no matter what
12 is important, then I think that is a
13 legislative decision that can be made as well.
14 It is a policy choice.

15 Now, you can't go too far in the extreme
16 either way, but certainly we think that the way
17 that we have constructed these methodologies is
18 certainly well within the playing field of the
19 discretion that the Legislature still has.

20 SENATOR GALVANO: Mr. Meros, would you
21 like to add.

22 MR. MEROS: Yes, if I may add,
23 Mr. President. In Reapportionment 1, the
24 Supreme Court talked about the various
25 trade-offs and how you analyzed the Tier 2

1 standards. And what the court recognized there
2 is that the issue of compactness and the issue
3 of political and geographic boundaries have to
4 be looked at in unison because one can
5 appropriately -- and they specifically approved
6 a methodology used by the House, that a
7 compliance with a county boundary can
8 essentially be the same as compactness because
9 they are regularly understood, they cannot be
10 changed. You can't necessarily draw crazy
11 counties, but typically counties are not as
12 irregular as cities. And so it is a balancing
13 of policy choices.

14 The constitution does say districts shall
15 be compact, but in interpreting that, the court
16 first of all said that is a visual comparison
17 first, then numerical, and then where feasible,
18 these other boundaries. But the court did
19 recognize that compliance with other metrics,
20 such as counties, such as municipalities, can
21 be appropriate if they are consistently applied
22 and they are reasonable trade-offs one to
23 another.

24 So I think the part of the constitution
25 that talks about there's no priority over

1 another is really a suggestion that to the
2 extent that you are fairly and consistently
3 applying all of the standards, then it is
4 compliant with the constitution. You don't
5 just have to pick one or the other, but it
6 depends on the circumstance in a given area.

7 SENATOR GALVANO: President Lee.

8 SENATOR LEE: And just one more. So if I
9 am hearing you correctly, while you acknowledge
10 that county boundaries, city boundaries,
11 geographic boundaries and compaction, that none
12 of those have a priority over the other within
13 the silo of Tier 2, but as a practical matter,
14 sometimes the best way to get to the most
15 compact map is to begin with counties and to
16 try to respect those boundaries?

17 SENATOR GALVANO: Mr. Meros.

18 MR. MEROS: The court certainly said in
19 Reapportionment 1 that the House -- the House's
20 assertion on that, and that was an explicit
21 assertion, was appropriate, but because it
22 was -- it was consistently applied. If there
23 were to be an inconsistent application of that,
24 that could lead to questions as to why here and
25 not there. But it is -- it is essentially an

1 element of compactness and an element of trying
2 to get to a district that is reasonably
3 understood by -- by the citizens.

4 SENATOR GALVANO: Mr. Cantero.

5 JUSTICE CANTERO: Thank you, Mr. Chair.

6 The court also noted that because of the
7 way that Florida looks and the generally
8 non-compact nature of the state of Florida,
9 that by keeping counties together, you are
10 going to necessarily have maybe less compact
11 districts than you otherwise would if you had
12 no -- if you weren't taking county boundaries
13 into account at all, but that that was a
14 reasonable trade-off to make for the
15 Legislature to say, well, it may be a little
16 less compact than it otherwise would, it's not
17 going to look like a perfect square or a
18 perfect circle, but we are going to have three
19 or four whole counties in that district, and
20 that's a perfectly legitimate legislative
21 decision to make. Thank you.

22 SENATOR GALVANO: Representative Santiago,
23 you are recognized.

24 REPRESENTATIVE SANTIAGO: Thank you, Mr.
25 Chairman.

1 I just wanted to follow up on the
2 presentation of the six base maps where it
3 talks about the different configurations that
4 you made in the Panhandle and that is -- can
5 you reiterate what was the methodology and the
6 reason behind that?

7 MR. FERRIN: Thank you, Mr. Chairman, I
8 will try and answer that.

9 The -- the reason behind drawing different
10 options was to present the decision-makers here
11 and the Legislature with the choices, to show
12 -- to illustrate the trade-offs.

13 In front of you on the screen right now is
14 9070. That has a vertical configuration of the
15 two districts. It split Okaloosa County in the
16 Panhandle. That road -- that vertical line
17 runs through the Air Force base, follows a
18 bunch of unmarked, unlabeled dirt roads,
19 because there are no other available boundaries
20 and block lines through that area.

21 The horizontal configuration of that
22 district, which we will show you in a moment,
23 follows I-10 to the city boundary in Crestview,
24 goes around Crestview and then goes back on
25 I-10 over to the county border.

1 So while it is going to be slightly less
2 numerically compact, some may say visually as
3 well, it does a better job of following the
4 political/geographic boundaries that are
5 recognizable and available. This one follows,
6 like I said, you know, Air Force Base dirt
7 roads and I think part of the Yellow River and
8 then a state road, I think, to the north.

9 So while they both do follow political and
10 geographic boundaries, one does it a little bit
11 better than the other and it is slightly less
12 compact. And so that presents you guys, the
13 decision-makers with the options we are
14 illustrating in the trade-offs.

15 And I would say the same concept applies
16 in the Nassau/Duval area where the image you
17 see there is the more compact version of that,
18 which -- which follows major roadways somewhat
19 less in the area and county boundaries somewhat
20 less than its other option, which is going to
21 score less compact, but it follows 95 for a
22 longer way, as well as more of the Nassau/Duval
23 County line.

24 And so that is a decision for the -- the
25 policy-makers to make versus the map drawers.

1 We are going to present you with the options
2 here in the various base maps.

3 SENATOR GALVANO: Yes, you are recognized.

4 REPRESENTATIVE SANTIAGO: Thank you, Mr.
5 Chairman.

6 So with that understanding that you -- I
7 am correct, you picked certain areas to look at
8 this proposed -- different variations. Was
9 that similar concept afforded to other parts
10 within our state who could possibly come up
11 with other variations?

12 SENATOR GALVANO: You are recognized.

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

14 I think to the extent that was possible
15 where there were areas where there were clear
16 options like that. I think another one is Lee
17 and Collier County. You will see a couple of
18 different configurations. Those two counties,
19 when you add them together, it makes a sandbox
20 for two Senate districts, and there's a couple
21 of different ways we drew that to present here
22 and applied that same sort of choice.

23 In areas where there are going to be
24 significantly larger sandboxes, it is a little
25 bit harder. There's more alternatives when

1 there's more districts involved. So to present
2 every possible configuration of south Florida,
3 we would still be drawing in January, if we
4 were trying to present you guys with those
5 options. We had to kind of limit those cases
6 to where it was most applicable and best
7 illustrated.

8 SENATOR GALVANO: Representative
9 Moskowitz, you are recognized.

10 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.
11 Chairman.

12 You drew six maps this time, whereas last
13 time you drew one as a base map. And so I am
14 wondering how many more compliant ways are
15 there to draw this map? Are there 10, 12? And
16 then why did you stop at six?

17 SENATOR GALVANO: Mr. Ferrin.

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

19 I can't -- I can't speculate as to how
20 many different compliant ways there are to draw
21 a map. I would imagine there's many.

22 We had a limited amount of time to work on
23 this. We worked very hard to get as many
24 options forwarded as we could and to refine
25 them to get them in as good a position as we

1 could to present to you here today. So, you
2 know, I am not really sure how to answer that
3 question other than we did the best we could
4 when we were given the directive to produce
5 multiple compliant base maps.

6 We started working to produce multiple
7 compliant base maps. We got to a point where
8 we had three under each methodology and felt
9 comfortable that that provided a variety of
10 options for the legislators and that's where we
11 are today.

12 SENATOR GALVANO: Follow up.

13 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.
14 Chairman. How -- how did the methodologies
15 that you are using drawing the Senate maps
16 differ in any way than the methodologies you
17 used drawing the congressional maps?

18 SENATOR GALVANO: Mr. Ferrin.

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

20 I don't know that the methodologies are
21 different than what we did for the
22 congressional maps. When we did the
23 congressional maps -- when we're doing the
24 Senate maps here now, those methodologies have
25 been enunciated and prescribed prior to going

1 in to drawing the base map and we had clear
2 directions to provide options that applied to
3 each one of those.

4 I think in the congressional case, we --
5 we probably employed more of a Methodology 1
6 method during the base map drawing process.

7 SENATOR GALVANO: Yes, follow up.

8 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.
9 Chairman.

10 So why didn't you then do this process,
11 which is Methodology 2, which is three
12 additional maps, why didn't you do this during
13 the congressional redistricting?

14 SENATOR GALVANO: I think, Representative
15 Moskowitz, that at that point, you had an
16 opinion from the court that was very
17 prescriptive in terms of what was to be
18 addressed and the methodologies to be used.

19 Mr. Ferrin, if you would like to add to
20 that.

21 MR. FERRIN: I think that's a fine
22 explanation, Mr. Chairman.

23 SENATOR GALVANO: Okay. We are going to
24 go to President Margolis and then Senator
25 Sobel, and then hopefully we can then move into

1 the maps themselves, which may answer more
2 questions. President Margolis.

3 PRESIDENT MARGOLIS: Yeah, a couple of
4 things. I know -- I know that you kept the
5 Panhandle kind of intact. Did you look at
6 other places where intact would have been
7 appropriate and less -- less problematic in
8 putting a map together, or was it just
9 exclusively in the Panhandle?

10 MR. FERRIN: Mr. Chairman, thank you. I
11 -- we did not look at -- specifically at places
12 where we could keep things intact. We set out
13 to draw new maps, and to do so and see if we
14 could draw things that were going to be compact
15 and as Tier 2 compliant as possible.

16 We really didn't factor in any components
17 of the enacted map. I know we wound up with
18 Senate District 3 that is as it is in the
19 enacted map, but that's more of a function of
20 we couldn't really find a better way to draw it
21 within the -- what we were trying to do to the
22 rest of the map.

23 So from that perspective, I think if you
24 were to look at this and actually compare it to
25 the enacted plan, although maybe we did split

1 the Panhandle in a similar fashion, it is
2 different. We did redraw that from scratch.
3 We didn't bring in the enacted version and then
4 tweak a little line. We did redraw that in its
5 entirety. And the same case would apply with
6 the Jacksonville area and the rest of the map.

7 PRESIDENT MARGOLIS: And -- and -- and did
8 you -- did you communicate with the Senators to
9 see if what their thoughts were on that, or
10 that was just something that you came up with
11 without having any conversation?

12 SENATOR GALVANO: We had prohibited the
13 communications. So they -- even if they wanted
14 to, they couldn't, under the instructions they
15 were given, talk to the Senators.

16 PRESIDENT MARGOLIS: Okay. Thank you.
17 And a couple of other questions because I
18 note -- and, of course, Bay County is a little
19 garbled as you look at it now in all of these
20 maps, but I note that you crossed the
21 boundaries in several of these -- in several of
22 these maps of Dade and Broward County, and if
23 there were two counties that you didn't have to
24 cross -- cross over, that would be the
25 counties. And -- and -- and it seems to me

1 that you made it a lot more tedious for people
2 to even understand the Dade County map.

3 SENATOR GALVANO: President Margolis,
4 those are good questions and points. Why don't
5 we -- when we get into the map-specific
6 testimony so you can make -- point out on each
7 map as we go -- go through.

8 Senator Sobel.

9 SENATOR SOBEL: Thank you, Mr. Chair.

10 First of all, I am term limited, and that
11 says something in itself about what -- why I am
12 asking these questions and why I don't have my
13 own personal intent.

14 So I, too, was concerned about the splits
15 between Miami-Dade and Broward Counties, but my
16 question to you is, do communities of interest,
17 it seems like you were looking at a community
18 of interest when you split them. It looks like
19 there's a coastal community of interest, which
20 I have questions about.

21 Does that have the same weight as the
22 counties or cities being kept whole as
23 communities of interest?

24 SENATOR GALVANO: And the answer is no,
25 and if counsel wants to briefly elaborate,

1 otherwise, the answer is no.

2 JUSTICE CANTERO: Thank you, Mr. Chair.

3 The only thing I would add is that we look
4 at communities of interest as, if you will, a
5 Tier 3 consideration, meaning you can consider
6 that, but not in contrast or in conflict with
7 Tier 1 or Tier 2 factors.

8 PRESIDENT MARGOLIS: Thank you.

9 SENATOR GALVANO: Senator Gibson, a
10 question on the process?

11 SENATOR GIBSON: Yes. Thank you, Mr.
12 Chair.

13 I just want a reminder of the definitions
14 of "dilution" and "retrogression" in terms of
15 the methodology. And also, to go back to --
16 also, in terms of compactness, where we are
17 trying to get to on the Reock, Convex Hull and
18 Polsby Popper numbers as compaction. And,
19 finally, the term "deviation" in the columns on
20 our maps refers to the number of people, plus
21 or minus 470 -- I think it's 470,000. Those
22 three. Is that three?

23 SENATOR GALVANO: Yes, that was --

24 SENATOR GIBSON: Thank you.

25 SENATOR GALVANO: Sure. Mr. Meros.

1 MR. MEROS: Perhaps I can start with
2 dilution and retrogression.

3 Dilution is a term arising from the Tier 1
4 analogue to the Section 2 of the Federal Voting
5 Rights Act. And in short, that is any practice
6 or scheme that prevents the minority population
7 to elect its candidate of choice, but that
8 requires, at a minimum, three preconditions to
9 ever having to draw a map that would avoid
10 dilution.

11 And those are, number one, that one can
12 draw a reasonably compact district comprised of
13 a minority population of at least 50 percent,
14 whether Hispanic or African-American.

15 Number two, that the minority population
16 votes cohesively. And number three, that the
17 majority white population votes as a block to
18 prevent a minority candidate of choice from
19 being elected. And if those preconditions are
20 met, and any number of other things, then there
21 can be an obligation to create a
22 majority/minority district.

23 Retrogression is the second element of
24 Tier 1, and that is -- the analogue to that is
25 Section 5 of the Voting Rights Act, which

1 essentially says that for a given district, as
2 compared to the benchmark district, the last
3 legally enacted map, the drawing of the new map
4 does not make it less likely to elect the
5 minority candidate of choice.

6 If it -- if the new district with the new
7 population makes it less likely that the
8 minority candidate of choice would be elected,
9 then that means that district retrogresses and
10 violates that provision.

11 SENATOR GALVANO: And the last -- the last
12 question that she had, and this may go to the
13 map as far as there a base line for the Convex
14 Hull, Reock and Polsby Popper. She was asking
15 where you wanted to end up, and I am assuming
16 equal to or at least greater than the enacted
17 map, but --

18 MR. FERRIN: Mr. Chairman, thank you.

19 In terms of a goal, I wouldn't say that
20 with each specific district we had a goal set
21 in mind as we had to go beat the compactness
22 score for the enacted map or anything like
23 that, because we weren't in there drawing
24 direct comparisons to the enacted plan.

25 We were doing all this from scratch with a

1 fresh, you know, look and mindset and no
2 preconceived notions about how a district
3 should be or had to be drawn.

4 So we started fresh, and when we did that,
5 the concern is more for the overall
6 compactness. How do we draw these districts so
7 that we can kind of maximize compactness around
8 the map instead of just drawing one really,
9 really compact district and maybe having stuff
10 around it that was less compact?

11 So it is -- you don't really set a goal as
12 in we are going to try to keep all the
13 districts over a certain number for a Convex
14 Hull or a Reock score or something like that.
15 It is more of a, you know, you draw these
16 things so that they are visually compact, you
17 run the numbers, you look at them and you go,
18 okay, that is -- that is a pretty good score
19 for that. We can, you know, move on, or we can
20 probably go back and tweak it some and increase
21 the compactness of this district or that
22 district.

23 And so it is -- to say that there is a
24 benchmark compactness score I don't think would
25 be accurate.

1 SENATOR GALVANO: Senator Simmons.

2 SENATOR SIMMONS: Thank you, Mr. Chair.

3 My questions deal with the procedure of
4 how we go along with this and as it is
5 enlightened by Judge Lewis' decision recently
6 in the congressional redistricting case, in
7 which, as I gather from having read it, says
8 that irrespective of what the Legislature does,
9 you know, the real test when you get into
10 litigation is what the opposing parties say and
11 who has the burden of proof.

12 And so the idea is that what have the
13 Plaintiffs presented, the coalition Plaintiffs
14 presented, because since the Legislature has
15 the burden of proof, then if -- if the
16 coalition Plaintiffs present something that is,
17 in fact, different, we have the burden of
18 proving that ours is better. And, of course,
19 to me, due process requires using fundamental
20 concepts that there not be trial by ambush,
21 that when this goes to the trial court, that in
22 using his standards, I am not saying that they
23 will end up being used again here, but they are
24 fundamental rules of fairness that exist in
25 a -- in litigation across the United States,

1 and that is that there's no trial by ambush.
2 Are the Plaintiffs going to present or have we
3 seen maps that the Plaintiffs have prepared?

4 SENATOR GALVANO: Mr. Cantero.

5 JUSTICE CANTERO: Thank you, Mr. Chair.

6 The answer is yes, we have seen maps that
7 the Plaintiffs have prepared, they offered
8 before the consent judgment was entered into.
9 They had filed, I believe, nine alternative
10 maps to be considered. We did not look at
11 those in drawing these maps, however, because
12 this is the Legislature, and we went back and
13 said we are going to start over. We are going
14 to do it without regard to what we did in 2012,
15 or what the Plaintiffs are doing, we are going
16 to draw constitutionally compliant maps.

17 And although we have the burden of proof,
18 the question is not -- I believe not who has
19 the best map, but did we prove that our map is
20 constitutionally compliant. That is -- as long
21 as we have a legislative map and that was the
22 issue that Judge Lewis was dealing with was we
23 did not have a map that was presented by the
24 Legislature. We had a map that was presented
25 by each chamber of the Legislature and the

1 Plaintiffs, and Judge Lewis decided to give no
2 greater consideration to the Senate or the
3 House maps than to the Plaintiffs' map.

4 And so in that particular case, he decided
5 I am going to just choose the best map because
6 there's no legislative map to consider. But my
7 opinion is if we do have a legislative map,
8 then the issue is not are the Plaintiffs' maps
9 better, but is ours a constitutionally
10 compliant map.

11 SENATOR SIMMONS: Follow-up.

12 SENATOR GALVANO: Yes.

13 SENATOR SIMMONS: Well, I am concerned
14 about, as we go through the process, if there
15 are nine maps that the Plaintiffs presented in
16 preparation for the trial, and I believe that
17 due process requires that they be confined to
18 the allegations that they've made in the
19 complaint, so that we are not going in at a
20 hearing and having something in which, you
21 know, it is just like the wild, wild west,
22 everybody goes in and just presents something
23 and there is no rhyme or reason as to why
24 someone wants to change a district, other than
25 we make our proposal, they make their proposal.

1 It seems that they have to be confined to the
2 allegations that are contained in the complaint
3 for due process purposes.

4 We, as the Legislature, need to know, and
5 it's not because of legislative issues. It is
6 because of due process issues that we in the
7 Legislature need to know what the Plaintiffs
8 are going to present so that we can test that,
9 and if it is meritorious, then we should adopt
10 it.

11 And so I am concerned, are we going to
12 have the Plaintiffs here, are they -- have they
13 agreed to appear so that they can present the
14 map that they believe that ultimately will be
15 the map that is presented to the court so that
16 we don't see it for the first time at the time
17 of the trial proceedings?

18 SENATOR GALVANO: Mr. Meros.

19 MR. MEROS: Very briefly, Senator.

20 I could not agree with you more, and I
21 would certainly hope that they would read and
22 reread a portion of 7 that talked about the
23 fact that the process to determine a Senate map
24 and a congressional map, whoever originally
25 proposes it, should be vetted in the open, in

1 the legislative process, for precisely the
2 reasons you state: Number one, understanding
3 who drew the map for what purpose, what does it
4 look like, does it have good ideas, does it
5 have ideas that the Legislature might adopt,
6 fully vetting any weaknesses in it just as the
7 Legislature has to do.

8 Those who would have their maps imposed on
9 the citizens of Florida should be subject to
10 the same rules and the same obligations, and
11 certainly they shouldn't be drawing additional
12 maps after the nine maps that they have drawn,
13 and they should be here, open and discussing
14 with all of the same candor that these map
15 drawers are drawing -- are explaining. Whether
16 they will do that or not, I don't know. They
17 certainly did not do that in congressional.

18 They had an individual drawing their
19 congressional map out of an apartment in Los
20 Angeles without any opportunity for discovery
21 or understanding or any vetting whatsoever, and
22 that certainly, I would hope, would not be the
23 case in this process.

24 SENATOR SIMMONS: One last follow-up.

25 SENATOR GALVANO: Yes, one more.

1 SENATOR SIMMONS: Well, I'm of the belief
2 that the Rules of Civil Procedure and the due
3 process requires that any litigant, whether it
4 is the plaintiff or the defendant, is given an
5 adequate opportunity to prepare for a hearing
6 that is going to impact the entire state of
7 Florida, and I am concerned that -- I certainly
8 don't agree with the excuse that I read in
9 Judge Lewis' order that the -- that the
10 coalition Plaintiffs came up with is that --
11 that they didn't present something because they
12 might have been treated with cynicism by the
13 Legislature.

14 If that were the theory, nobody would go
15 to litigation. Nobody would ever appear in
16 front of this Legislature if they were
17 concerned that there was somebody out here
18 might be cynical about what they presented. So
19 I --

20 SENATOR GALVANO: Let's go to a question,
21 please.

22 SENATOR SIMMONS: So I consider that not
23 to be a basis. I want to know, is there going
24 to be a -- a process by which the Plaintiffs
25 are -- if they've been requested to be here.

1 If they don't, is it anticipated that someone
2 would be subpoenaed to be here so that some due
3 process can be obtained in this -- in this
4 proceeding?

5 SENATOR GALVANO: Yes, Mr. Cantero.

6 JUSTICE CANTERO: The Plaintiffs, I
7 believe, just like all members of the public,
8 have been invited to this proceeding, as all
9 members of the public were, and to the last
10 proceeding.

11 Unlike what happened in the congressional
12 case, as I recall, the -- Judge Reynolds in our
13 case, which is a different Judge than the
14 congressional case, has provided for a deadline
15 for the Plaintiff to submit any maps that they
16 think appropriate after this proceeding and has
17 ordered for a period of discovery before we go
18 to a hearing.

19 So unlike what happened with the
20 congressional maps, we will have the
21 opportunity to take discovery of the map
22 drawers and determine what the origins of those
23 maps were.

24 SENATOR GALVANO: Senator Simmons.

25 SENATOR SIMMONS: My concern is about the

1 fairness to this Legislature so that if we're
2 are going to know about this, it is not going
3 to be during discovery. We can't deal with it
4 once we pass something and then you are left to
5 defend it when something is presented after the
6 fact. That is grossly unfair to us as a
7 Legislature.

8 I believe, and I ask that we take some
9 action, Mr. Chair, to assure that each of us,
10 Republican and Democrat and whatever else that
11 somebody may be on this panel, is that we, in
12 fact, have the opportunity to address what is
13 going to be the ultimate, real opposing map,
14 and that is one presented by the coalition
15 Plaintiffs that may be unacceptable to
16 Republicans or Democrats or minorities or any
17 other person in this -- on this committee and
18 in this Legislature.

19 And so that's what I am asking, if we can
20 go ahead and find a process in which true due
21 process is provided to the Legislature, not an
22 after-the-fact type of process. So I ask that,
23 Mr. Chair, we seek that during the next two
24 weeks.

25 SENATOR GALVANO: Senator Simmons, I can

1 only speak for the Senate committee. Your
2 comments are noted and your request is noted
3 and we will take them under consideration.

4 Okay. Mr. Poreda, or -- we have what, one
5 more question? Representative.

6 REPRESENTATIVE WATSON: Thank you, Mr.
7 Chair.

8 My question would be -- I would like to
9 understand a little bit better about your
10 sandboxes. I would like to know whether your
11 priorities are given more to the municipalities
12 or are they more given to the counties? And
13 would you look at population size in either of
14 those two to make it more relevant than others,
15 whether you would disburse the sandbox because
16 there's a better-looking or a higher population
17 in the types of sandbox? So give me some
18 clarity on that, please.

19 SENATOR GALVANO: Mr. Ferrin.

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

21 The sandbox concept is applicable mostly
22 to counties because in order to piece -- the
23 way that works is you are piecing together
24 adjacent counties. In most places in the
25 state, there's a lot of unincorporated space or

1 significant unincorporated space between
2 cities. So if you were to try to sandbox in
3 several cities, I don't know that -- I don't
4 know that you could find -- maybe in south
5 Florida you could find a few cities that
6 would -- you could combine to form a single
7 Senate district. I think it would be very,
8 very difficult to do that in any other region
9 probably outside of Dade and Broward County
10 where there's a lot of unincorporated space
11 between the cities that you don't have a way of
12 accounting for.

13 The way the sandboxes work is you have --
14 the county's populations are established, and
15 so it is just math at that point where you try
16 to combine different adjacent counties and see
17 if they make up one or more Senate districts,
18 and then you worry about where the lines go in
19 between those if it makes up a multitude of
20 districts.

21 Is that -- I don't know if I answered your
22 question.

23 SENATOR GALVANO: Representative Watson,
24 follow-up.

25 REPRESENTATIVE WATSON: Thank you.

1 I was kind of more looking at population
2 size, and I know that that also is a motivating
3 factor for you in your creation of sandboxes.
4 And, true enough, when you get to the south
5 Florida regions, you are looking at
6 municipalities sitting next to municipalities,
7 and they're -- one particularly that I am
8 thinking in terms of is probably significantly
9 large enough to be its own sandbox, but yet it
10 was split up four different ways.

11 So how would you address that when you are
12 talking about a municipality of the size that
13 was not quite large enough to be its own, dis-
14 -- own -- having its own Senator, but very,
15 very close to doing that? And I am just
16 concerned why it was split up so many times.

17 MR. FERRIN: Mr. Chairman, if I may?

18 SENATOR GALVANO: Mr. Ferrin.

19 MR. FERRIN: Representative, could you
20 tell us what city you are talking about?

21 REPRESENTATIVE WATSON: I am making
22 reference to the City of Miami Gardens. It is
23 110,000 people in it, and it was split up four
24 different ways.

25 MR. FERRIN: I am --

1 SENATOR GALVANO: Why don't we hold that
2 until we get into the actual --

3 MR. FERRIN: Yeah --

4 SENATOR GALVANO: And then you will be
5 able to focus in on that with regard to each
6 iteration.

7 Okay. We are moving into the map
8 presentation itself at this point. Mr. Poreda,
9 you are recognized.

10 MR. POREDA: Mr. Chairman. Thank you, Mr.
11 Chairman.

12 I am going to start here with Map 9070, as
13 you see it in your packets. The two maps I am
14 going to be presenting, 9070 and 9078, have the
15 same version of south Florida, and that's how
16 we divvied up the maps. Each of us will
17 present two of them.

18 The two that we are going to present have
19 the same south Florida. So I will get in that
20 toward the end of my presentation of 9070 where
21 we'll kind of work down our regional views of
22 the map. Real quick, so this is a statewide
23 view of Map 9070 that we may come back to
24 throughout.

25 So the first thing of note in Map 9070 are

1 the Tier 1 protected minority districts. There
2 are four African-American performing
3 opportunity districts. That is District 6 in
4 the Jacksonville area, District 13 in the
5 Orlando area, District 22 in the Tampa area and
6 District 39 in south Florida. There's two
7 majority-minority African-American districts,
8 District 33 and 40. And then there are three
9 majority-minority Hispanic districts, which is
10 36, 37 and 38.

11 So, first, Map 9070 is a Methodology 1
12 map, meaning the priority was given to keeping
13 counties whole or keeping districts entirely
14 within counties when that was feasible
15 throughout the map. This is, as noted before,
16 similar to what we did with the congressional
17 map, a process that we just went through, and
18 also similar to what the House used for the
19 state house map back in 2012.

20 The overall population deviation of this
21 particular map is 2.7 percent total. The two
22 districts that kind of make that upper and
23 lower range in this particular map is District
24 7 and District 26, which are both districts
25 made up entirely of whole counties. District 7

1 is Clay, St. Johns and Flagler, and District 26
2 is Okeechobee, St. Lucie and Martin Counties.
3 And those ranges are -- District 7 is 6,567
4 people over the ideal population of a Senate
5 district, and District 26 is 5,930 people under
6 the ideal population of a Senate district, and
7 that's what makes up that 2 percent, or 2.7
8 percent overall range.

9 You can see here that the average Reock
10 for the whole map is .42, or about 42 percent,
11 convex hull is .78 and the Polsby-Popper is
12 .93.

13 There's also a metric that we use to gauge
14 how much the map -- each of the districts
15 follow political and geographical boundaries
16 throughout the map, and this one's average is
17 about 93 percent, though that percentage -- it
18 is a good indicator and something good to keep
19 in mind, but I wouldn't -- if those percentages
20 change very small between each maps, I wouldn't
21 consider that as a -- a real positive or
22 negative. If they are all within approximately
23 the same percent, they're all kind of in the
24 same range.

25 The overall amount of counties kept whole

1 is 52 in this map, which means 15 are split,
2 and there are 20 split cities of the 410, 411
3 cities in the State of Florida. So that is
4 both really good on both of those particular
5 metrics.

6 So here we just talked about trying to
7 identify whole county districts and sandboxes
8 throughout the map, and I am going to identify
9 those for this particular map. So within Map
10 9070, there are six whole-county districts, one
11 of which is District 3 that we mentioned
12 before, which is the -- in the Big Bend area,
13 in the Eastern Panhandle, which is the same
14 throughout all of the maps.

15 The next whole-county district is District
16 4, which is made up of nine whole counties
17 immediately east of that particular district,
18 including Alachua, Baker, Union, Bradford,
19 Columbia, Gilchrist, Suwannee, Lafayette and
20 Dixie Counties.

21 Another whole-county district that I just
22 mentioned is Clay, St. Johns and Flagler. And
23 then District 26 down below, the two upper and
24 lower range districts, Okeechobee, St. Lucie
25 and Martin.

1 There's another whole-county district of
2 Collier, Hendry, Glades and Highlands County.

3 And then Pasco in and of itself is a
4 Senate district. It is within the approximate
5 range of that, plus or minus 2 percent. So it
6 by itself can be a Senate district, and in the
7 Methodology 1 map, that's obviously something
8 that we tried to shoot for and we kept that
9 whole.

10 You can see -- if I go back for a moment,
11 you can see the population deviations of all of
12 those particular whole-county districts and
13 their over -- upper and lower ranges.

14 Now, for the sandboxes, these are the
15 collection of counties where we can fit a
16 number of different districts within. Many of
17 them include counties that may be big enough to
18 have a district entirely within it, but these
19 are the collection of counties. So the Tampa
20 Bay area, which is -- in this example is
21 Pinellas, Hillsborough, Sarasota and Manatee
22 Counties. Those four counties combined are
23 six -- approximately six Senate districts. And
24 you can see there the new ideal population to
25 make that county combination work is about

1 4,600 people over the ideal, which is 470,033.
2 So all of our districts within that particular
3 sandbox had to be approximately 4,600 people
4 over, maybe a little bit above, a little bit
5 below, depending on what political and
6 geographical boundaries were available to us as
7 we were drawing those particular districts.

8 In the Western Panhandle, as we talked
9 about before, Nassau, Duval and south Florida,
10 those are three sandboxes that we consistently
11 used throughout all of the maps, and you can
12 see there the overall deviations for those
13 districts within that particular sandbox.

14 And then another sandbox, because we are
15 following county boundaries so much and either
16 drawing whole-county districts or creating
17 these sandboxes, that kind of -- all of the
18 remaining counties that are not part of one of
19 those sandbox kind of become a sandbox in and
20 of themselves. And you can see here, the
21 remaining counties which -- which I believe is
22 made up of 18 counties throughout the state,
23 and 12 remaining Senate districts mostly in
24 central -- it is mostly in Central Florida.
25 And you can see here the slide -- the slide

1 with -- so the kind of grayish district right
2 in the middle, those are all the remaining
3 counties that weren't in the other sandboxes or
4 whole district -- whole-county districts that
5 we had mentioned before.

6 So here, kind of going regionally
7 throughout the state, we start with Districts 1
8 and 2, which Mr. Ferrin talked about briefly
9 before with -- in this particular map, you see
10 the vertical orientation between Districts 1
11 and 2.

12 Mathematically, when you put all of these
13 counties together and you -- really, there's
14 really not many other ways to draw these two
15 particular districts, and when you start west
16 and start going east, the Panhandle -- in the
17 Panhandle, there's really no other place to go,
18 so you are mathematically required to split
19 Okaloosa County. And in this area -- in this
20 orientation, as Mr. Ferrin detailed earlier, we
21 do a vertical split that goes through the Air
22 Force base, as well as following, I believe,
23 the Yellow River for a portion of it, as well
24 as a state road up to the north and goes around
25 the municipal lines to the south and takes U.S.

1 98 all the way back to the Santa Rosa County
2 line.

3 You can see District 3 here as well made
4 up entirely of the whole counties.

5 So now you can see District 4, again, made
6 up entirely of whole counties, and District 7
7 that I mentioned before, and the sandbox that
8 is within all of the maps here in Nassau and
9 Duval County. With District 6 being the
10 performing minority opportunity district, they
11 are entirely within Duval County.

12 You can see here -- at the bottom of the
13 screen, you can see District 9, which is the
14 orange color district that -- where we keep
15 Marion County whole. Compare that with Putnam
16 County, which we keep whole, and then there's a
17 portion -- in order to achieve the equal
18 population of a Senate district, we have to go
19 into Lake and Volusia County.

20 Now, the interesting thing about this
21 that's a little tough to see in this regional
22 image is that we are actually able to keep a
23 district entirely within Volusia County in this
24 particular map. Volusia County then has about
25 30,000 left-over people that have to go into

1 another Senate district. So Volusia County, no
2 matter how we draw it, is going to get split
3 because we can't have a district that is 30,000
4 people over. So that remaining population goes
5 into District 9, as well as a little bit of
6 Lake County.

7 You can see here as you kind of move
8 south, you can see that southern part of
9 District 10 entirely within Volusia.

10 District 8 is made up of four whole
11 counties, and then it needs a little bit of
12 extra population, which in this version, we've
13 taken the Sumter County. Because we are trying
14 to keep counties whole, that is why we put that
15 extra split into Lake County and not into where
16 we could have put it into Marion or another
17 surrounding county because we are trying to
18 keep counties whole in this particular
19 Methodology 1 map.

20 Because we kept that district, District
21 10, entirely within Volusia County, Seminole
22 County, which is about 50,000 people under the
23 ideal population of a Senate district, can't go
24 into Volusia County to get those people, so it
25 has to go south into Orange County.

1 District 13, as I mentioned before, is the
2 performing -- the recreation of the opportunity
3 that existed in the benchmark map for
4 African-Americans to elect a candidate of their
5 choice. District 13 in this map within Orange
6 County recreates that same opportunity that
7 existed in the benchmark.

8 District 15 is another district entirely
9 within Orange County, and here in this
10 Methodology 1 map, that's something that we
11 strove to try to do when we could is keep
12 districts entirely within counties. So now
13 Orange County has two districts entirely within
14 it, and then the remaining portion of the
15 county -- a portion of that is in District 14.
16 The interesting part about that is when you
17 combine all of Seminole County and keep that
18 whole, and add the city of Maitland and Winter
19 Park to it and follow those municipal lines in
20 north Orange County, it creates District 14 in
21 a complete Senate district. So that district
22 is entirely whole counties and then just two
23 cities in -- in Orange County, and if we follow
24 the municipal lines there, that is -- which is
25 what makes that boundary line look the way it

1 does.

2 District 15 along its eastern border uses
3 most of -- I believe 436 or whatever the state
4 expressway is that kind of goes up in Orange
5 County. In Orange County, there's a lot of
6 major roads that we were able to follow
7 throughout all of these drafts, and we strove
8 to do that whenever we -- whenever we could.

9 District 16 is then northern Brevard and
10 the rest of the population that is in Orange
11 County.

12 And then going back quickly to Lake
13 County, we do not split any cities in Lake
14 County with the two splits that you see there
15 into three Senate districts. The majority of
16 Lake County is in District 12, including all of
17 the City of Leesburg, Mt. Dora, Eustis and the
18 other cities there in the middle of the county.
19 That district then has to come south to retain
20 its remaining population because it can't go
21 into Orange County because we've kept those two
22 districts entirely within Orange. And we've
23 managed to keep every city whole within Polk
24 County as well. The City of Lakeland is
25 entirely within District 12 and it goes around

1 the City of Auburndale and Polk City, which
2 ends up in District 19.

3 District 19 is mostly Polk County, but
4 then goes into Osceola County, and you can see
5 there how Osceola is then added to the
6 remaining portion of Brevard and Indian River
7 County.

8 Going quickly over to Tampa Bay, here you
9 can see Pinellas and Hillsborough County. This
10 is one of the sandboxes that we have in this
11 map where we have Pinellas, Hillsborough,
12 Manatee and Sarasota combined to make six
13 Senate districts.

14 District 22 is a district that you will
15 see throughout all six of our drafts with
16 slight variation. That is the performing
17 African-American district there in Tampa Bay.

18 Now, we drew this -- we tried to draw this
19 district a multitude of times throughout our
20 drafting process, including trying to draw it
21 entirely within Hillsborough. We also tried to
22 connect it with Manatee County rather than
23 going over into Pinellas County, but all of the
24 other versions that we drew, we've determined
25 that those districts would not perform and

1 there would be a diminishment in the
2 opportunity to elect, and because that is a
3 performing African-American district, unlike
4 what was referenced in Apportionment 7 with the
5 congressional district, because it is a
6 performing district, we had to maintain that
7 opportunity and make sure we didn't diminish
8 it. So we conferred with counsel, and they
9 agreed with our assessment of those other
10 districts that we drew, so we ended up crossing
11 the bay.

12 And we tried drawing that district
13 actually a couple of different ways. The
14 version that you see is the first time that we
15 really drew a performing district that would
16 maintain that same opportunity.

17 You can see here, there's actually a
18 second district that crosses the bay, and you
19 will see in other versions of our drafts
20 multiple versions of how we added that rest of
21 the population of the city in Tampa and
22 Hillsborough County to other districts.
23 There's a variety of different ways to do that,
24 and you as the members of the Legislature need
25 to make that policy choice of how to go about

1 doing that.

2 One of the reasons why we included this
3 version of District 21 which crosses the bay a
4 second time is because actually when you do
5 that, it actually makes it a more compact
6 district than if you took District 17 to the
7 north and took that south. But you will see
8 that district in another one of our drafts that
9 we drew.

10 SENATOR BRAYNON: Mr. Chair?

11 SENATOR GALVANO: Yes, Vice Chairman
12 Braynon.

13 SENATOR BRAYNON: Thank you.

14 I want to just rewind a little bit to
15 District 22 and its performance. Can you tell
16 me, what did you use as your performance for
17 the functioning of that -- that -- that seat?

18 SENATOR GALVANO: Mr. Poreda.

19 MR. POREDA: Thank you, Mr. Chairman.

20 We used -- on the back of all of the
21 handouts, you can see all the functional
22 analysis data that we used, including all the
23 electoral performance, registration and turnout
24 for the 2010, 2012 elections primarily.

25 For that particular district, because we

1 determined that it was a -- a lean Democrat
2 seat, a Democrat was going to win the general
3 election based on the past electoral
4 performance, and then looking at the Democratic
5 side of that -- of that equation, whether or
6 not in the benchmark districts, the
7 African-American community had a clear
8 advantage in the 2010 primary to control the
9 Democratic primary. I believe it was close to
10 60 percent, or upwards of 57, 56 percent of
11 control of that particular primary.

12 We were trying to draw a district that
13 gave the African-American community a similar
14 opportunity, meaning they would have an over
15 50 percent turnout in the Democratic primary.
16 That's primarily what drew -- what was the
17 driver there. But we did look at all the
18 additional data, too, but I think that was the
19 primary data point for that particular
20 analysis.

21 SENATOR BRAYNON: Thank you. This
22 follow-up may be to counsel. Is there a
23 requirement that since we are forward -- we
24 have moved past 2010, that we use the primary
25 -- the primary numbers for the functional

1 analysis in 2010 versus 2012, 2014 or any
2 number of things that we have now that show how
3 that district will function?

4 SENATOR GALVANO: Mr. Meros.

5 MR. MEROS: 2010 is the most recent data
6 we have on turnout, on primary turnout. There
7 may be -- there would be a way to develop and
8 to disaggregate and then reaggregate the
9 information for later elections, but everyone
10 was using the same primary turnout data because
11 it is the most recent that we could possibly
12 access.

13 SENATOR GALVANO: Follow-up.

14 SENATOR BRAYNON: So the infor- -- I mean,
15 primaries did have it, but we just don't have
16 the information aggregated is what you are
17 saying?

18 MR. MEROS: This is far more complicated
19 than I can describe with great accuracy, but it
20 -- you have to take the information and apply
21 it to different geographic areas and you have
22 to make sure it is accurate, you have to go to
23 the supervisors of elections, you have to do
24 any number of things that, remarkably, the
25 staff has done and continues to do. But 2010

1 was the most recent for these purposes.

2 In the future, I am sure, and I don't know
3 how -- how long in the future, there will be
4 additional primary turnout data, but everyone
5 used the same turnout data.

6 SENATOR GALVANO: Yes.

7 SENATOR BRAYNON: Just a follow-up. So
8 you guys didn't have that information at all,
9 you just used 2010?

10 MR. FERRIN: That is correct, Senator, and
11 I can probably elaborate a little bit on the
12 explanation of how to get that data if you want
13 it, but it's -- takes hundreds of hours of work
14 to get the data from all the supervisors, get
15 it all to line up, get it all to translate into
16 census blocks and get it ready to actually be
17 something that you can use in a redistricting
18 scenario to run these analyses. You know, I am
19 happy to explain that if you want to go down
20 that road.

21 SENATOR GALVANO: Mr. Cantero.

22 JUSTICE CANTERO: Thank you.

23 And just to clarify, Senator Braynon, when
24 we talk about 2010, it is for the primary
25 turnout statistics. We did have information

1 for 2012 for general turnout statistics.

2 SENATOR GALVANO: Yes.

3 SENATOR BRAYNON: So -- I'm sorry, so we
4 don't have -- we have 2012 primary -- I mean we
5 don't have -- though we have the general, we do
6 not have primary for 2012?

7 JUSTICE CANTERO: Correct.

8 SENATOR GALVANO: Senator Gibson.

9 SENATOR GIBSON: Thank you, Mr. Chair.

10 I want to make sure that I -- when we are
11 talking about the benchmark map, that at least
12 I have -- am looking at the right one. So the
13 benchmark map that I have listed as benchmark
14 is from March 2002 that says "S170036." Is
15 that correct?

16 SENATOR GALVANO: Mr. Ferrin.

17 MR. FERRIN: Yes, Senator, that is
18 correct.

19 SENATOR GIBSON: And so --

20 SENATOR GALVANO: Yes.

21 SENATOR GIBSON: And so the numbers in the
22 development of the maps we are going through
23 now are based on that map and not the current
24 Senate enacted map, and, therefore, the BVAP
25 that is listed on Map 70 -- let me back up.

1 So the -- yes, the BVAP that is a basis, I
2 guess, for Map 70 is the total BVAP in all of
3 Hillsborough that is on the benchmark map?
4 Because obviously the Senate district numbers
5 were different on the benchmark than they are
6 on either the senate-enacted map or Map 70. So
7 in order to follow, I just need to make sure I
8 have all my ducks in a row because --

9 SENATOR GALVANO: Understood. Mr. Ferrin.

10 MR. FERRIN: Mr. Chairman, if I may.

11 So what you would want to do in comparing
12 the population statistics to the benchmark is
13 look to the benchmark plan and I believe it is
14 District 18, which is the minority district in
15 the Hillsborough/Tampa Bay region. And so you
16 would look to that to compare the 22 and 9070
17 to 18 in the benchmark plan.

18 Does that help answer -- you were asking
19 -- you were having problems figuring out which
20 district to compare it to, is that -- or did I
21 misunderstand?

22 SENATOR GALVANO: Explain, please.

23 SENATOR GIBSON: Thank you, Mr. Chair.

24 And I believe that does answer -- and one
25 of the reasons I am asking that question is

1 that it seems -- I mean, obviously, I know we
2 are under Fair Districts, but it seemed that --
3 it seems that -- I call it all of the numbers
4 in the pink that largely represent BVAP are
5 considerably re- -- percentage reduced as we
6 move away from -- and they are the only ones
7 that are reduced as we move away from the
8 benchmark map, which seems also to be the case
9 in the district that we are currently
10 discussing, 22, on Map 70.

11 SENATOR GALVANO: Okay.

12 MR. FERRIN: Mr. Chairman and Senator, I
13 think -- one of the ways we looked at this is
14 we looked to the benchmark to establish what
15 level the district performed at for minorities,
16 what level of opportunity the district provided
17 to the minority communities there. So in the
18 benchmark plan, we looked at it, and I believe
19 the number was 56 point -- with -- with
20 particular regard to the 2010 primary, because
21 as Jason mentioned, we -- that's one of the
22 indicators in this circumstance.

23 So in District 18, it is at 56.4 percent.
24 And then in 9070, in District 22, it is at
25 52.7. And I understand your concern to be that

1 that number is lower, but they still both
2 provide the minority communities in there an
3 opportunity to control that primary without
4 relying on additional crossover votes, without
5 relying on a coalition. They still have a
6 majority of the primary turnout in that
7 district.

8 And so I think that is consistent with the
9 Supreme Court's analysis of there isn't a magic
10 number that you have to hit. It is a does the
11 district provide the same opportunity, is it --
12 is it less of an opportunity, and that is kind
13 of how the diminishment standard as we have
14 applied it works. And counsel can correct me
15 if I am misstating something on that, but I
16 think when we looked at that and determined
17 that it does perform, it was because it still
18 provided a majority -- the population, the
19 community in that area, with an opportunity to
20 control the primary with a majority of the
21 turnout.

22 SENATOR GALVANO: Mr. Poreda.

23 MR. POREDA: Thank you, Mr. Chairman.

24 So with that, I will get back to
25 discussing District 21 here. It is that second

1 district that crosses the bay, but offers --

2 SENATOR GALVANO: Hold on one second.

3 Senator Soto had a question.

4 SENATOR SOTO: Thank you, Mr. Chairman.

5 When determining minority protected
6 districts, do you all look at what the district
7 looked like in 2010, or do you look at it the
8 way it looks currently for your analysis of
9 these new maps?

10 MR. POREDA: Mr. Chairman, we looked to
11 the benchmark plan for where the minority
12 communities were, and we got some advice from
13 counsel through the process in regards to how
14 to determine which -- which was the appropriate
15 benchmark and which ones -- which map to look
16 at, whether it was the 2002 map or the 2012
17 map, to determine where the Tier 1 districts
18 existed. And so I think I would defer to
19 counsel to kind of help answer that and share
20 some of the advice that they gave us.

21 SENATOR GALVANO: Mr. Cantero.

22 JUSTICE CANTERO: Thank you, Mr. Chair.

23 Under the case law, the -- for purposes of
24 minority protection districts, the map that you
25 look at is the last constitutionally compliant

1 plan, and under the consent judgment, we have
2 agreed that the 2012 enacted plan is not
3 constitutionally compliant, and, therefore, we
4 have to look at the 2002 plan as the benchmark
5 plan, and, therefore, if there is a minority
6 districts -- minority performing districts in
7 2002, then under Section 5 of the Voting Rights
8 Act or under Tier 1 of the Florida
9 Constitutional Standards, you cannot diminish
10 the ability of minorities to elect in those
11 districts that are performing under the 2002
12 plan.

13 SENATOR GALVANO: And thank you for asking
14 that question. It came up on the floor and I
15 am glad that we are clarifying it. Thank you,
16 also, Counsel.

17 Mr. Poreda.

18 MR. POREDA: Mr. Chairman.

19 So real quick, District 21 is where we
20 left off, and that is the second district that
21 crosses the bay. You will see different
22 versions of that throughout the six maps that
23 we drew. We drew this version that crossed the
24 bay the second time simply because it afforded
25 a different way of trying to draw that district

1 and also afforded a more compact way of drawing
2 that district rather than having District 17
3 come down south.

4 Now, part of the reason why we are limited
5 there in only doing that in two different ways
6 is because in this particular map, especially
7 with the Methodology 1 map where we keep Pasco
8 County whole by itself without breaking its
9 borders, you kind of -- you can't go north to
10 get any more population. So there's really
11 only two other districts that could get that
12 population; otherwise, if you took District 17
13 into north Hillsborough and keeping that
14 throughout north Hillsborough, you would block
15 off the southern peninsula of Tampa Bay, and it
16 would not have any district to be added to. So
17 you have to add that peninsula of Tampa to one
18 district or the other. So you will see that in
19 other drafts. My colleagues will get to that.

20 District 18 is a district entirely within
21 Hillsborough County, and then District 23 is
22 most of what's left in east -- well, all of
23 what's left in eastern Hillsborough and goes
24 down to Manatee County.

25 You can see here Manatee County and

1 Sarasota County kind of combined. Sarasota
2 County is kept whole and we follow a state road
3 all the way across the county that kind of like
4 bends and heads west. That is a state road
5 across the entire southern boundary of District
6 23. And then we keep the City of Longboat Key
7 whole, which is a city that straddles the
8 county line there. And then District 27 keeps
9 Sarasota County whole and gets the remaining
10 population down there, and that completes that
11 particular sandbox.

12 You can see District 24 includes all of
13 Charlotte, DeSoto and Hardy Counties, then goes
14 up and gets some population, it is about
15 100,000 people from Polk County, and then
16 another approximately 80,000 people from Lee
17 County where a district is entirely within Lee
18 County.

19 We then have those two districts that I
20 mentioned before that are made up entirely of
21 whole counties, Districts 25 and 26.

22 And then looking to Southeast Florida back
23 here -- okay. So now this is the version of
24 south Florida, this sandbox of Monroe,
25 Miami-Dade and Broward and Palm Beach Counties

1 kept whole together. This actually isn't the
2 first version that we drew. I think this might
3 have been the third or fourth version. We
4 drew, I think, four, five, six different
5 versions of south Florida, and then after we
6 had them all drawn, we evaluated them to
7 determine if we had not diminished all of the
8 opportunities that exist down here.

9 Now, one of the things that is unique
10 about this sandbox, beyond it being 12
11 districts contained within these four county
12 borders, is that there's three majority
13 Hispanic districts that we had to create, two
14 majority African-American districts, and then
15 another performing African-American district
16 that is not over 50 percent, but affords the
17 African-American community ability to elect its
18 candidate of choice. So with those six
19 districts in mind, we had to be very mindful
20 when drawing all of these districts and more
21 mindful later when we evaluated them to make
22 sure that we recreated those opportunities that
23 existed in the benchmark.

24 Real quick, it was mentioned before about
25 Broward, Palm Beach and Dade and the different

1 populations that exist there, and looking at
2 both Tier 1 and Tier 2, when we keep this
3 sandbox together, in all of the versions that
4 we draw, we were able to keep two districts
5 entirely within Palm Beach County, three
6 entirely within Broward County and four
7 entirely within Miami-Dade County. And in this
8 particular version, we only crossed the
9 Broward-Palm Beach County line once, and we
10 only crossed the Broward-Miami-Dade County --
11 Broward-Miami-Dade County line once. And we
12 cross that border with the Broward-Miami-Dade
13 County line with actually a minority district.
14 In this particular version of south Florida,
15 District 33 is the majority-minority -- a
16 majority-minority black district there that
17 straddles that county line, which I believe
18 keeps the City of Miami Gardens whole in this
19 particular orientation. It does split the City
20 of Pembroke Pines and Miramar, but a lot of
21 that municipal line there -- or a lot of the
22 district borders there are municipal lines,
23 with the exception of where we follow, I
24 believe, I-75 or the Florida Turnpike for a
25 portion of it. And the only city there that's

1 split between District 33 and 39 is the City of
2 North Miami. The remaining cities in that area
3 are kept whole within those particular cities.

4 District 39 is the opportunity district,
5 the district that performs for an
6 African-American candidate, but is not a
7 majority district.

8 Districts 36, 37 and 38 are the three
9 majority Hispanic districts that perform for
10 Hispanic candidate of choice. It's there in
11 Miami-Dade County, and District 38 also
12 includes Monroe County.

13 It should be noted that District 35 is
14 actually about 65 percent majority Hispanic, so
15 it is possible that there is another fourth
16 opportunity there, but we did not evaluate that
17 district. That district is about 65 percent
18 Hispanic, but in that part of the state, even a
19 percentage that seemingly is that high and that
20 much majority, it -- there may or may not be an
21 opportunity for that district to perform based
22 on how the -- those districts break down both
23 demographically and politically when
24 determining that, and we did not evaluate that
25 district for that particular performance. So

1 that may or may not be another opportunity
2 there.

3 SENATOR GALVANO: Mr. Poreda, let me --

4 MR. POREDA: Yes.

5 SENATOR GALVANO: -- have Vice Chair
6 Braynon jump in here.

7 SENATOR BRAYNON: Thank you.

8 So just to kind of question what you just
9 said, so it may or may not perform, but we
10 didn't look at it to see if it would perform,
11 and it shows some signs that it could perform,
12 is that what you are saying?

13 SENATOR GALVANO: You are recognized.

14 MR. POREDA: What I am saying is that it
15 is 65 percent Hispanic VAP. In this part of
16 the state, just looking at the VAP number is
17 not -- it is an indicator that you can look at,
18 but it is not the sole number that you need to
19 look at, because in this area of the state,
20 looking between voting age population and
21 registered voters, there's usually a
22 significant drop-off in the Hispanic community,
23 and then turnout, an even more so bigger
24 drop-off. So you need -- would need to do a
25 further analysis there, but because the

1 benchmark only created three opportunities
2 there, we recreated those three opportunities,
3 and any additional opportunities would be an
4 added benefit and not something that we
5 would -- that would be protected under Tier 1.

6 SENATOR BRAYNON: Okay. I get -- I get
7 what you are saying. So I am assuming that
8 there's another opportunity district here that
9 we looked at functionally other than the three
10 Hispanic seats, correct?

11 MR. POREDA: Here in south Florida, there
12 is a performing African-American district,
13 District 39 in this particular configuration,
14 that is non-majority that performs for the
15 African-American --

16 SENATOR BRAYNON: That one's functionally
17 announced -- analyzed, excuse me.

18 MR. POREDA: Yes, sir.

19 SENATOR BRAYNON: Okay.

20 MR. POREDA: That particular -- that
21 particular opportunity existed in the
22 benchmark, so that opportunity -- we strove to
23 recreate that opportunity since that district
24 was protected under Tier 1.

25 SENATOR BRAYNON: I guess this is -- the

1 question is, doesn't it seem like we were
2 flying blind by saying I'm not going to look at
3 the analysis when there are quite a few things
4 that are -- that it points out in District --
5 was that 35, we said?

6 MR. POREDA: Right.

7 SENATOR BRAYNON: Is that the one we are
8 talking about? We are moving from 39 to 35.
9 Thirty-five, I am going back to 35 now.

10 MR. POREDA: So 35 --

11 SENATOR GALVANO: Hold on one second. Mr.
12 Meros.

13 MR. MEROS: Senator, if I could interject.
14 It is really important to understand when --
15 when you are talking about a benchmark and not
16 a benchmark. You are looking at a benchmark
17 for comparison for purposes of an issue of
18 retrogression.

19 SENATOR BRAYNON: Uh-huh.

20 MR. MEROS: There's Tier 1 minority
21 principles. One is the issue of diminishment
22 or retrogression. The other is a dilution.

23 For purposes of retrogression, what you
24 need to do is when you look at 35, you have to
25 look at it and say, okay, was there a

1 population in 2002 that performed for a
2 Hispanic population or that was an analogue to
3 that area that had substantial minority
4 population?

5 What Mr. Poreda is saying is there was no
6 benchmark comparison for 35 in 2002 that would
7 have elected a Hispanic candidate, and so it is
8 not protected by Tier 1, but -- and that's why
9 it is not that you didn't look at it, it did
10 not have a legal compulsion to be drawn. And
11 so it might or might not elect an Hispanic
12 candidate, but it is not in any way the notion
13 that the map-drawers and counsel did not look
14 at whether or not there was a Tier 1 obligation
15 to do so. Because there wasn't a benchmark
16 population, there was no such legal obligation,
17 but, nonetheless, it may well perform for a
18 Hispanic candidate.

19 SENATOR GALVANO: There is no legal
20 obligation, but may nonetheless perform
21 Hispanic.

22 Senator Margolis for a question.

23 PRESIDENT MARGOLIS: Since you were
24 talking about 35 -- that's my district, by the
25 way -- 35 is now 79 percent Hispanic, something

1 like that, 71 percent Hispanic. I must -- I
2 must admit I am the only Anglo in Dade County
3 from the Florida Senate -- in the Florida
4 Senate. So it is the only Anglo district. So
5 I wonder who -- who's the minority here.

6 SENATOR GALVANO: Did you want to --
7 Mr. Poreda, did you want to correct the
8 percentage? The rest of it was --

9 MR. POREDA: Yes, Mr. Chairman.

10 District 35 is 65.4 percent overall
11 Hispanic voting age population.

12 SENATOR GALVANO: Okay. Continue, please.

13 MR. POREDA: Okay. So District --

14 SENATOR GALVANO: I'm sorry,
15 Representative Watson.

16 PRESIDENT MARGOLIS: That was the point.
17 That's exactly what I am talking about. The
18 only Anglo district, you put 65 percent
19 Hispanic in.

20 SENATOR GALVANO: Representative Watson,
21 you are recognized.

22 REPRESENTATIVE WATSON: Thank you, Mr.
23 Chair.

24 Again, perhaps this is the more
25 appropriate time that you can give me a better

1 understanding about your sandboxes. As it
2 relates to municipalities that have the
3 population size to almost be its own district,
4 why are we looking at splitting that particular
5 municipality into -- I said four, but actually,
6 in reality, it is three. Why are we splitting
7 that kind of concentration of people throughout
8 several other districts?

9 SENATOR GALVANO: Mr. Poreda.

10 MR. POREDA: Thank you, Mr. Chairman.

11 In this particular version of south
12 Florida -- I think before you talked about the
13 City of Miami Gardens, and in this particular
14 version, that city is kept whole within
15 District 33.

16 So if -- but referring to other
17 municipalities in the area, we strove to keep
18 as many of them whole as possible, and
19 actually, in Miami-Dade, there's only three
20 municipalities that we split in this
21 orientation, that being of the Cities of Miami,
22 North Miami and Coral Gables, and each time
23 they were split because of Tier 1 reasons and
24 just a function of sometimes geography. The
25 municipal lines of Coral Gables is very long

1 and extends down to the south, and sometimes
2 just by geography we were unable to also comply
3 with Tier 2 and kept districts looking compact
4 while maintaining that. So in Miami-Dade
5 County, we only split three cities in this
6 particular orientation.

7 We split more in Broward County, all, I
8 think, except for a couple of them -- actually,
9 I think all of them due to either District 40,
10 which is a Tier 1 majority black district, and
11 then District 33, which in this case is also a
12 majority black district. So all of the
13 municipalities split in Broward County are
14 because of that. And in Palm Beach County, I
15 don't believe we split any municipalities.

16 SENATOR GALVANO: Representative Watson.

17 REPRESENTATIVE WATSON: Unfortunately, I
18 am going to disagree with you. If you look at
19 the red line that runs along the side of Miami
20 Gardens on its east side, that represents I-95,
21 Miami Gardens. That city is not in its
22 entirety. On its western border, that is not
23 correct either for its western border.

24 So here becomes my question to you. Miami
25 Gardens incorporated in 2003 with 103,000

1 people in the city. It elected itself to be
2 whole, to move away from its county, and we now
3 split it. I think that that's wrong. I think
4 we should be looking at Miami Gardens in its
5 entirety. Its population is greater than more
6 than -- we have 67 counties. Thirty-three of
7 them are smaller than that one city. Why are
8 we splitting it? I think it has its own
9 sandbox. Do you not agree?

10 SENATOR GALVANO: Mr. Poreda.

11 MR. POREDA: Representative, I will be
12 happy to meet with you privately if you want to
13 discuss this, but in this particular version of
14 south Florida, according to the data that we
15 have for it, Miami Gardens is kept whole in
16 this version of South Florida in Map 9070 and
17 the other map I will get to, which is Map 9078.
18 I think there is another version of south
19 Florida where we do split Miami Gardens, but in
20 this particular orientation, we keep it whole.
21 But I would be happy to go over those specific
22 boundaries with you privately if you want to
23 look at the three different South Florida
24 options, and we can -- we can discuss that.

25 SENATOR GALVANO: Follow-up?

1 REPRESENTATIVE WATSON: As we move further
2 south in District 35, we are looking at our
3 districts there having some under-performance
4 by people of minority or African-American
5 minority. There are no other opportunities for
6 us to be able to make that a more cohesive kind
7 of community so that they can still have the
8 opportunity to elect people of their choice?

9 SENATOR GALVANO: You are recognized.

10 MR. POREDA: I'm sorry, ma'am. What
11 exactly are you asking, I'm sorry?

12 REPRESENTATIVE WATSON: In District 35,
13 okay, I am understanding that there are some --
14 yes, District 35. How is that particular
15 district performing in the African-American
16 community?

17 MR. POREDA: That is another district. I
18 can tell you the overall VAP. Give me one
19 moment. That district -- the overall voting
20 age population of District 35 is 14.5 percent,
21 but that is a district that I mentioned before,
22 even looking at Hispanic or African-American,
23 we did not evaluate performance for that
24 particular district. That district is really
25 surrounded by other performing minority

1 districts, and that is what's left over, and we
2 tried to draw that district in as Tier 2
3 compliant way as possible. We followed a lot
4 of major roadways, I believe the Dixie Highway
5 is for the majority of its eastern border
6 before it goes out and gets some other major
7 borders. It includes the entire city of
8 Homestead and Florida City to the south, the
9 entire city of Cutler Bay and Palmetto Bay and
10 goes up there. So that is really a Tier 2
11 district and we look at that when we drew that.

12 SENATOR GALVANO: Representative Moskowitz
13 for a question.

14 REPRESENTATIVE MOSKOWITZ: Thank you, Mr.
15 Chairman.

16 I just wanted to go back to the Tampa Bay
17 area really quickly. You talked about -- and
18 this is a question for the attorneys. You
19 talked about crossing the bay, and in all these
20 maps, we cross the bay. I felt that it -- an
21 idea from counsel why in the last drawing of
22 the maps we were specifically instructed by the
23 courts not to cross the bay, but in this
24 instance, in almost every map, we are crossing
25 the bay. And so I know there is an

1 explanation. I think we need to hear it.

2 SENATOR GALVANO: Mr. Meros.

3 MR. MEROS: Thank you for your question.

4 There is a very big difference. The
5 Supreme Court in Reapportionment 7 noted that
6 the congressional Hillsborough to Pinellas
7 district elected a non-minority candidate, and
8 this Senate district is a performing district
9 for an African-American. And if you try to
10 draw it within Hillsborough County, and there
11 were efforts made in Hillsborough County,
12 without going into Pinellas, let me just give
13 you some specifics. And these were, I believe,
14 Drafts 18 and 19 that are available for your
15 review and for public review.

16 In the benchmark 2002 district, registered
17 Democrats who were black was 57.5 percent. In
18 the two draft, 18 and 19, that went down to
19 44.9 percent, 47.5 percent. In the 2012
20 general turnout, voters who were black in that
21 district in the benchmark in 2002 was 43.5
22 percent. That dropped in the efforts made to
23 draw without going into Pinellas the 30.9
24 percent in one iteration, 32.7 percent in
25 another.

1 Going -- and there are other statistics, I
2 won't bore you with that, but going to the
3 turnout in the 2000 general, the voters who are
4 black in the 2010 general were 40.8 percent in
5 the benchmark. That went down to 27.6 percent
6 in Draft 18 and 28.8 percent. And then,
7 finally, the Democrats who were black in the
8 2010 primary -- and, again, the essential
9 analysis is, is there a path to victory for the
10 minority candidate in a primary so that they
11 can win the general. And the Democrats who
12 were black in the 2002 benchmark was 56.4
13 percent. In the Drafts 18 and 19, that went
14 42.2 percent and 44 percent in those two
15 drafts.

16 And so in our view, and I think any -- any
17 analysis would suggest that's a substantial
18 diminishment. It makes it less likely that the
19 minority candidate will win. And also I would
20 note that in all of the districts drawn by the
21 plaintiffs in the original Senate litigation,
22 all of the plaintiffs, all of their draft maps
23 went from Hillsborough County into Pinellas
24 County.

25 SENATOR GALVANO: Follow-up?

1 REPRESENTATIVE MOSKOWITZ: Just one
2 follow-up, Mr. Chairman. Thank you.

3 So following up on Senator Braynon's
4 question back to the data from 2010, staff's
5 explanation was that the reason why we are not
6 using the more up-to-date data, which is
7 available, is it would take hundreds of
8 manhours to compile it.

9 Seeing how we've known that we were going
10 to be in this process for several months now,
11 when was the decision made, who made the
12 decision, that we weren't going to commit the
13 manhours to try to put that data together?

14 SENATOR GALVANO: Mr. Ferrin.

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

16 I took over as staff director of the
17 Senate Reapportionment Committee in July. The
18 court's decision came out July 9th. I don't
19 know that there would have been hundreds of
20 hours available to dedicate to that immediately
21 afterwards, coming back into the congressional
22 special session in August and working directly
23 on that, starting right on that, you know,
24 right away. So I don't know that that ever
25 came up as -- as a seriously feasible option

1 would be to complete all that work and get that
2 together. Certainly we would have liked to
3 have had it available, but we didn't have that
4 option.

5 SENATOR GALVANO: Yes.

6 JUSTICE CANTERO: Thank you, Mr. Chairman.
7 I would just like to add that in the litigation
8 in last year with the plaintiffs, there was
9 never any allegation that, you know, once we
10 had 2012 primary data or that data was out
11 there, that there was any requirement to use
12 that data or 2014 data once that became
13 available. So that's never been an issue in
14 the litigation, that we are using incorrect
15 data.

16 SENATOR GALVANO: Thank you.

17 Okay. Members, just a little bit of
18 housekeeping. We are going on an hour and 50
19 minutes, we are on the first map, and perhaps
20 -- perhaps a better methodology is to -- we'll
21 let the map-drawers explain where they are,
22 then we will open up for questions after
23 they've gone through the presentation, I mean,
24 unless it is something extremely specific which
25 as Vice Chair Braynon had asked for a rewind,

1 if I recall, but just keep that in mind as we
2 go forward.

3 We -- the Senate has waived the rules to
4 extend, and, you know, I defer to the Chairman
5 of the House committee if we get to that point,
6 but, anyway, that's where we are, and
7 Mr. Poreda, you are recognized.

8 MR. POREDA: Thank you, Mr. Chairman.

9 That just about concludes South Florida
10 for Map 9070 and really puts that map -- and I
11 think the next slide here -- yeah, moving on to
12 Map 9078.

13 So this is a Methodology 2 map that we
14 drew that has the same version of that
15 Miami-Dade, Broward, Palm Beach, Monroe
16 sandbox. So when we get to the end, I won't go
17 through those districts again, because they are
18 the same as what we just went through. So I
19 will focus on the overall stats of the map and
20 then move on to kind of show you some of the --
21 what this map looks like and the differences
22 between it and some of the other drafts that we
23 drew.

24 So Map -- Map 9078, it -- you can see here
25 the different Tier 1 districts drawn throughout

1 the map. The African-American opportunity
2 districts are Districts 6, 12, 20 and 39 in
3 this particular map. The African-American
4 majority-minority districts is -- down in south
5 Florida are Districts 33 and 40, as they were
6 before, as well as the majority Hispanic
7 districts, 36, 37 and 38.

8 So this is, as I mentioned before, a
9 Methodology 2 map. So the overall county and
10 city splits are less impactful here, whereas
11 the number of times individual counties are
12 split in trying to make that equal across it
13 and some of its neighboring counties and trying
14 to limit the impact of maybe one county getting
15 split more than another in an effort to keep
16 counties whole, and we are now kind of
17 spreading those splits out and making them
18 equal across all of the cities -- or all of the
19 counties, rather.

20 You can see the overall Reock of this map
21 is .42 and the convex hull is .78, the
22 Polsby-Popper, .38. You can see the political
23 and geographical boundary average is
24 94 percent. It is very similar to the last map
25 that we drew, 1 percent more, but as I

1 mentioned before, within a couple of
2 percentages, that's all very good. The overall
3 deviation of this map is 3.1 percent. The two
4 districts that achieve the upper and lower
5 ranges are Senate District 20 on this map and
6 Senate District 8. Senate District 20 is 6,933
7 people below the ideal population of this
8 Senate district, and District 8 is 7,696 people
9 above the range.

10 Now, those two deviations are not whole
11 counties like they were in the last map, but
12 they are really a function of the sandboxes
13 that I will go through here in a minute.

14 So you can see in this particular map,
15 there's only two districts that are made up
16 entirely of whole counties. That is District
17 3, which is the same in all of the maps, and
18 District 25, which is actually the same as a
19 district in the previous map that I just
20 presented, which is made up entirely of
21 Okeechobee, St. Lucie and Martin County. But
22 those are the only two whole-county districts
23 in this map, and you can see them here and they
24 are on slide -- you can see the District 3 and
25 District 25 there.

1 This map, though, has the most number of
2 sandboxes as any of the maps that we drew.
3 Some of the sandboxes that are in some of the
4 other maps have larger amounts of counties for
5 more districts, but this one has ten sandboxes
6 throughout the map, including the three that we
7 have in all six of the maps.

8 And you can see here a particular note,
9 some of the sandbox ideal population numbers.
10 So if you look at Tampa Bay north, you can see
11 the ideal population for the six districts
12 within that Tampa Bay north configuration,
13 which in this one is Hernando, Pasco, Pinellas
14 and Hillsborough County combined, those four
15 counties, is negative 6,159. And the district
16 -- Senate District 20 is one of those districts
17 within that sandbox, and its population is
18 negative 6,933. So you can see we came very
19 close of achieving that ideal number, just
20 within a few hundred voters, but that's what
21 governs that particular district's population
22 deviation. And in Senate District 8 is in the
23 remaining counties' sandbox, which is about
24 7,000 people over, and you can see that we were
25 at 7,600 for that particular district. So we

1 are within 600 of that particular sandbox's
2 ideal population.

3 In the next graphic here, you can see all
4 of those different sandboxes laid out
5 throughout the map. So you can see that really
6 the entire state is made up of their smaller,
7 individual sandboxes, except for the
8 whole-district counties, 3 and 25. So you can
9 see here that that is much smaller sandboxes
10 than some of the other maps where some of these
11 sandboxes were combined. This is a way of
12 segmenting this off into smaller sandboxes, but
13 most of any map.

14 You can see here Districts 1 and 2.
15 Here's the different orientation of splitting
16 Okaloosa County that we mentioned before where
17 we use I-10 and go around the City of Crestview
18 and back to I-10. This is different than the
19 vertical orientation that we had in the
20 previous map. You can see here District 3 is
21 the same.

22 Now, with districts -- District 4, this is
23 a different looking District 4 than you saw on
24 the previous map and that you will see in other
25 drafts as my colleagues go through them. This

1 one is made up entirely of whole counties and
2 then splits Alachua County once with District
3 7. This was actually -- when we -- in the
4 drafting process, this was created because we
5 had drawn a whole-county district that went
6 from Baker County all the way to Sumter County,
7 and that was a big giant C in the map and there
8 was some concern among the map-drawers and of
9 counsel that drawing a district that even
10 though it was made up of whole counties that
11 connected the northern border of Florida all
12 the way to Sumter County, it was probably not
13 the most visually compact-looking district. So
14 we found another way of orienting these
15 counties and created a sandbox between it and a
16 neighboring district and split the one county
17 just into two districts, which fits with
18 Methodology 2.

19 You can see here District 9 is made up of
20 St. Johns, Flagler and then into Volusia County
21 to gets its remaining population, and Marion
22 County is kept whole here, as is Putnam County
23 kept together, and then it goes down into Lake
24 County to get its remaining population, but
25 unlike the last map where we split Lake County

1 three times, now Lake County is only split
2 twice.

3 Here is a good example in Central Florida
4 of us trying to even out the splits. In this
5 map, Orange County is only split three times
6 into three districts, as is Hillsborough
7 County, it is only split three times into three
8 different districts, both counties having a
9 minority opportunity district either within it
10 or mostly within it. And then a neighboring
11 county, looking at Hillsborough County, Pasco
12 County is now split three times to keep the
13 equity there of the splits, and looking at
14 Orange County, Volusia County has three splits
15 in it to keep that equitable. So of those four
16 counties, they are each split three times.
17 There isn't One split four times and one split
18 twice, which Methodology 2 has the desire to
19 kind of even out those splits to make sure
20 there's equality among some of those counties.

21 The other counties that are split in the
22 map, with the exception of Broward and
23 Miami-Dade Counties, which -- and Palm Beach
24 Counties, which you have to split three or more
25 times just based on math, the populations of

1 those counties are too big, you have to fit
2 districts within them and add more than three
3 districts, but Lake County, Polk County,
4 Alachua County and Lee County are all only
5 split into two different districts. So this
6 was our way of applying Methodology 2 and
7 spreading those splits out, as is Sarasota
8 County, I'm sorry, also split just into two
9 different districts.

10 You can see here, District 14 has the rest
11 of Volusia County, goes into Brevard County.
12 District 17 has what's left of Brevard County
13 and then all of Indian River County. Pasco
14 County, even though it is split three times,
15 its remaining population is added to Hernando
16 County to get its Senate district.

17 You can see here that instead of crossing
18 that bay the second time, because we were
19 trying to even out the splits, we took the
20 northern Pinellas district and took it north
21 into Pasco, which enabled us to put that
22 southern peninsula of Tampa in a district that
23 is mostly Hillsborough and then goes up into
24 Pasco for its third split, just try to limit
25 another district coming from Pinellas into

1 Hillsborough to gets its remaining population.

2 And District 21 is entirely within
3 Hillsborough on the east side. And Polk, most
4 of its population is in District 22, again,
5 going around the municipalities to I-4 there.

6 So, now, looking in the southwest part of
7 the state, you can see Manatee County kept
8 whole and splits Sarasota County, but only into
9 two different Senate districts. The remaining
10 population of Sarasota County is added to four
11 whole counties: That's DeSoto, Charlotte,
12 Glades and Hendry County. And then, again,
13 because Lee County has enough population to
14 have a Senate district within it, the remaining
15 population of it is added to Collier County to
16 create its own little sandbox that you will see
17 throughout other drafts that we have here.

18 The boundary line there within Lee County,
19 in case you are wondering, we kept the City of
20 Bonita Springs and Ft. Myers whole there. So
21 the bulge that you see in District 27, that is
22 going around the municipality of Ft. Myers in
23 an effort to keep that city whole.

24 Now, moving to Southeast Florida and that
25 Palm Beach, Broward, Miami-Dade, Monroe sandbox

1 we've talked about before. This is the same as
2 it was in Map 9070. So there is not a need for
3 me to present it all again. We just went
4 through all of those districts. They are
5 identical to how they were in Map 9078.

6 And now for the next map, I will turn it
7 over to my colleague, Mr. Takacs.

8 SENATOR GALVANO: Do we have any
9 questions? Senator Gibson.

10 SENATOR GIBSON: Thank you, Mr. Chair, and
11 this goes back to one of my questions I asked
12 earlier, but I didn't get the definition nor
13 complete understanding.

14 So in the deviation column on our figure
15 page here, what is -- what does that number
16 represent? Because in the previous map for
17 Districts 5 and 6, one had a deviation of minus
18 3,500, the other -- I guess that is a plus if
19 it doesn't have a minus in front of it -- was
20 1,072, and then in this map, No. 78, both 5 and
21 6 have a minus in their deviations.

22 So I think my earlier question was, does
23 that represent people, or is that figure some
24 deviation from the total statewide? I don't
25 understand it, basically.

1 SENATOR GALVANO: You are recognized.

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

3 And, Senator Gibson, the -- what that
4 column is is a representation of the statewide
5 -- the deviation from the statewide's ideal
6 population. So if you added up the population
7 of Florida and divided it by 40, you get
8 470,033, and that would be the ideal population
9 for each Senate district.

10 The deviation on that is whether that
11 district is under or over the ideal population
12 for a Senate district. So District 5 in that
13 case is -- I think I'm looking at -- 1,387
14 people less than an ideal size senate district
15 of 470,033. So that is the -- that is the
16 deviation from the ideal. And if you look at
17 the top of that column, that number there is
18 the overall deviation in the map. The overall
19 deviation is the difference between the least
20 populated district and the most populated
21 district, that raises a percentage, and that's
22 what in the memos that outline the methodology
23 when the directive was to keep the overall
24 deviation under 4 percent, that's what this was
25 referring to.

1 SENATOR GALVANO: Follow-up, yes.

2 SENATOR GIBSON: Okay. So if both of
3 these have negative deviations from the ideal,
4 does that mean that two counties then are
5 smaller in number anyway?

6 MR. FERRIN: That is correct -- excuse me,
7 Mr. Chairman.

8 SENATOR GALVANO: Yes.

9 MR. FERRIN: If you were to look at the
10 sandbox we have there for Nassau and Duval, you
11 add the population of those two counties
12 together, you get 937,577 --

13 SENATOR GIBSON: Uh-huh.

14 MR. FERRIN: -- divide that by two Senate
15 districts, and you get 468,789. So within
16 those two counties, within that sandbox, if you
17 are going to adhere to that and you are going
18 to draw two Senate districts entirely within
19 Nassau and Duval Counties, each one would have
20 an ideal population of minus 1,245.

21 SENATOR GIBSON: Okay. I have one --

22 SENATOR GALVANO: Yes.

23 SENATOR GIBSON: Thank you, Mr. Chair.

24 So I noticed that 70 is different for 5
25 and 6, 70 is different from 78, and they are

1 both different from -- well, obviously, from
2 the benchmark because one of them went down to
3 Daytona, but -- and they are both obviously
4 different from the current Senate map. But
5 since they are in two counties anyway, what is
6 it that the map-drawers are trying to achieve?
7 Because also in one, the BVAP is 42.5 percent,
8 and in the other, it is 42.7 percent, and
9 currently, it is 43 percent, so --

10 SENATOR GALVANO: Mr. Ferrin.

11 MR. FERRIN: Mr. Chairman, thank you, and
12 Senator, when we set out to draw that area of
13 the state, we started with a blank map. We
14 drew it one way and we said, okay, let's --
15 let's save that where it is and let's try it
16 again and just see if we can draw it much
17 differently.

18 We wound up with two versions, one of
19 them, which was more compact than the other,
20 the other one which followed county political
21 and geographic boundaries better than the
22 other. So we saved those, we ran the
23 functional analyses on them, we looked at them,
24 we determined they both performed. We felt as
25 though we had two viable options for how to

1 draw those areas, two valid options that
2 illustrate the policy choice for the
3 legislators. You go with the version that has
4 a more compact district or the version that has
5 one that better follows political and
6 geographic boundaries. They both perform at a
7 level which we feel is as likely to elect a
8 candidate of choice as the benchmark plan was,
9 and so we have -- we have decided to -- we have
10 chosen to move that -- those two options
11 forward for the members to look at.

12 Now, if you are asking why each
13 configuration is in the maps that it is, we
14 tried to spread out the options and pair that
15 combination with a Methodology 1 in some maps,
16 and Methodology 2 in the others. Because it is
17 a sandbox like that that exists in all the
18 different base maps, you could theoretically
19 plug it in to any one. So if the Legislature
20 determined that they wanted to go with the more
21 compact version, for whatever reasons, that
22 could be amended into whichever base map the
23 Legislature decides to move forward without
24 having any sort of ripple effect on the
25 surrounding district because it's in its own

1 sandbox.

2 SENATOR GALVANO: Okay, Mr. Takacs.

3 MR. TAKACS: Thank you, Mr. Chairman.

4 The map I am going to start with here this
5 afternoon is 9072. You can see it there on the
6 screen, the statewide map.

7 The Tier 1 districts in this particular
8 map, the African-American opportunity districts
9 are Districts 6, 12, 22 and 33, 6 being in the
10 Jacksonville area, 12 being in Orange County,
11 22 being in Hillsborough and Pinellas Counties,
12 and 33 being in Miami-Dade and Broward
13 Counties.

14 The two African-American majority-minority
15 districts in this particular map are Districts
16 39 and 40, 39 being entirely within Miami-Dade
17 County, District 40 being entirely within
18 Broward County.

19 The three Hispanic majority-minority
20 districts in this particular map are Districts
21 35, 36 and 37, all of which are entirely within
22 Miami-Dade County.

23 9072 is a Methodology 1 map. Its overall
24 population deviation is 2.8 percent. Again,
25 thinking about Methodology 1, this is the

1 concept of concentrating the county splits in
2 an effort to keep as many counties whole as
3 possible. For the compactness of this map, its
4 average from a Reock perspective is .43; again,
5 Reock, as a reminder, is the concept of taking
6 a district, wrapping a circle around it as
7 tightly as you can and figuring out how much of
8 the area of that circle the district takes up.
9 So a score of a .43 would mean that the overall
10 map takes up 43 percent of that circle.

11 Its convex hull score is a .79; again,
12 similar concept. Take a rubber band and wrap
13 it around the district and measure the area
14 within that rubber band shape. Again, .79 for
15 its average Reock score, and Polsby-Popper,
16 which is a measure that looks to measure the
17 number of indentations that a particular
18 district would have, is .39.

19 This particular map has a 92 percent
20 average of following political and geographic
21 boundaries. And moving on to counties and
22 cities, this particular map, 9072, splits only
23 14 counties and 15 cities.

24 Moving on to the concept of whole
25 districts -- or, I'm sorry, whole county that

1 create districts, in this particular map, there
2 are four, Districts 3 and 4, as well as
3 Districts 11 and 26. You can see where their
4 population deviations lie as it relates to the
5 ideal population of a state Senate district.

6 And you can see here on the map those four
7 districts illuminated: District 3 there in the
8 Panhandle/Big Bend area, which has 11 counties
9 whole within it, District 4 is in the yellow
10 directly to its east, which has nine whole
11 counties in it, and then as we move south,
12 District 10, which is all of Pasco County as
13 Mr. Poreda talked about before, its population
14 fits in within that range of 4 percent of the
15 ideal Senate district population, and so it is
16 its own district in this particular version, as
17 well as the three-county grouping of
18 Okeechobee, St. Lucie and Martin Counties,
19 which also fit within that range.

20 Moving on to the sandbox concept, there
21 are eight in this particular map. And thinking
22 about the various sandboxes within the map, I
23 am thinking about Senator Gibson's question
24 earlier. Not only does it allow you as
25 policy-makers to pick up a multi-county area,

1 make changes to it and push it -- and put it
2 back into the map if you'd like to, but it also
3 works to keep as many county boundaries intact
4 as possible as we are developing a map. And so
5 you have -- you minimize that ripple effect of
6 one change in a district in one area leading to
7 such a large change in other areas throughout
8 the state and keeping those county boundaries
9 intact.

10 It is also important to note, thinking
11 about the four particular sandboxes here as
12 it's been alluded to earlier, what we worked to
13 try to do was to keep the deviations within the
14 districts within each sandbox as similar to
15 each other as possible. They all might be
16 slightly off of the ideal population of a
17 Senate district, but they all are going to be
18 closer to each other with the districts that
19 are its neighbors within that particular
20 sandbox.

21 As you can see here, this is more of a map
22 showing those particular sandboxes. Some of
23 the similar ones that have been described
24 before are in the Panhandle there with
25 Districts 1 and 2. You have the same

1 four-county sandbox of Pinellas, Hillsborough,
2 Manatee and Sarasota Counties, as well as the
3 sandbox in South Florida, which is all of Palm
4 Beach, Broward, Miami-Dade and Monroe Counties.

5 This particular map also has the
6 two-district sandbox, which is Lee and Collier
7 Counties together, and this also has a new
8 sandbox that hasn't been mentioned yet today,
9 which is the combination of Orange and Osceola
10 Counties being three districts.

11 So as we start with the Panhandle here,
12 this is the exact same iteration of that
13 vertical split for District 1 and District 2 in
14 Okaloosa County. This version is identical to
15 the one that Mr. Poreda talked about earlier.
16 It also keeps all of the City of Crestview
17 whole within District 2 and follows county
18 roads, the Yellow River and some of those minor
19 roadways within the bombing range that was
20 discussed earlier. District 2 has the
21 remainder part of Okaloosa County and then
22 those whole counties as it moves eastward to
23 Jackson County.

24 District 3 is identical, as it's been
25 mentioned before, keeping 11 counties whole,

1 and that is the entirety of that district.

2 As we continue to move to the east,
3 District 4 is comprised of nine whole counties,
4 which was similar to one of the other
5 Methodology 1 maps that's been presented.

6 Again, as we continue to move east to the
7 Nassau/Duval sandbox, this particular version
8 of District 6 is the one that goes more of a
9 northward direction that follows the county
10 boundary and I-95 better than its other
11 version, but as it's been mentioned earlier, is
12 also less compact.

13 As we move southward, when you look at
14 counties like Clay and Putnam and St. Johns and
15 Flagler, in this particular version, you can
16 see those have more of a vertical iteration to
17 those districts versus some of the other maps
18 that are before you to choose from, and that
19 was just, again, as we're trying to -- looking
20 at these different regions and create different
21 options and different looks for you, this was a
22 particular version that we had come up with,
23 but, again, both of those areas are more
24 vertical in nature.

25 It is also important to note in this

1 particular version, when you look at Marion
2 County, which is at the very bottom of the
3 screen there that has a brown district, a
4 reddish-pinkish colored district and a slightly
5 green there right at the bottom district, this
6 is splitting Marion County three ways. And
7 when you look at the -- kind of the northern
8 Central Florida area, thinking about Marion
9 County, thinking about Lake County and thinking
10 about Volusia County, those are three
11 highly-populated counties that we were trying
12 to do different versions of as we created the
13 base maps. As it was mentioned earlier, we
14 have base maps that keep all of Marion County
15 whole. This particular one, as we move to a
16 little bit further south, keeps all of Lake
17 County whole. And so this is what would show
18 you as -- if we keep Lake County whole, how
19 that impacts the rest of the region.

20 As we move slightly to the west before I
21 talk about more Central Florida/Orange County
22 area, District 9 there is all of Hernando
23 County, Citrus County, Levy County and portions
24 of Marion County. It is important to note on
25 this particular map, that that district is the

1 low-water mark as far as its deviation. It is
2 minus 7,167 in its population, and the reason
3 for that, it is hard to tell on this particular
4 screen, is as it comes over into western Marion
5 County and moves eastward, it works to follow
6 all of the major highways within Marion County,
7 but then it works around Ocala to keep Ocala
8 whole. So in an effort to keep Ocala whole
9 within District 7, District's 9's population
10 had to be slightly lower than the ideal
11 population, and, again, it has three whole
12 counties for the remainder of its district as
13 well.

14 Again, as we move to the east, we can look
15 at District 12, which is wholly within Orange
16 County. That is the African-American
17 opportunity district there.

18 This particular map also has District 15,
19 which is wholly within Orange County. And as I
20 mentioned earlier, one of the sandboxes we
21 deployed in this particular map is three
22 districts all within Orange and Osceola County.
23 So you have two districts wholly within Orange
24 County and then District 19 in this map. That
25 is all of Osceola and then the remaining

1 portion of Orange County.

2 As you see on this particular version in
3 Orange County between 19 and 15, that vertical
4 line that you see there for the bulk of the
5 districts is the Beeline, which is a major
6 thoroughfare in the area.

7 We will move slightly to the north. As
8 Mr. Poreda had mentioned, Seminole County can
9 be kept whole in a Senate map, but it needs
10 just a little more population in order to get
11 into that range -- that 4 percent range of an
12 ideal population for a Senate district. So in
13 this particular version, we did not go south,
14 as Mr. Poreda had mentioned earlier. We then
15 took it northward for this option into Volusia
16 County, being mindful of the municipalities
17 that are to the west of I-4, thinking about
18 Deltona, DeBary, Orange City. That's why it
19 has that particular shape there, District 13,
20 that northern, kind of northwest area there of
21 the district is it's being mindful of those
22 municipalities.

23 We will kind of move kind of south and to
24 the west a little bit and talk about Polk
25 County for a little bit. Polk County has a

1 population of over 600,000 people, so it can
2 have a Senate district entirely within it, and
3 we do that here in 9072 with District 18 being
4 entirely within the county.

5 Also, thinking about Polk County where we
6 were also extremely mindful of the
7 municipalities within that county, which is why
8 it has especially its southern border and its
9 northern border looking to keep the
10 municipalities there, thinking about the north,
11 trying to keep cities like Auburndale whole,
12 and as it works to the south, trying to keep
13 the municipalities in that region whole as
14 well.

15 Moving over to the west into the Tampa Bay
16 region, Pasco County is kept whole, as we had
17 stated earlier. And as we move southward into
18 that sandbox, which is Pinellas, Hillsborough,
19 Manatee and Sarasota, you can see here Senate
20 District 22 in this particular map is very
21 similar, I don't think it is identical, but
22 very similar to the one Mr. Poreda had
23 presented earlier. It recreates that
24 opportunity for the African-American community
25 to elect its candidate of choice in the region.

1 District 21 is a southern Pinellas and
2 then it comes over across the bay into
3 Hillsborough County as well. Again, as
4 Mr. Poreda had mentioned, there are a couple of
5 different options in how we tackle this region,
6 and one of which is to have that middle
7 Pinellas district cross over the bay and get
8 that peninsula there in Tampa, or allow the
9 northern Pinellas district to do that. This
10 particular version has the central Pinellas
11 district crossing the bay to do that, and it
12 does so in a more compact manner than if were
13 to use, in this instance, District 16 to come
14 over and down.

15 Hillsborough County, District 17 is wholly
16 within the county there and takes kind of the
17 northern half of the -- of the county, and then
18 District 23 has the remaining portions of that
19 county and then it goes further south into
20 Manatee County.

21 As we move further south here, you can see
22 the rest of District 23 there. In the previous
23 version that was presented, there was a major
24 highway that had a -- kind of a curve -- a
25 curvature to the southern end of that district.

1 What we did here was use a different state road
2 in order to achieve more of a straighter line,
3 and then you will see it kind of dip down to
4 gets its extra population while allowing
5 District 24 on its western area as it comes up
6 into Manatee County to keep the City of
7 Longboat Key whole, and then also just the
8 remaining areas of Manatee County as well.
9 That's keeping all of Sarasota County whole.

10 Looking at District 25, it is made up of
11 entirely whole counties of Charlotte, Glades,
12 Hendry, Highlands, DeSoto and Hardee County, as
13 well as the remaining portion of Polk County as
14 it moves to the north.

15 This particular version has that
16 three-county sandbox as we had mentioned before
17 of Okeechobee, St. Lucie and Martin Counties
18 kept whole within one district.

19 Moving over to the west with Lee County
20 and Collier County there, again, a two-county
21 sandbox that has two Senate districts entirely
22 within it. This is a different version than
23 the one that was explained before. This one
24 has more of a horizontal feel to it. It also
25 keeps all of the cities within Lee County

1 whole, but just does so in a different manner.
2 And Collier County then comes up into Lee
3 County, keeping the cities whole there in Lee
4 County and not splitting the cities there.

5 Moving on to south Florida, I will start
6 with Palm Beach County. There are two
7 districts entirely within the county, and then
8 one that does cross the line into Broward
9 County. It is important to note that in this
10 particular map, all of the municipalities in
11 Palm Beach County are kept whole.

12 In moving southward into Broward County,
13 there are three districts entirely within the
14 county, one of which being the
15 majority-minority African-American district,
16 being District 40 there. And when you look at
17 Broward and Miami-Dade County specifically,
18 there are a significant number of
19 municipalities that are all abutting each other
20 as you move around the counties there, and so
21 what we were working on, while trying to
22 recreate those Tier 1 districts and those Tier
23 1 opportunities for the minority communities to
24 elect the candidates of their choice, whether
25 it is African-Americans or Hispanics, is also

1 to try to keep as many cities whole as we could
2 throughout that process. Looking at this
3 particular map in District 40, you can see it
4 has on its western end kind of a squared-off,
5 block-ish kind of a figure there. That is
6 basically as a result of the City of Tamarac
7 being kept whole within that district.

8 District 40 also keeps the Cities of North
9 Lauderdale, Lauderdale Lakes and
10 Wilton Manors whole entirely within District
11 40.

12 Looking at District 33, that is the
13 district that's there in southern Broward
14 County that also goes into Miami-Dade County.
15 That is the opportunity district where it is
16 not a majority-minority African-American
17 district, but the African-American community
18 has a strong of enough presence within the area
19 to elect a candidate of their choice without
20 being a majority-minority district, and so that
21 opportunity is recreated here in District 33.
22 Looking at that particular district, it keeps
23 six cities whole within it, Miramar, West Park,
24 Pembroke Park, Hallandale Beach, Aventura and
25 Golden Beach.

1 Moving southward into Miami-Dade County,
2 again, there are four districts entirely within
3 the county and then portions of District 33,
4 which I mentioned earlier, and then, of course,
5 District 38, which is all of Monroe County and
6 a vast majority of the geography within the
7 county. There are two majority-minority
8 African-American districts in this map in this
9 county. Districts 39 -- I'm sorry, there's one
10 that's wholly within Miami-Dade County. That
11 is District 39. District 33 straddles the
12 county line. There are three majority-minority
13 Hispanic districts where the opportunity is
14 recreated within this map. Those are districts
15 35, 36 and 37.

16 Looking at District 39, as I mentioned, a
17 majority-minority African-American district
18 wholly within Miami-Dade County, it keeps ten
19 cities whole: The Cities of Opa Locka, El
20 Portal, Miami Shores, Indian Creek, Surfside,
21 Bal Harbor, Bay Harbor Islands, North Miami,
22 North Miami Beach and Sunny Isles Beach.

23 District 35, as we move to the south here,
24 again, a performing majority-minority Hispanic
25 district keeps three cities whole: North Bay

1 Village, Miami Beach and Coral Gables.

2 As we move to the west with District 36
3 there, it has kind of a boxy look there in
4 green on your screen. It has a lot of
5 unincorporated area of Miami-Dade County within
6 it, but also keeps two cities whole in South
7 Miami and Pinecrest.

8 Moving to the north, District 37 there in
9 a pinkish-red there on your screen, also kind
10 of a boxy shape that follows a lot of major
11 highways within the county, it keeps Miami
12 Lakes, Hialeah, Hialeah Gardens, Medley, Miami
13 Springs, Virginia Gardens, Doral and Sweetwater
14 whole within that particular district.

15 I won't go into the specifics on District
16 38, but, obviously, it keeps all of the
17 municipalities within Monroe County whole, and
18 as well as several others within Miami-Dade,
19 including Homestead and including Florida City
20 and others.

21 And so that, Mr. Chairman, concludes that
22 particular map. I do have one more map to
23 present, which is a Methodology 2 map.

24 SENATOR GALVANO: Do you have any
25 questions?

1 Senator Gibson.

2 SENATOR GIBSON: Thank you, Mr. Chair.

3 SENATOR GALVANO: You are paying attention
4 today.

5 SENATOR GIBSON: As much as I possibly
6 can. Now I lost my thought -- no.

7 In the -- in the map we just discussed and
8 I think previous ones in Orange County area, it
9 is -- this -- what is now, I believe, District
10 14 ends up split between I think two or three
11 districts maybe. And previously I know we
12 talked about using the 2002 map as a benchmark
13 because District 14 now is -- is a majority, it
14 is 50 percent. But when we were talking about
15 some south Florida districts that weren't
16 majority-minority in the 2002 benchmark map,
17 there was some other criteria, I guess, that
18 was used to make it so -- so that we could
19 continue to make it so today. So why isn't
20 that same methodology used for District -- what
21 is currently District 14 in the maps that we
22 have before us that have been presented?

23 SENATOR GALVANO: Mr. Takacs.

24 MR. TAKACS: Thank you, Mr. Chairman.

25 When you are referring to District 14, are

1 you referring to 9072 where it is half of
2 Volusia and parts of northern Brevard County?

3 SENATOR GALVANO: Yes.

4 SENATOR GIBSON: Yes.

5 MR. TAKACS: To answer that question the
6 best I can, Mr. Chairman, as far as I
7 understand it, and counsel can correct me if
8 I'm wrong, there is no Tier 1 requirement as
9 far as there being an opportunity there to
10 create an opportunity for -- for the
11 African-American or other minority community to
12 elect a candidate of its choice in that area.
13 So in this particular map, District 14 is
14 strictly drawn with Tier 2 standards in mind.

15 SENATOR GALVANO: Follow-up?

16 SENATOR GIBSON: Thank you, Mr. President.

17 And my understanding was that there was no
18 reason to do that in some -- a couple of the
19 south Florida districts, I think, but because
20 it has -- it -- the current situation exists
21 and it existed between the benchmark map and
22 current time, there was some other criteria
23 used to -- to keep it or make it a minority
24 opportunity or access, Hispanic. And so I am
25 asking for this -- why isn't that same

1 application made in Orange County?

2 SENATOR GALVANO: Mr. Takacs.

3 SENATOR GIBSON: Because today, in between
4 the benchmark map and today, the opportunity
5 does exist for a Hispanic access district.

6 SENATOR GALVANO: Yes, sir.

7 MR. TAKACS: Thank you, Mr. Chairman, and
8 I think I am following along with you.
9 Thinking about -- I will answer your question
10 about the Hispanic district first, and then we
11 can talk about Volusia County second, because
12 there are two different issues there.

13 The first is that when you look at -- like
14 this particular district on the map, District
15 19 is all of Osceola and portions of Orange
16 County. When we were in the base map
17 development process, we know that there is a
18 large Hispanic community within Orange, Osceola
19 and portions of Polk County, and in the
20 creation of the base maps, we had explored that
21 area quite extensively to see if a district
22 could be created there.

23 During that process, we had consulted with
24 counsel, and their counsel back to us is that
25 that particular area, thinking about the

1 benchmark map, the 2002 map, that particular
2 area did not meet the Gingles criteria of which
3 Tier 1 district would have to be drawn. And so
4 they advised us that we had to stick to the
5 Tier 2 standards and look to -- you know, draw
6 districts that have, you know, major political
7 and geographic boundary lines, that are
8 compact, you know, things of that nature. So
9 that answers the question for Orange County.

10 Now, thinking about -- you had asked about
11 Volusia County as well. When you look at the
12 2002 benchmark map, Senate District 1 does go
13 from Duval and extends southward into Volusia
14 County. You don't have a question about that,
15 I'm sorry?

16 SENATOR GIBSON: No. My question was
17 solely for the Orange County, and maybe I can
18 rewind the tape and listen to what was said
19 about -- it was a south Florida district that
20 was -- was not an ethnic minority-majority or
21 opportunity or access as district in the
22 benchmark map, but between that time and this,
23 it is so. And so my understanding was that
24 there was a different calculation, if you will,
25 used to make it so, so that we can make it that

1 way in the current map.

2 SENATOR GALVANO: You are rec- --

3 SENATOR GIBSON: Nobody remembers it?

4 SENATOR GALVANO: Justice Cantero.

5 JUSTICE CANTERO: I think Senator Gibson
6 is referring to District 35 when we were
7 talking about the 65 percent Hispanic VAP.

8 SENATOR GIBSON: Uh-huh.

9 JUSTICE CANTERO: But it was not drawn to
10 be a Hispanic district, I think that's what the
11 testimony was. It just happens to be a
12 district that has 65 percent Hispanic VAP, but
13 it won't necessarily vote Hispanic because of
14 the -- the turnout and citizen issues. So it
15 was not drawn to be a Hispanic district.

16 MR. FERRIN: Mr. Chairman, if I might just
17 clarify for a moment. When we looked at the --
18 one reason we look at the benchmark is to
19 determine how many minority districts need to
20 be drawn and where. And so the benchmark shows
21 that in south Florida and in Miami-Dade County,
22 there are three Hispanic majority districts
23 that perform for Hispanics, there are -- there
24 is one African-American majority district that
25 performs for African-Americans, and then there

1 is a -- an additional African-American
2 opportunity district which is not a majority,
3 which performs and has historically performed
4 for an African-American candidate. So -- and
5 our task was to try and recreate those
6 opportunities within that region. And
7 sometimes it may not necessarily line up
8 perfectly, sometimes, you know, maybe the
9 opportunity the district has moved some, but
10 that's because the population has moved around
11 and we are trying to adhere to other
12 constitutional criteria, such as compactness,
13 city and county splits. And so the districts
14 sometimes are going to have to change, they
15 won't line up exactly. With the
16 regionalized -- I mean, in the benchmark, there
17 was no Hispanic majority-minority district in
18 Orange County, and there's -- the conclusion
19 that we've reached through consultation with
20 counsel is that that district that was drawn in
21 2012 is not necessarily subject to Tier 1
22 protection. It doesn't have to be redrawn --
23 it isn't entitled to be redrawn as a
24 non-compact minority opportunity district or
25 minority-majority district. I hope that --

1 SENATOR GIBSON: I get it. So what
2 Justice Cantero said was the district down in
3 -- in Miami is that way just because of the
4 population, it wasn't drawn that way. And what
5 the map-drawers are saying is neither was
6 Orange County, and even though we have an
7 opportunity to draw it that way, we don't have
8 to. Is that what I am hearing?

9 MR. FERRIN: I think that's pretty
10 accurate.

11 SENATOR GIBSON: Okay.

12 MR. TACKACS: Yes, this is legal
13 compulsion.

14 SENATOR GALVANO: Justice Cantero.

15 JUSTICE CANTERO: I just want to clarify.
16 It's not just that you don't have to. It's
17 that sometimes you cannot draw a district --
18 unless it is a protected district, you have to
19 adhere to Tier 1 and Tier 2 standards. So
20 unless it is a district that requires
21 protection under Tier 1 for Section 2 or
22 Section 5 reasons, you can't draw an extended,
23 non-compact district.

24 And, in fact, that's what happened, if you
25 recall, in Apportionment 1, the district that

1 went from Jacksonville to Daytona, the court
2 said that was too non-compact and you had to
3 draw it wholly within Duval County. And so we
4 had to redraw that. So the court said you can
5 only draw districts non-compact to the extent
6 required to adhere to Tier 1 standards. So if
7 there's no Tier 1 reason for drawing a
8 non-compact district in that Orange County
9 area, then you can't do it.

10 SENATOR GALVANO: Senator Simmons.

11 SENATOR SIMMONS: Thank you, Mr. Chair.

12 As I -- as I am sitting here, I just want
13 to point out that I don't have enough paper,
14 I'd like to have some more, and that is a
15 prelude to me looking at the Florida Supreme
16 Court's decision on July the 9th, and it is on
17 page 73. It says, "Accordingly, after reaching
18 the conclusion that the redistricting process
19 and the resulting map had been tainted by
20 unconstitutional intent, the burden should have
21 shifted to the Legislature to justify its
22 decisions and no deference should have been
23 afforded to the legislature's decisions
24 regarding the drawing of the districts."

25 And so what I would ask is to get some

1 more paper. I would ask that we be given the
2 maps that have been drawn by the plaintiffs so
3 that we will now have the opportunity to -- as
4 we go through this process, to compare those,
5 each one of us, maybe not have the -- you know,
6 the staff do the presentation on it, but at
7 least so we as members, at least at this point
8 in time, are able to see how theirs compare to
9 each one of these base maps that are presented
10 to us.

11 SENATOR GALVANO: You are recognized.

12 MR. POREDA: Thank you, Mr. Chair.

13 SENATOR SIMMONS: I would also like to
14 have a copy of Senator Braynon's. I think he's
15 done one, too, and I think it would be
16 important for us all to see it.

17 SENATOR BRAYNON: Absolutely.

18 SENATOR GALVANO: Senator Sobel.

19 SENATOR SOBEL: Thank you, Mr. Chair.

20 First I wanted to thank Senator Galvano
21 and Rep Oliva for encouraging non-members to
22 attend the meeting. There's a lot of us here.

23 So with Tier 2, would the court view more
24 favorably, in your judgment, if you can, you
25 know, based on having more cities and counties

1 kept whole in Tier 2, as I think you have
2 indicated in this map that ends in 72?

3 SENATOR GALVANO: Mr. Ferrin, did you want
4 to answer that?

5 MR. FERRIN: Are you asking me to predict
6 what the court would favor?

7 SENATOR SOBEL: I am asking you --

8 MR. FERRIN: Counsel, do you want to --

9 SENATOR SOBEL: -- do you think that the
10 weight of the argument would be greater if you
11 have a heavier Tier 2 in some of the maps as
12 you do in Map 72?

13 SENATOR GALVANO: Mr. Cantero.

14 JUSTICE CANTERO: When you say a heavier
15 Tier 2 --

16 SENATOR SOBEL: More cities and more
17 districts.

18 JUSTICE CANTERO: More counties whole? I
19 think that is a -- certainly a legislative
20 prerogative. I don't think that -- I think
21 there are other -- other trade-offs in Tier 2
22 that would also be approved by the court. This
23 is one trade-off that we think is a very
24 legitimate trade-off to make, given what the
25 court said in Apportionment 1, that keeping

1 counties whole is a very legitimate purpose.
2 And, in fact, in the public hearings across the
3 state, the court quoted some of the voters at
4 the hearing, saying it is important to -- to
5 be -- for a county to be within a district.
6 And unlike municipalities, which can change
7 their borders because of annexations, a county
8 never changes its borders. So to keep a county
9 whole and to use counties as the geo- -- the
10 political boundary is a laudable goal.

11 SENATOR SOBEL: But maybe I am not being
12 clear, I apologize.

13 JUSTICE CANTERO: Yes.

14 SENATOR SOBEL: You or -- in my question,
15 suppose I believe that you have said that the
16 cities are being kept whole in Map 72, there
17 are more cities being kept whole, if I am not
18 mistaken, especially in south Florida with --
19 and the counties being kept whole and abiding
20 by Tier 1. Would that carry more weight if you
21 had more factors in Tier 2 that were complied
22 with, maybe -- not only counties, but cities?

23 SENATOR GALVANO: Are you saying if you
24 have both more counties and more cities?

25 SENATOR SOBEL: Yes.

1 SENATOR GALVANO: Okay. I believe the
2 answer is yes, but I will defer to counsel.

3 MR. MEROS: Senator, this points out just
4 how hard it is to do what these folks have done
5 over the years, because there are no -- there
6 are no clear mandates as to what to do with
7 regard to Tier 2, other than it says "Districts
8 shall be compact, and where feasible, comply
9 with political and geographic boundaries."
10 That's all it says. First decision on what
11 that meant was Reapportionment 1.

12 Now, compactness first is a purely
13 subjective eye-of-the-beholder look. Are there
14 fingers, are there other things? Everyone
15 can -- can view it differently. The numerical
16 compactness standards can be very misleading.
17 In one of them, I have forgotten which one it
18 was, you could have a district that is 1 foot
19 tall and a rectangle that extends for
20 500 miles, and that would receive a perfect
21 compactness score for that standard.

22 With regard to city and county splits, you
23 could -- you could focus entirely on cities and
24 you -- and which might yield wildly visually
25 non-compact districts. How the court would

1 view that, there is no -- there is no real
2 perfect determination. You could use highways
3 and freeways and, you know, the turnpike, which
4 could split more counties or split more cities
5 or yield some non-compact results. How the
6 court would assess that, no way because -- no
7 way to know because it is quite subjective. It
8 is a combination of things and the consistency
9 with which you try to apply the standards, it
10 is the best one can do, which is why discretion
11 in the Legislature and the deference given to
12 the Legislature is so important, because these
13 standards can conflict one against another, and
14 they can -- and they can yield different
15 numerical results. And so -- and that is
16 another reason why it is so important not to
17 say that there's ever a perfect map or ever a
18 best map, the permutations and combinations are
19 so extraordinary.

20 And so there's really -- it sounds like a
21 lawyer, but there's really no way to answer
22 that question because there is no definitive,
23 objective guidance that it must be this way or
24 it must be that way.

25 SENATOR GALVANO: Representative Watson.

1 REPRESENTATIVE WATSON: Thank you.

2 You indicated earlier in your presentation
3 on Map 72, you indicated on Seats 33 and 39,
4 you listed a number of cities that made up
5 those two districts. Would you be kind enough
6 again to tell me what was those cities?

7 SENATOR GALVANO: Mr. Takacs.

8 MR. TAKACS: That are whole within that
9 district, Miramar, West Park, Pembroke Park,
10 Hallandale Beach, Aventura and Golden Beach.
11 And the other one was 39 you had asked about?

12 REPRESENTATIVE WATSON: Yes.

13 MR. TAKACS: It keeps the cities of Opa
14 Locka, El Portal, Miami Shores, Indian Creek,
15 Surfside, Bal Harbor, Bay Harbor Islands, North
16 Miami, North Miami Beach and Sunny Isles Beach.

17 REPRESENTATIVE WATSON: Okay.

18 SENATOR GALVANO: Follow-up?

19 REPRESENTATIVE WATSON: Thank you.

20 In both those districts, would you not say
21 that Miami Gardens lie there, which is one of
22 the largest cities of all the ones you just
23 named; as a matter of fact, combined a number
24 of them to make up just the population of Miami
25 Gardens?

1 SENATOR GALVANO: Mr. Takacs.

2 MR. TAKACS: Thank you. Thank you, Mr.
3 Chairman.

4 I don't have the populations of all of the
5 cities here in front of me, but Miami Gardens
6 is -- the population that you had mentioned
7 earlier of roughly 100,000 individuals,
8 certainly.

9 SENATOR GALVANO: Follow-up.

10 REPRESENTATIVE WATSON: Thank you.

11 Miami Gardens happens to be the third
12 largest municipality in Dade County, fifth
13 largest in the state, and it is split up?

14 SENATOR GALVANO: Recognized.

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

16 Yes, it is, and I will tell you why in
17 this particular version. As we were drawing
18 maps in this region and in the entire map, our
19 overarching goal is to split as few cities as
20 possible. And so as we move about the map, and
21 particularly in this region, it is the Tier 1
22 standards that rise above that Tier 2 standard
23 for us in trying to draw the districts. And so
24 in this particular iteration, that particular
25 municipality is split in an effort to recreate

1 all of those opportunities for the various
2 minority communities to elect the candidates of
3 their choice, whether it is African-American or
4 Hispanic.

5 SENATOR GALVANO: Yes, follow-up.

6 REPRESENTATIVE WATSON: Let me indicate
7 that Miami Gardens is an African-American city.
8 It is 110,000 people, 83 percent of whom are
9 people of color, and you find that that's more
10 esthetically correct to split it up and make
11 other opportunities that really don't perform
12 or may not perform in the choice of the
13 candidate of the electorate -- the number of
14 people in that district?

15 SENATOR GALVANO: You are recognized.

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

17 Thinking about the law and what we were
18 tasked with doing was to create the
19 opportunities for specific minority communities
20 to elect the candidates of their choice as it
21 relates to the benchmark map, thinking about
22 the numbers of districts that would allow for
23 those communities to elect candidates of their
24 choice.

25 And so in this particular iteration, that

1 particular city was split in an effort to
2 create two districts, one of which is a
3 majority-minority African-American district,
4 the other being not a majority-minority
5 African-American district, but a district where
6 the African-American community was able to
7 elect a candidate of its choice. And so in
8 this particular iteration, that was how that
9 was achieved.

10 As was explained earlier, there are other
11 ways to achieve that and recreate those
12 opportunities, but as we were looking to draft
13 base maps and provide you, as legislators, with
14 different options, one of the options that we
15 had in Miami-Dade and Broward Counties was to
16 first recreate those opportunities, that's the
17 law, that's what we needed to do, but then also
18 to use those different municipalities in
19 different ways to create different options.

20 REPRESENTATIVE WATSON: One last
21 follow-up?

22 SENATOR GALVANO: Yes, final follow-up.

23 REPRESENTATIVE WATSON: Thank you.

24 Let me just make sure I understand you
25 correctly. We are going to break up a

1 performing minority district or city,
2 municipality, to create opportunities for one
3 that will not be performing in the ability to
4 elect a minority, and then create another area
5 that may or may not go that way either? Is
6 this what I am hearing you saying that you did
7 splitting up Miami Gardens? Because in itself,
8 it performed that way. Now, you -- I think I
9 understood you to say that it created two
10 separate districts, one of which that may not
11 perform as a minority and the other one that
12 possibly could?

13 SENATOR GALVANO: Mr. Takacs.

14 MR. TAKACS: If I could answer that.

15 First of all, you are misunderstanding
16 what I am saying here, yeah.

17 So first let's just think about the map
18 that we're in, our state Senate districts, and
19 so as we are looking at Senate districts,
20 they're roughly 470,000 people in population.
21 When you look at the benchmark map, the 2002
22 map, that map had a majority-minority
23 African-American district that performed
24 African-American, as well as a district that
25 did not have a black VAP of 50 percent or

1 higher, but it also performed for the
2 African-American community and allowed it to
3 elect a candidate of its choice. So that is
4 the task of the opportunities that we need to
5 recreate in these base maps for those
6 particular two districts.

7 In this particular version of 72, to
8 create those opportunities, both of which
9 perform, one would have a voting age population
10 of over 50 percent, would perform
11 African-American, one has a voting age
12 population of under 50 percent, but also
13 performs for the African-American community.
14 In this particular draft, in this particular
15 base map, that particular city was split in
16 order to achieve that. But, again, both
17 opportunities are recreated in this version of
18 south Florida in this base map.

19 SENATOR GALVANO: Senator Montford.

20 SENATOR MONTFORD: Thank you, Mr. Chair.

21 My question is not specific to any
22 particular map, but one of a general nature, if
23 that's permitted.

24 SENATOR GALVANO: That's permitted.

25 SENATOR MONTFORD: The question is we've

1 got an awful lot of information here, we've got
2 a lot of numbers, some of it -- we've seen it
3 before, those of us who have served on these
4 committees from the beginning. Is it
5 possible -- maybe it is here and I just don't
6 see it -- to somehow condense this, if you
7 will, to the pros and cons of each one of these
8 maps? In other words, for me, it would be
9 helpful to get my arms around what are the pros
10 and cons of each one of the restrictions or
11 parameters that we have so that we can make a
12 good, sound decision and not go off somewhere.

13 And the question I have, I mean, is --
14 this is one of the most important things that
15 we are going to be doing for a long time, and
16 for me, anyway, it would be very helpful, I
17 don't care how long the page is, so I can have
18 it, I can look at it and digest the data, to
19 see what the implications are for whatever
20 decision we make there. And perhaps that's in
21 the plan, Mr. Chair. And I am not -- I am not
22 adverse to someone saying you are going down
23 the wrong path with the question or the
24 statements.

25 SENATOR GALVANO: And your point is well

1 taken. Just as a reminder, the Senate
2 committee is going to meet again on Wednesday,
3 and I have no intention of us taking any votes.
4 This is complicated material, and we are going
5 to revisit everything we've looked at today and
6 sort of drill down on some of it.

7 I am supposing the day that we can do some
8 comparisons, but I don't believe the
9 map-drawings are going to or is appropriate for
10 them to make a recommendation at this point.

11 SENATOR MONTFORD: Follow-up, Mr. Chair.
12 And, too, maybe it would help me if we were to
13 at some point -- I guess the next meeting would
14 be a good one, or maybe before -- to one more
15 time remind me what I can and cannot do. I am
16 cautious about -- I don't want to violate any
17 rule, I don't want to talk to anybody, I don't
18 want to do anything that's off the straight and
19 narrow so that I can sleep at night. So if --
20 I am just a little nervous that I may be going
21 off on the wrong path somewhere talking to the
22 wrong people or getting information that I
23 shouldn't have, or not making a note of it when
24 I do, if you will help me with that.

25 SENATOR GALVANO: And we don't want to

1 over-complicate it. I think just be cautious
2 that you are not addressing the process with
3 the intent to benefit a party or an incumbent.
4 And you are free to have conversations about
5 the base maps and where they are, but if you
6 are going to make decisions regarding the
7 configuration of districts with our staff, then
8 we request that that be recorded, and staff
9 knows that, and then if you have communications
10 regarding this process, just make sure you
11 preserve them.

12 SENATOR MONTFORD: Thank you.

13 SENATOR GALVANO: Senator Braynon, you had
14 a quick question?

15 SENATOR BRAYNON: Yes.

16 This was to counsel on one of the things
17 that he touched on real quick about the BVAP
18 and a seat performing versus a seat that had a
19 50 -- over 50 percent BVAP. What is the legal
20 opinion on seats that perform that may not have
21 the BVAP, and if it doesn't have the BVAP -- if
22 you don't have an over 50 percent BVAP, say,
23 for a seat in this map, it would be 33 and
24 40 -- yeah, 33 and -- no, not 33. It is 39 and
25 40. If they don't have that BVAP, but they

1 perform on a functional analysis, wouldn't
2 technically you get the same result anyway, or
3 is that still illegal to do?

4 JUSTICE CANTERO: Mr. Chair?

5 SENATOR GALVANO: Yes, Justice Cantero,
6 you are recognized.

7 JUSTICE CANTERO: Thank you, Mr. Chair.

8 Got to talk about under Section 2
9 principles or Section 5 principles. If you
10 look at the benchmark 2002, and let's say there
11 is a district that performs for minorities, it
12 is not a 50 percent district, let's say it is a
13 40 percent BVAP district. For example, I
14 believe District 9 up in Duval I think is like
15 a 43 or something percent district, but it
16 performs for minorities. That is entitled to
17 protection. So we need to recreate a district
18 that performs for minorities. But you don't
19 just look at BVAP, and we discussed this in the
20 congressional redistricting process. BVAP is a
21 starting point for determining whether it
22 performs, but then you have to drill down
23 deeper to determine whether under a particular
24 BVAP do blacks have a majority of the primary
25 turnout, do they have a majority of the -- of

1 the general election, things like that. So you
2 drill down deeper, it is just a starting point.
3 But just because it doesn't have 50 percent
4 doesn't mean it is not entitled to protection.
5 If it was performing under 2002, then it is
6 entitled to protection, regardless of whether
7 it is 50 percent.

8 The 50 percent comes in when you have a
9 Section 2 issue, regardless of what happened in
10 2002. If you look at the map now and you say,
11 well, there's an area here that is a compact
12 area, let's just say it is a circle, and in
13 that circle there is -- you can draw a
14 majority-minority district. Well, then you
15 have to determine, okay, now, we can draw a
16 majority-minority district, but, historically,
17 has that minority voted cohesively? If the
18 answer is yes, then you go to the next
19 question. Well, has the white majority in
20 general been able to out-vote the minority
21 there so that there -- you can tell there's
22 racially-polarized voting, and, therefore, it
23 is entitled to Section 2 protection?

24 Those are called the Gingles factors that
25 the Supreme Court determined when a majority

1 district would be entitled to protection
2 regardless of what happened in the benchmark.

3 SENATOR BRAYNON: So -- so if I am looking
4 correctly just at this map, if you turn an area
5 that was traditionally a majority district into
6 an access district in order to build a majority
7 district somewhere else, does that follow with
8 the second part, what you just said, which is
9 -- I mean, is it possible that you are setting
10 a group up to be -- to possibly fail the -- or
11 a seat to fail the Gingles test? Or is this
12 only regional, it totally is regional?

13 JUSTICE CANTERO: Well --

14 SENATOR BRAYNON: And definitely look at
15 the map so you can understand what I am talking
16 about. I think --

17 JUSTICE CANTERO: Which area --

18 SENATOR BRAYNON: -- Mr. Meros may
19 understand what I am saying. I see him shaking
20 his head and -- or whatever, he sees what I'm
21 talking about.

22 MR. MEROS: Since I am the head-shaker,
23 let me weigh in a little bit on this.

24 You can have population -- you can protect
25 different populations of minorities in

1 different areas if you are not reducing the
2 total number of populations, with the exception
3 that -- and it is so very important to
4 distinguish between a diminishment standard, a
5 Section 5 standard and a dilution Section 2
6 standard. If you have a -- with a dilution
7 Section 2 standard, it doesn't matter what
8 happened in 2002. You are looking at a
9 population now. And you have to -- first
10 question is, is there a population of minority
11 that is reasonably compact that would be
12 reasonably compact in a single-member district?
13 And "reasonably compact" means something a
14 little different than it does in the Tier 2
15 issue. And if it could be more than
16 50 percent, then that's the first check as to
17 the possibility that you have to draw the
18 district that way. But then you have to go
19 into what Justice Cantero was talking about and
20 look at is the voting polarized, is there white
21 block voting. And it gets even more complex
22 because with regard to Representative Watson's
23 questions -- let's take Miami Gardens and let's
24 say that is a -- that's a given senatorial
25 district, and it is not. If you draw an 83

1 percent district of African-Americans or
2 Hispanics, assuming that they're -- that they
3 are citizens and can vote, then you would
4 immediately be -- yes, you would immediately be
5 accused of packing because you could have taken
6 that population with other population and made
7 two 50-percent districts, so instead of one
8 senator representing in that area, two minority
9 citizens -- minority senators would be
10 representing. So that's the other side of
11 Section 2.

12 With regard to the benchmark, again, you
13 have to look at was in -- was there in 2002 a
14 minority population that elected the minority
15 candidate of choice. If so, and that
16 population remains, then you cannot make this
17 district less likely to perform than it could
18 in 2002. So it is -- it is very much dependent
19 upon the particularized fact of a given area
20 and which standard is it -- is it. Is it a
21 diminishment standard or is it a dilution
22 standard?

23 SENATOR GALVANO: Representative
24 Richardson for a question.

25 REPRESENTATIVE RICHARDSON: Thank you.

1 Thank you, Mr. Chair, I appreciate that.

2 This is a general question to start with.
3 I just wanted to follow up on the line of
4 questioning that Senator Simmons had when he
5 asked about the plaintiff maps. And I believe
6 the question was asked whether or not those
7 maps were used to draw any of these base maps,
8 and the answer was no. And so I would like you
9 to confirm that, if you would. And then can
10 you tell me whether or not after our base maps
11 were drawn, if anyone has done any analysis to
12 compare the plaintiff maps to the base maps
13 that are drawn, any analysis at all, whether or
14 not it would be written or unwritten?

15 SENATOR GALVANO: You are recognized,
16 Justice Cantero.

17 JUSTICE CANTERO: Thank you, Mr. Chair.

18 I can confirm that we did not look at the
19 plaintiffs' maps before drawing the maps, and
20 that I know of, nobody has analyzed or compared
21 these six base maps to the nine plaintiffs'
22 alternative maps.

23 REPRESENTATIVE RICHARDSON: May I have
24 some --

25 SENATOR GALVANO: Yes, sir, follow-up.

1 REPRESENTATIVE RICHARDSON: Thank you, Mr.
2 Chair.

3 A different question just to follow up on
4 the answer that was given just prior to my
5 question with an example on packing. I just
6 happened as you were -- you were giving an
7 answer to be looking at 070, and I just scanned
8 down and I noticed that District 37 looks to be
9 about 90 percent Hispanic. And so that caught
10 my eye because I was looking at it when you
11 made your comment. Would that be considered
12 packing?

13 SENATOR GALVANO: Yes, Mr. Meros.

14 MR. MEROS: In that area, absolutely not,
15 because that is an area that is -- that has
16 such a high minority population, that if you
17 were to draw reasonable districts, it is going
18 to be a very high population. You do not have
19 an obligation to take compact areas with a high
20 population of Hispanics, high population of
21 blacks or whites, and disperse them out into
22 other districts unless you meet the Section 2
23 requirements. And so one would have to look at
24 can you draw a fourth Hispanic seat or not, and
25 the only way you would do that, in theory, is

1 if you made one or more of them wildly
2 non-compact or you draw down a district where
3 there is a high population of voting --
4 Hispanic voting age population, but very low
5 citizenship and perhaps low turnout, so that
6 they are not going to elect a Hispanic
7 candidate of choice. And that's one of the
8 things about Miami-Dade County and south
9 Florida electoral practices that are so very
10 important to understand.

11 And so the answer is, no, we certainly
12 have seen and understood that those were high
13 population of Hispanics, but because of the
14 concentration of Hispanics, that is a natural
15 -- that is a natural result that does not
16 require, absent substantially more, creation of
17 a fourth district that may not be compact.

18 REPRESENTATIVE RICHARDSON: Thank you.

19 SENATOR GALVANO: Senator Clemens.

20 SENATOR CLEMENS: Thank you, Mr. Chair.

21 So getting back to Senator Braynon's
22 discussion about BVAP, and BVAP seems to be a
23 relatively meaningless statistic, I mean, we're
24 really talking about performance and how this
25 district performs, right? Is that correct?

1 SENATOR GALVANO: Mr. Meros, you are
2 recognized.

3 MR. MEROS: Thank you, Mr. Chairman.

4 It can -- it's certainly relevant and it
5 can be important to determine performance. It
6 depends on whether there is black voting age
7 population or Hispanic voting age population.
8 Blacks tend to register higher and are -- tend
9 to be citizens. And so it is more relevant in
10 many black districts than it is Hispanic
11 districts.

12 But the performance issue is one that is a
13 very particularized determination of, No. 1,
14 which way is the district leaning, Democrat or
15 Republican, to determine which is the relevant
16 primary and the relevant general election, and
17 then looking at the turnout of the minority
18 population versus non-minority population, who
19 will control the primary and can a -- does a
20 minority candidate have a path, not only to
21 nomination, but to victory in the general
22 election. So BVAP is relevant to that,
23 certainly.

24 SENATOR GALVANO: Follow-up.

25 SENATOR CLEMENS: Just quickly.

1 So if I understand what you just said
2 correctly, a district that previously had a
3 50 percent BVAP could go to a 49 percent BVAP
4 if it is still performing 65 percent in a
5 primary and it is a Democratic seat?

6 SENATOR GALVANO: You are recognized.

7 MR. MEROS: That is a -- that is a
8 question that is -- could be problematic
9 because if you have a 50 percent or more
10 minority district, then, in theory, if you take
11 that down and make it less likely that a
12 candidate were to be elected, then that could
13 be a diminishment and less likely is a sliding
14 scale, it is not a dichotomous variable. Or if
15 you take it from 51 percent to 49 percent,
16 those who are drawn out of that district could
17 argue under Section 2 that that is a vote
18 dilution because you take away Section 2
19 protection from that district because, again,
20 part of Tier 1 is if you have a 50 percent or
21 more population that is reasonably compact,
22 that is a protected Section 2 district. So it
23 very much depends on -- on the performance
24 analysis.

25 SENATOR GALVANO: Great. Members, it is

1 -- just a little update. It is five o'clock.
2 From a housekeeping standpoint, we are halfway
3 through the maps and we will keep plowing
4 forward.

5 Representative Clarke-Reed, you are
6 recognized on a question.

7 REPRESENTATIVE CLARKE-REED: Thank you,
8 Mr. Chair.

9 I would like to know, all of the maps that
10 you have presented us as base maps, do they all
11 meet the criteria for being maps that could be
12 accepted?

13 SENATOR GALVANO: Mr. Takacs.

14 MR. TAKACS: Thank you, Mr. Chairman.

15 In respect to Tier 1, ma'am, is that what
16 you mean?

17 SENATOR GALVANO: I think she is referring
18 to constitutional plans.

19 REPRESENTATIVE CLARKE-REED: In respect to
20 the tiers -- everything.

21 MR. TAKACS: Certainly. Thank you, Mr.
22 Chairman.

23 I believe that they do, yes, ma'am.

24 SENATOR GALVANO: Okay. Mr. Takacs, if
25 you want to go into our next map, please.

1 MR. TAKACS: Yes, certainly. Thank you,
2 Mr. Chairman.

3 The next map here, which is on your
4 screen, in a statewide perspective is 9076.
5 This is a Methodology 2 map, which I will get
6 into in just a moment.

7 The Tier 1 districts within this
8 particular map, the African-American
9 opportunity districts are Districts 6 in
10 Jacksonville, District 12 in Orange County,
11 District 20 -- that is a wrong number --
12 District 19, which is in Hillsborough County,
13 and District 33, which is in Broward and
14 Miami-Dade County.

15 The African-American majority-minority
16 districts, as I explained before, the south
17 Florida's are identical, Districts 39 and
18 District 40. The three Hispanic
19 majority-minority districts are Districts 35,
20 36 and 37.

21 As I stated earlier, this is a Methodology
22 2 map, which means instead of concentrating the
23 county splits in an effort to keep counties
24 whole, what we did was we tried to disperse
25 those splits in a way that one county wasn't

1 being penalized over another and try to treat
2 similar counties of geography and population
3 similarly.

4 The overall population deviation of this
5 particular map is 2.7 percent. Its average
6 Reock score is .44, its average statewide
7 convex hull score is .8 and its Polsby-Popper
8 is .4. It follows 92 percent of the district
9 boundaries, follow political and geographic
10 boundaries. As it relates to city and county
11 splits, Map 9076 splits just 17 counties and 17
12 cities.

13 As you look at Methodology 2 and try to
14 compare it with Methodology 1, one of the
15 things you'll want to look at is the concept of
16 the number of times a county is split by
17 multiple districts, whether it is two, three
18 and four and more than four. In this
19 particular Methodology 2 map, ten counties are
20 split with two districts, three with three, two
21 with four, and two with more than four, which
22 are south Florida, as was mentioned earlier,
23 which have to be, based on the large
24 populations of those counties.

25 Thinking about the whole-county districts,

1 within this particular base map, there are
2 three: District 3, which we've mentioned
3 before, which is the 11-county combination in
4 the Big Bend area; District 4, which is an
5 eight-county grouping, which is a little bit
6 different than the Methodology 1 map that I
7 presented earlier, and I will show you on the
8 map when we get to that point; and District 8,
9 which is the whole counties of Citrus and
10 Marion combined together as a district, and you
11 can see their various populations there on the
12 screen. And you can see here on the map, those
13 are the three districts that I just mentioned:
14 District 3 in light blue, District 4 in that
15 yellow color and then District 8, which is the
16 Citrus and Marion, in gray.

17 In this particular map, we used seven
18 sandboxes. You can see them here. They vary
19 from the west Panhandle area, which we have
20 discussed at length, Nassau/Duval, south
21 Florida, which has been mentioned quite
22 earlier, but there are some different sandboxes
23 within this particular map that I will show you
24 in the actual map itself. You can see like
25 Pinellas and Hillsborough that extends over

1 into Orange and Seminole, that particular
2 county grouping was a sandbox that was used, as
3 well as an Osceola, Polk, Hardee and DeSoto
4 sandbox. That is a different look than what
5 you've seen before in previous maps. And you
6 can also see there's a sandbox there that is
7 Manatee and Sarasota. That continues south to
8 Charlotte, Lee, Collier, Hendry and Glades.
9 And you will see -- as we put the districts on
10 the screen, you will see how those different
11 sandboxes are utilized in the development of
12 the map.

13 But first we will just kind of slowly walk
14 through the different regions of the map. Here
15 is that -- that horizontal split in Okaloosa
16 County between Districts 1 and 2. It also goes
17 around the City of Crestview, keeping Crestview
18 whole within two, which is why it has that
19 shape.

20 District 3, as I mentioned before, is
21 identical in all of the base maps. It is 11
22 whole counties.

23 You will see here with District 4, this is
24 a slightly different look. It has eight whole
25 counties in it. The difference is that in the

1 other maps that you have seen, Union and
2 Bradford County are now connected with a
3 district, that is District 7, which connects
4 with Clay and St. Johns, and Levy County is
5 picked up. So District 4, the yellow district
6 there, is eight whole counties in a very
7 circular pattern there. That particular
8 district has a very good Reock score, again,
9 thinking about measuring compactness as it
10 relates to an area of a circle.

11 Moving to the east you can see the
12 Nassau/Duval districts there. District 6 is
13 that more compact version that's been mentioned
14 before. That utilizes a lot of 295 as its
15 boundary. And then again, as I just mentioned,
16 moving south, you can see District 7 there in
17 the pinkish-red, Union and Bradford Counties,
18 along with Clay and St. Johns. Putnam County
19 is on the southern end there of that district,
20 and you can see that it is split between
21 Districts 7 and 9. We do so along the St.
22 Johns River, that is the boundary there; again,
23 thinking this is a Methodology 2 map, so we
24 want to spread the splits out across the map,
25 and so this was a particular split in Putnam

1 County.

2 You can see just to the north of the
3 screen there, there is the southern end of that
4 Marion/Citrus district that I mentioned before.
5 And as we look at the Central Florida region,
6 kind of the entire I-4 corridor, you can -- you
7 can see that as it relates to Hillsborough
8 County, there are four districts there, and
9 then when you look at Orange County, there are
10 four districts there as well. Orange County
11 has two districts entirely within it, whereas
12 Hillsborough has one, that entire, you know,
13 eastern block of the county there being within
14 one district.

15 I had mentioned the Osceola, Polk, Hardee,
16 DeSoto sandbox earlier, and you can see the
17 beginnings of that here. District 22 is all of
18 Osceola County and then a portion of Polk and a
19 very straight -- you can see the county lines
20 there all the way around Osceola and to the
21 southern end of that district are all very
22 straight and make up the bulk of the boundaries
23 of that district. District 21 has the
24 remaining portions of Polk. Again, thinking
25 about that boundary between 21 and 22, what you

1 see there as far as some of the jaggedness of
2 the lines are our attempt to keep the
3 municipalities in Polk County whole, as well as
4 when we are not trying to keep cities whole,
5 using major roadways as the dividing line. You
6 can't see it entirely on your screen, but
7 District 21 extends southward to keep all of
8 Hardee and DeSoto Counties whole as well.

9 Looking to Orange County, as I mentioned,
10 there are two districts wholly within it.
11 District 12 is the African-American opportunity
12 district, and District 15, again, just entirely
13 within Orange County.

14 This particular version has Seminole
15 County where it does extend into northern
16 Orange County, looking at the Cities of
17 Maitland and Winter Park. And then in this
18 particular version, looking at Volusia County,
19 Volusia County is split mostly along I-4, but
20 there are some other areas there and
21 municipalities, thinking about the City of
22 DeLand, they are trying to keep it whole, which
23 creates some of its boundaries, and then 14
24 extends into northern Brevard County to get its
25 remaining population.

1 As we extend south -- as we extend
2 southward, you can see the remaining portion of
3 that Tampa Bay region and that sandbox that
4 goes southward. This keeps all of Manatee
5 County whole and then splits Sarasota along
6 major roadways there. And then you can see as
7 we extend further south, the remaining portion
8 of Sarasota County is connected with all of
9 Charlotte County and a portion of Lee County.

10 What makes this particular region in this
11 particular map unique is that when you look at
12 the heartland of Florida, thinking about
13 counties like Highlands and Glades and Hardee
14 and DeSoto, as I mentioned earlier, those are
15 counties that don't have a lot of population,
16 but do take up some geography in the map, and
17 when you combine them, it is a large area of
18 the state without a tremendous amount of
19 population. What is unique about this
20 particular map is that we kind of divide that
21 area between four districts, and you can see
22 there, you know, the green district, District
23 21, 25, which also is all of Highlands, all of
24 Okeechobee and then all of Martin, as well as
25 portions of St. Lucie.

1 Thinking about District 23 for a moment,
2 which is the other district within St. Lucie
3 County, it has all of Indian River County whole
4 to the north there, as well as portions of
5 Brevard. As far as population deviation goes,
6 this particular district, District 23, is the
7 low-water mark on this particular map for its
8 deviation, and the reason for that is as we
9 were coming southward into St. Lucie County, in
10 the District 25 there, the grayish district,
11 all of the City of Port St. Lucie, which is a
12 large, populated city in the area, is kept
13 whole all within 25. And so in an effort to
14 use good boundaries and major roadways in St.
15 Lucie County, while keeping the City of Port
16 St. Lucie whole, District 23 stops short,
17 again, as the low-water mark for the
18 population -- of the ideal population for
19 Senate districts in this particular map.

20 Moving further to the south, when you look
21 at Lee County, it has a district entirely
22 within it, keeping the City of Ft. Myers whole
23 there as Mr. Poreda described in kind of that
24 bump-like fashion. And then District 28 is all
25 of Collier County, Hendry County and Glades

1 County, with the remaining portion of Lee
2 County. And so that's kind of that southwest
3 region of the state.

4 This is the four-county sandbox that we
5 mentioned before: Palm Beach, Broward,
6 Miami-Dade and Monroe Counties. This
7 particular four-county grouping is identical to
8 the one I have already presented, so Mr.
9 Chairman, if you are okay with me skipping over
10 that, I would like to turn it over to Mr.
11 Ferrin for his two maps.

12 SENATOR GALVANO: Let's see if we have any
13 questions on this particular map.

14 Yes, Senator Gibson.

15 SENATOR GIBSON: Thank you, Mr. Chair.

16 Did you say DeLand was kept whole when you
17 talked about Volusia County, which looks a
18 little split up now?

19 SENATOR GALVANO: Mr. Takacs.

20 SENATOR GIBSON: I am trying to determine,
21 and I guess we can't really, not looking at
22 this map, to make sure the university is all
23 contained in one portion of Volusia County, and
24 I can't tell by this where the line goes.

25 MR. TAKACS: Thank you. Thank you,

1 Mr. Chairman.

2 The municipality of DeLand is kept whole
3 within this map, and it is within District 9,
4 as I mentioned. I can't speak to the
5 university's campus, but the municipal lines
6 and the boundaries of the City of DeLand are
7 all within -- in that District 9.

8 SENATOR GIBSON: So --

9 SENATOR GALVANO: Yes.

10 SENATOR GIBSON: So Daytona Beach then is
11 all within one district?

12 SENATOR GALVANO: Mr. Takacs.

13 MR. TAKACS: Thank you, Mr. Chairman.

14 Yes, ma'am, I believe it is District 14 --
15 forgive me, I don't have a zoomed-in version of
16 the map -- but Daytona Beach is kept whole
17 within this particular map.

18 SENATOR GIBSON: May I have one more?

19 SENATOR GALVANO: Yes, follow-up.

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

22 I believe that's the end of the St. Johns
23 County line. I know there were issues with the
24 congressional maps because the St. Johns ended
25 up with two -- potentially two members of

1 Congress. Is St. Johns kept whole in this map?

2 SENATOR GALVANO: You are recognized.

3 MR. TAKACS: Thank you, Mr. Chairman.

4 In this map, which is 9076, St. Johns
5 County is kept whole within District 7.

6 Also, just to correct the record, you had
7 asked about the City of Daytona Beach. It is
8 kept whole within District 9, not 14, my
9 apologies.

10 SENATOR GALVANO: Thank you. Okay.

11 Before we go to the next map, is everyone doing
12 okay up on the panel? Good? Good to go?

13 Okay. Mr. Ferrin, you are recognized.

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

15 I will go ahead and start here on Map
16 9074. This is a Methodology 1 map. The Tier 1
17 protected districts within this map are
18 District 6 in the Jacksonville area, District
19 13 in the Orlando/Orange County area, District
20 22 in Tampa Bay, District 23 in -- 33, excuse
21 me, in southern Broward County, which is -- and
22 these are all opportunity districts.

23 The African-American minority-majority
24 districts in this map are District 39 in
25 Miami-Dade and 40 in Broward County. This map

1 also has a -- three Hispanic minority-majority
2 districts in Dade County: Districts 35, 36 and
3 37.

4 As I mentioned earlier, this is a
5 Methodology 1 map. It has an overall
6 population deviation of just under 3 percent,
7 2,9 percent. The Reock score for this map, the
8 average of the statewide map is .44, convex
9 hull is .78, Polsby-Popper is .39.

10 The map does a very good job of following
11 political and geographic boundaries. It comes
12 in with the scores we have talked about at
13 93 percent. I think all the base maps are
14 somewhere in the 90th percentile.

15 In terms of cities and counties that are
16 split, this map keeps 52 counties whole, splits
17 15. Being a Tier 1 -- or a Methodology 1 map,
18 the methods applied concentrated those splits,
19 and so we see that there are seven counties
20 with two districts, four with three, and one
21 with four, and then three with more than four
22 districts. In terms of cities, it kept 395
23 cities whole, and you see that no city has more
24 than three districts.

25 Moving along to the whole-county districts

1 that we identified in drawing this base map, we
2 have District 3, which has been consistently
3 made up of whole counties throughout all the
4 base maps; District 4, which is the sort of
5 North Central Florida region as you move across
6 the Suwannee River; and then District 7, which
7 is made up of Clay, St. Johns and Flagler
8 Counties in the northeastern area; and District
9 11, which is entirely Pasco County.

10 Here are -- here is the image of those
11 districts as we were talking about. And then
12 here is the sandbox slide.

13 In Map 9047, we have eight different
14 sandboxes. The one in the Western Panhandle,
15 which we have discussed is -- as Districts 1
16 and 2, the Nassau/Duval one, and then the Tampa
17 Bay area, as well as the Lee/Collier
18 two-district sandbox, the 12-district sandbox
19 in south Florida, and that left us -- after
20 you've taken out all the districts that are
21 made up of whole counties, it leaves you with
22 the remaining counties to make up 12 Senate
23 districts. You can see here on the map how
24 that takes a large swath of the center of the
25 state in this particular map.

1 Here is the configuration in the Panhandle
2 where we have Senate District 3 made up of
3 those whole counties. Again, we have seen this
4 configuration before in Okaloosa County where
5 we follow I-10 around the city boundaries of
6 Crestview.

7 This is the northeastern area of the
8 state. You see the whole-county district,
9 District 4, as well as the Nassau/Duval
10 districts there we have the two districts
11 within those two counties, District 5 and 6.
12 We've also seen and discussed that
13 configuration today.

14 The whole-county district there on the
15 coast is made up of St. Johns, Clay and Flagler
16 Counties, and as we move south, we see that we
17 have kept Putnam whole, Marion whole, and
18 attached it to parts of Volusia and Lake County
19 in District 9. And going down through the Big
20 Bend area, we have District 8 with Levy,
21 Citrus, Sumter, Hernando and a very small
22 portion of Lake.

23 We have -- this is kind of similar to some
24 of the -- another one of the base maps we've
25 put together. It also has a district wholly

1 within Volusia County, District 10 there. It
2 has the configuration of Seminole County with
3 -- where it is Seminole and the Cities of
4 Maitland and Winter Park. You see the minority
5 district there, District 12, in northwestern
6 Orange County, keep Osceola County whole and
7 parts of Orange, and District 15, which is made
8 up of northeastern Orange County and parts of
9 Brevard, northern Brevard. Southern Brevard
10 gets paired with most of Indian River County,
11 and we will get down that way a little bit in a
12 moment here.

13 See how Pasco County is kept whole as its
14 own district. Polk County gets a district
15 entirely within it, as well as Hillsborough.
16 So we consistently treat those three
17 counties -- Volusia has the same -- same
18 characteristic.

19 Here I think we have discussed some about
20 the districts in Tampa and how we had a choice
21 essentially when we kept Pasco County whole of
22 which district to kind of take in peninsular
23 Tampa, that we actually -- when we were drawing
24 the minority district in that region, we
25 actually looked at initially including that

1 region there of Tampa, that peninsula, and when
2 we did that, it turned out that the district
3 did not perform at a level at which we were
4 confident it would retain the same ability to
5 elect candidates of choice, and so we
6 determined that we needed to draw the minority
7 district kind of around that peninsula. So in
8 this map, we connected the peninsula in Tampa
9 with the northern Pinellas district. Again, as
10 we've kind of talked, it presents a choice for
11 the which configuration is best to go with, and
12 so we have presented it different ways and
13 different maps.

14 Here we have more of a -- the southern
15 region of the state where you can see the
16 district that comes out of Hillsborough and
17 comes into northern Manatee. This is kind of
18 about the third different way we've shown that.
19 The reality is that there's -- it's just a
20 series of different choices in Manatee County
21 of which -- which political or geographic
22 boundaries to follow. This one goes all the
23 way to the southern end of Manatee County and
24 then comes across on the state road to the west
25 over towards Sarasota.

1 Sarasota is kind of unique. It is kept
2 whole with the rest of southern Manatee. You
3 have Charlotte, DeSoto, Hardee, Highlands,
4 Okeechobee, Glades and Hendry all within one
5 district, and a portion of southern Polk.

6 As I mentioned earlier, we have the
7 Lee/Collier County sandbox that makes up two
8 districts and one wholly contained in Lee
9 county where the boundary for that district is
10 I-75, the Ft. Myers city municipal boundaries,
11 as well as the road that comes around the
12 southern side of Ft. Myers there back down to
13 75 and the municipal boundaries of Bonita
14 Springs.

15 In the eastern portion of the map there,
16 you see this time we've drawn Martin County
17 with St. Lucie and a small portion of Indian
18 River County; again, trying to show different
19 -- different looks for different regions on
20 how -- different ways these can be drawn.

21 And then we will get into south Florida
22 here. Here in this configuration of south
23 Florida, we again have two districts wholly
24 contained within Palm Beach County, District 30
25 and District 29. The borders of District 29 on

1 the northern edge and I believe the western
2 boundary are mostly municipal lines. I think
3 in the areas where we do deviate from municipal
4 lines, it is a very small deviation to kind of
5 fill in a gap where the municipal boundary kind
6 of concaves. And then on the -- to the south
7 there, it follows the turnpike. Both it and
8 District 31 utilize the turnpike as their
9 western boundary throughout Palm Beach County,
10 which we think is a very good boundary. The
11 northern boundary of 31, District 31 there, is
12 along municipal lines.

13 Moving into Broward County, we see another
14 slightly different configuration of District
15 40; again, trying to figure out what the best
16 way is or what the different ways are of
17 keeping different cities whole and how to try
18 and follow Tier 2 directives there.

19 District 33 and 34 kind of help take in
20 the space between the two minority-majority
21 districts there, being 40 and 39. Thirty-three
22 in this map is the minority opportunity
23 district in which we believe that an --
24 African-American populations within that
25 district will have the ability to elect their

1 candidate of choice, and District 39, as I
2 mentioned, is the majority-minority district.

3 That kind of leaves some area that needs
4 to be filled with a district on the eastern
5 coast, so we end up with a more coastal
6 configuration of District 34. And as we
7 move -- continue to move south, we see the
8 three Hispanic districts in 35, 36 and 37.

9 District 38 in this map is at 53.4 percent
10 HVAP, and that is a district that could
11 conceivably end up as a performing minority
12 district. Again, we only did the analysis to
13 confirm performance levels on districts that
14 were subject to Tier 1 protections. District
15 38 is kind of a what's left after we've drawn
16 those Hispanic minority-majority seats in Dade
17 County.

18 And I am trying to go through kind of
19 quickly here to keep this going, Mr. Chairman.
20 If we want to slow down and take questions, I
21 am happy to.

22 SENATOR GALVANO: Before you move to the
23 next map --

24 MR. TAKACS: Okay.

25 SENATOR GALVANO: -- are there any

1 questions? Senator Braynon.

2 SENATOR BRAYNON: Yeah. So in this map,
3 we've crossed the Broward and Dade County line
4 in two seats, is that correct?

5 MR. TAKACS: Yes, Senator Braynon, that is
6 correct, and that is something that initially,
7 I believe, the way we had this -- this
8 configuration of south Florida drawn, we didn't
9 do that, but it resulted in kind of that
10 missing additional African-American opportunity
11 district. It wasn't there in the initial
12 drafts of this. And I believe in those drafts,
13 we had like Weston included in District 33.

14 And so after kind of performing a
15 functional analysis and looking at it and
16 reviewing it, the question came up, well, is
17 there something we can do to turn that or
18 another district in the area into a -- into a
19 performing minority opportunity district. And
20 so we had to look at that and make the choice
21 to go ahead and bring another district into
22 Broward there and split Miami Gardens in order
23 to turn that district into something that would
24 perform.

25 Obviously, you know, there are -- there's

1 a concern over having to go into the county at
2 another time. We felt like in this
3 configuration, you know, it being a Tier 1
4 protected district would justify that.

5 SENATOR BRAYNON: What's a Tier 1 -- oh,
6 33.

7 MR. FERRIN: Thirty-three, yes, 33 and 39.
8 Thirty-nine is the majority-minority district.
9 It goes down to the -- towards Miami. And then
10 we've tried to limit the number of cities that
11 were split in here, and I believe between those
12 two, the only cities that are split is Miami
13 Gardens between those two minority districts.

14 SENATOR GALVANO: Yes, sir.

15 SENATOR BRAYNON: And 31 goes from Broward
16 and Palm Beach. So within that sandbox, we
17 have only three county splits?

18 MR. FERRIN: Yes.

19 SENATOR BRAYNON: Oh, four, because of
20 Monroe.

21 MR. FERRIN: Correct, Senator, thank you.

22 And the way this kind of works out is if
23 you were to do the math in Palm Beach County,
24 you can get 2.8 districts out of Palm Beach
25 County. And so you're going to have to

1 naturally have something cross over into
2 Broward. In Broward, if -- just Broward's
3 population is 3.7 districts. So, again, you
4 are going to have to cross over somewhere. And
5 so we really did try to limit the number of
6 instances in which that happens. In this
7 particular configuration, it was driven by Tier
8 1.

9 SENATOR GALVANO: Okay. Continue.

10 MR. FERRIN: So from here, we will move on
11 to Base Map 9080. This is a Methodology 2 map
12 that -- excuse me for one minute. This is a
13 Methodology 2 map with Tier 1 districts. They
14 include the African-American opportunity
15 districts in District 6, District 13, District
16 22 and District 33. The African-American
17 minority-majority districts in this map are,
18 again, District 39 and 40, and the Hispanic
19 minority-majority districts are Districts 35,
20 36 and 37. As we have consistently presented
21 today, this map is going to have the same south
22 Florida configuration that we just went through
23 that was in 9074.

24 Moving into kind of the Tier 2 metrics for
25 Map 9080, we can see that the statewide average

1 Reock score is .46, the convex hull is .80 and
2 the Polsby-Popper is .39. Overall -- the
3 overall average by which the district
4 boundaries follow the political and geographic
5 boundaries as we've got the metric laid out is
6 at 91 percent. The whole counties in this map
7 are 47, and that is a lower number because of
8 the Methodology 2 application where we are not
9 concentrating the county splits within the
10 already split counties. They are more evenly
11 dispersed across the state.

12 This map has two whole-county districts,
13 including District 3 and District 4, and these
14 are both going to be configurations that we've
15 seen before today in some of the other base
16 maps.

17 So -- and then here is the -- the sandbox
18 configuration in Map 9080. Here we have,
19 again, the Western Panhandle, Nassau/Duval and
20 south Florida sandboxes that we have seen
21 throughout the day, as well as the Lee/Collier
22 one. The kind of different one, I believe, is
23 the Manatee, Hardee, DeSoto, Charlotte and
24 Sarasota County sandbox that leaves the rest of
25 the state.

1 Here we have the Panhandle, which is,
2 again, the configurations that we have seen
3 before. This is the vertical arrangement in --
4 between Districts 1 and 2 and Okaloosa County,
5 the District 3 made up of entire counties. If
6 we move east, we see District 4, which is,
7 again, whole counties. This map -- particular
8 map has the more compact configuration of
9 District 6 in Nassau County and the
10 corresponding change with District 5.

11 Here we do cross over the St. Johns River
12 into St. Johns County, but we do so in a manner
13 that faithfully follows the political and
14 geographic boundaries and we split the county
15 entirely along I-95. So anything west of I-95
16 is included in District 7, anything east is in
17 District 8. And that was a function of the way
18 the deviations worked. If I could just jump
19 back to this slide, we see that the deviations
20 in the remaining counties is low. So in order
21 to do that, we needed to -- to split some
22 additional counties to try and get to that
23 ideal deviation.

24 In -- sorry, this is jumping back and
25 forth pretty fast.

1 So we can see that District 7 here
2 contains all of Clay County, all of Putnam and
3 then eastern Marion.

4 District 8 includes all of Flagler and
5 northern Volusia.

6 District 9 is all of Levy, western Marion,
7 including all of Ocala and Citrus County.
8 District 9 continues down through the Big Bend
9 to include western Hernando.

10 In District 10, it is all of Sumter, all
11 of Lake, northern Polk, north of both the city
12 boundaries of Lakeland and Polk City, as well
13 as I-4.

14 In -- over to the east coast, we have in
15 District 12 southern Volusia County and
16 northern Brevard, as well as a split to
17 Seminole County, which is something that is --
18 we haven't seen in a lot of these other base
19 maps, but we wanted to do that to see what it
20 allowed in terms of the different
21 configurations. And so here we have a District
22 15 that has some of southern Seminole County,
23 as well as all of Maitland and Winter Park.

24 District 13, which has a -- if I can find
25 my notes here -- District 13 has a higher HVAP

1 than most of the other configurations in that
2 it's at 39.8 percent when it takes in
3 northwestern Osceola and most of southwestern
4 Orange there.

5 If we look over to Tampa Bay region, we
6 see that there are only three districts in --
7 around Tampa Bay and in Hillsborough County, as
8 well as three in Orange. So we have
9 consistently applied the Methodology 2 to this
10 map, and what that caused us to do was to push
11 District 19 up into Pasco County. Doing that
12 did allow us to put that peninsular area in
13 Tampa into District 22 so that in this map, the
14 only district that does cross the bay is
15 District 21, the minority district.

16 As we move south, we see a -- the sandbox
17 configuration in Manatee, Hardee, DeSoto,
18 Charlotte and Sarasota allows us to draw those
19 two districts in a very compact manner, only
20 splitting Sarasota County.

21 The districts to the east of that -- or
22 the counties to the east of that, Hendry,
23 Glades, Highlands, Okeechobee, Martin and
24 western St. Lucie counties all end up in the
25 same district, and you can see where --

1 District 18, which had included southern
2 Brevard, all of Indian River and now
3 northeastern St. Lucie.

4 In Lee County, we see this configuration.
5 This is something we've seen in other base maps
6 as well today, which is more of the vertical --
7 or, excuse me, horizontal configuration in
8 District 27. That, again, keeps all the cities
9 in Lee County whole and follows major roadways
10 out to the county boundary.

11 This is the same configuration we just
12 discussed in south Florida, so I won't go into
13 that into too much detail. And then if there's
14 any questions on this map, we can take them now
15 and then we will kind of wrap it up with an
16 overall -- some slides of the overall Tier 2
17 metrics across the different base maps.

18 SENATOR GALVANO: Okay. Then we have some
19 public testimony.

20 Any questions? Any questions? Okay.

21 MR. FERRIN: All right. So the last few
22 slides we have here today are a comparison
23 across the different base maps that includes
24 the benchmark, as well as the enacted plan. It
25 lists the number of counties kept whole, the

1 number of counties split, the number of
2 counties with two districts, three districts,
3 four districts and more than four districts.
4 It lists the same data points for the
5 municipalities, and then goes into a comparison
6 of some of the political and geographic
7 boundaries and how well the districts and the
8 plans follow those.

9 What you can see before I jump away from
10 this slide is that all of the base maps we have
11 drawn and presented today represent significant
12 improvements over the enacted plan, as well as
13 the 2002 plan. In particular, the -- even the
14 lowest scoring of all of our base maps on
15 different criteria are still going to represent
16 improvements. The base map that keeps the
17 fewest counties whole keeps four more counties
18 whole than in the enacted plan. The base map
19 with the most aggregate county splits still has
20 15 fewer than in the enacted plan.

21 The base map that keeps the fewest cities
22 whole still has 27 more whole than in the
23 enacted plan. The base map that splits -- that
24 has the most aggregate city splits has 57
25 fewer -- yes, the base map that has the most

1 aggregate city splits still has 57 fewer than
2 in the enacted plan. And in terms of the
3 compactness scores, we can still see
4 improvements where the Reock score for the
5 lowest scoring base map is .42, the enacted
6 plan was .40, the convex hull is .78 versus
7 .76, and Polsby-Popper is .38 versus .36.

8 And so that is -- I am just saying that to
9 kind of give everybody a sense of how these
10 would compare not necessarily one plan to
11 another, but in general, all these represent
12 improvements, some of them more significant
13 than others.

14 This is a slide that shows all the
15 different compactness scores, as well as the
16 minimum/maximums and then the medians and
17 standard deviations, and we've included those
18 because those are kind of relative -- relative
19 statistical measures where the average of a set
20 of data points can be skewed by a few outliers,
21 either on the high end or the low end. The
22 median is a statistic that ranks all of the
23 different scores and selects the middle one.
24 So it gives you a better sense of where the
25 middle of the data set is. And then the

1 standard deviation is kind of the average of
2 the differences from the average. So if you
3 were to look at that, a low standard deviation
4 indicates that there's consistency amongst the
5 different data points. So for the different
6 districts' compactness scores, it is telling us
7 that there's not a lot of variance among them
8 from the average. And so that's just kind of
9 why we included those. We thought they were
10 informative.

11 This slide shows the area of perimeter and
12 length. You will notice that the average area
13 is the same across the whole -- all the maps.
14 That is because it is the average area of the
15 whole state.

16 But, otherwise, Senator Montford, I know
17 you had asked about comparison. This is kind
18 of what we have prepared to this point. If
19 there was other things that you were interested
20 in in particular, I would be happy to sit down
21 with you and we can discuss those or pull them
22 together for you.

23 SENATOR GALVANO: Question from Senator
24 Montford, and you are saving yours to the end.

25 SENATOR MONTFORD: Thank you, Mr. Chair,

1 and thank you, this is real helpful to be able
2 to have it on just a couple pages here.

3 Did I hear you say this was a significant
4 improvement over 2002 or 2012 or both?

5 SENATOR GALVANO: Mr. Ferrin.

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

7 And Senator, I would characterize it as a
8 significant improvement over both; in
9 particular, 2002 when -- before the Fair
10 District Amendments were in effect. I mean,
11 the differences are pretty drastic, in my
12 opinion. We still represent measured
13 improvements -- measurable improvements over
14 the enacted plan and I believe all the
15 different Tier 2 metrics.

16 SENATOR MONTFORD: Follow-up?

17 SENATOR GALVANO: Follow-up, yes.

18 SENATOR MONTFORD: Thank you, Mr. Chair.

19 On that first -- the first line of the
20 three here, the overall deviation is the 38.6
21 percent. Just real briefly, tell me where the
22 38 --

23 MR. FERRIN: Sure. The -- remember that
24 the 2002 districts were drawn in 2002 prior to
25 the 2010 census. The 2010 census -- this is --

1 that is the deviation according to the 2010
2 census. So there was -- Florida grew
3 exponentially between 2002 and 2010, and so, I
4 mean, you have to disregard the deviation on
5 the 2002 map. That wasn't -- that is showing
6 how much districts have grown.

7 SENATOR MONTFORD: What I am assuming is
8 that shows a population, obviously, in Central
9 and south Florida, not North Florida, right?

10 MR. FERRIN: I believe so, sir.

11 SENATOR MONTFORD: That's why the lines
12 were drawn further south.

13 MR. FERRIN: I don't know that I've
14 necessarily thought of it that way. I would
15 have to kind of study that a little bit --

16 SENATOR MONTFORD: Okay.

17 MR. FERRIN: -- to make sure that's right
18 before I --

19 SENATOR MONTFORD: And that was -- Mr.
20 Chair, follow-up?

21 SENATOR GALVANO: Yes, follow-up.

22 SENATOR MONTFORD: This was -- 38.6
23 percent is based on 2002 or 2010 census?

24 MR. FERRIN: It is 2002 districts with
25 2010 census counts.

1 SENATOR MONTFORD: Thank you. Thank you,
2 Mr. Chair.

3 SENATOR GALVANO: Representative
4 Moskowitz, you are recognized for a question.

5 REPRESENTATIVE MOSKOWITZ: Thank you,
6 Mr. Chairman.

7 So looking at that number, that says that
8 there's a 38.6 percent deviation within an
9 eight-year time span. And so I am wondering,
10 since we are using 2010 data in 2015, and that
11 is a five-year time span, obviously we are
12 looking at a 20 percent plus deviation between
13 today and the data we are using.

14 SENATOR GALVANO: You are recognized,
15 Mr. Ferrin, to respond.

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

17 And, Representative, you will recall that
18 we are required to use the most recent census
19 data when we are drawing districts, and so I --
20 I don't know that we have another option of
21 using more updated census counts or estimates.

22 The ACS data is purely an estimate subject
23 to a measurable margin of error that is not
24 specific enough for redistricting purposes in
25 the eyes of the federal government.

1 REPRESENTATIVE MOSKOWITZ: Follow-up,
2 Mr. Chairman?

3 SENATOR GALVANO: Yes, you are recognized
4 for a follow-up.

5 REPRESENTATIVE MOSKOWITZ: Yeah, this is
6 the last point.

7 But understanding -- and everything you
8 said is 100 percent accurate, I understand you
9 are saying you are boxed in, but as far as the
10 deviation is concerned, I understand it has to
11 do with population, but probably we are looking
12 at still a significant deviation based on the
13 map we are drawing versus what the population
14 would be today, understanding it takes into
15 effect how much we have grown in those five
16 years versus how much we grew in those eight
17 years. Is that correct?

18 SENATOR GALVANO: You are recognized to
19 respond.

20 MR. FERRIN: Thank you, Mr. Chairman, and
21 I would agree that Florida has probably grown
22 since the census was taken in 2010.

23 SENATOR GALVANO: Okay. Let's have some
24 public -- yes, Representative Richardson for a
25 quick question.

1 REPRESENTATIVE RICHARDSON: Thank you, Mr.
2 Chair, I appreciate that.

3 I am looking at this comparison chart and
4 I note that on 72 and 74, it seems to have the
5 maximum number of cities whole, and I recognize
6 that, you know, we've got six maps here and not
7 60. Is there a map possible, or do you believe
8 that it is possible that we could do a map that
9 would have more than 395 cities that are whole,
10 and I don't know if you've looked at that, that
11 would also be constitutionally sound?

12 SENATOR GALVANO: Recognized to respond.

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

14 And I suppose if that was the criteria
15 that you had selected and you went into it with
16 the goal of keeping 396 or 400 cities or
17 whatever the number is, if you went into it
18 with that goal in mind and were willing to
19 maybe sacrifice a little bit in terms of
20 compactness or have higher deviations or kind
21 of let -- when you do that, you have -- you
22 have to balance all the Tier 2 goals and
23 criteria. And so if you elevate the cities,
24 you may end up drawing something that's less
25 compact or doesn't follow as many geographic

1 boundaries as well or has higher deviations and
2 things like that. And so I think all of this
3 represents trade-offs, and depending on what
4 Tier 2 metric you want to prioritize, the
5 trade-offs will be different.

6 REPRESENTATIVE RICHARDSON: Follow-up?

7 SENATOR GALVANO: Yes.

8 REPRESENTATIVE RICHARDSON: Thank you.

9 So you are saying that we might be able to
10 get a few more there, but we might -- it might
11 be a trade-off with, say, the county number
12 that we -- where we have whole of 53 or 52,
13 there could be some sort of trade-off?

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

15 I am not exactly sure what any of that
16 would be. Maybe. I don't -- I can't speak to
17 that off-hand.

18 REPRESENTATIVE RICHARDSON: Thank you.

19 SENATOR GALVANO: Senator Clemens.

20 SENATOR CLEMENS: Thank you, Mr. Chair,
21 and my question I think might be better
22 addressed by the attorneys, but it relates to
23 some of the questions that were just asked.

24 In terms of deviation, is a map that has
25 less deviation better than a map that has more

1 deviation? Is that a statement that
2 quantifiably could be made?

3 SENATOR GALVANO: Justice Cantero.

4 JUSTICE CANTERO: Thank you, Mr. Chair.

5 There is some discretion involved. I
6 believe in Apportionment 1 the Court approved a
7 maximum deviation of about 4 percent. So the
8 more you deviate, the more counties and cities
9 you can keep whole, but there comes a point at
10 which it violates the constitution because it
11 says as nearly in -- as nearly as equal in
12 population as possible. So you want to
13 minimize that deviation because you don't want,
14 you know, some districts to be very
15 over-represented and others to be very
16 under-represented. There is some leeway, and
17 so the map-drawers here had some leeway, but we
18 still wanted to make sure that we faithfully
19 followed that population deviation so it didn't
20 get out of hand.

21 SENATOR CLEMENS: Thank you.

22 SENATOR GALVANO: President Lee, you are
23 recognized.

24 SENATOR LEE: Thank you, Mr. Chair.

25 The -- again, in trying to understand how

1 the court, which will be the final arbiter of
2 our work product, has measured against whatever
3 the coalition plaintiffs might put up as a
4 stakeholder, I -- you know, I see that we have
5 an amended complaint that identifies 28 Senate
6 districts as allegedly unconstitutional, and
7 then I looked at a consent judgment where --
8 that we have entered into where we basically
9 say, quote, that "the enacted Senate plan shall
10 not be enforced or utilized for the 2016
11 primary and general election." And when you
12 enter into a consent judgment like this, do you
13 have the option of objecting to certain
14 allegations that are made in the complaint and
15 admitting to only some of them?

16 SENATOR GALVANO: Justice Cantero.

17 JUSTICE CANTERO: Yes.

18 SENATOR LEE: So is it reasonable to say
19 that by virtue of the fact that the Senate did
20 not object to any of the allegations raised in
21 the amended complaint, that we have, therefore,
22 consented to the fact that they're all
23 accurate?

24 JUSTICE CANTERO: No, not nece- -- I'm
25 sorry. Thank you, Mr. Chair.

1 No, that is not accurate either. The only
2 thing we have consented to is what's in the
3 consent judgment, and just because we have
4 consented to a judgment doesn't mean that we
5 agree with everything that is in the complaint.

6 SENATOR GALVANO: Follow-up.

7 SENATOR LEE: So, Mr. Chair, how do we
8 know as members -- because I can see from the
9 maps that were drawn, all six of them, to the
10 credit of staff and the attorneys, appear to be
11 immeasurably better than the base -- than the
12 unconstitutional map in terms of the Tier 2
13 metrics, but yet there are specific infirmities
14 that were enumerated by the plaintiffs in their
15 complaint that we have consented to. And how
16 do I know -- we haven't addressed any of those
17 in terms of holding these maps up against the
18 light of all of the allegations that were made
19 against the Legislature that resulted in us
20 consenting that our maps were
21 unconstitutionally drawn, and it seems like one
22 of our challenges has to be while we go through
23 and improve the Tier 2 metrics of the map, to
24 also make sure that we are addressing the
25 infirmities that are enumerated in the amended

1 complaint, lest we end up back at the court
2 with a more constitutionally-compliant map, but
3 yet didn't address some of the infirmities that
4 were raised by the plaintiffs that we have
5 consented to were the basis for our maps being
6 unconstitutional.

7 And I will give you a specific example.
8 In Item No. 50, the plaintiffs alleged that we
9 should never have crossed Tampa Bay from
10 Pinellas County. We have done so in two of
11 these maps. And that would seem to be in
12 direct conflict to one of the specific -- now,
13 you know, crossing Tampa Bay for Tier 1
14 purposes in the Tampa Bay bay seat and in the
15 minority access seat, I understand, but
16 crossing Tampa Bay, you know, the other
17 direction from Pinellas to Hillsborough in what
18 was referred to as District 22 was specifically
19 objected to by the plaintiffs, and yet we do it
20 again twice.

21 How do I as a legislator vote for a map,
22 whether I like it, you know, overall when I
23 know it specifically flies in the face and
24 ignores one of the primary or fundamental
25 objections that were raised by the plaintiffs

1 that led us to this point here today?

2 SENATOR GALVANO: If I may start,
3 President Lee, what we did when we entered into
4 the consent was not to agree with the
5 allegations set forth in the plaintiffs'
6 complaint, specifically with regard to Tier 2
7 characteristics. The consent was limited to a
8 Tier 1 admission and then went on to, in fact,
9 say not identify a party, not identify an
10 incumbent and not identify a district. And the
11 purpose of doing it that way was so that we
12 were not admitting the veracity or the merit of
13 any individual Tier 2 characteristic, but
14 recognizing, based on the standard of review
15 that had come from the Florida Supreme Court,
16 that the likelihood that we would be found to
17 have violated Tier 1 was going to be an issue.
18 And so because of that, the way to cure that
19 infirmity was to reestablish a process that --
20 a sterile process, if you will, but I don't --
21 don't think that once we've got past that
22 sterile process or into that sterile process,
23 it then is incumbent upon us to go back and
24 make sure that we're checking off any or all of
25 the allegations in the complaint. If it was

1 approached correctly and the Tier 2
2 requirements were followed just as Tier 1, I
3 think as a committee and as a legislature, we
4 can analyze those maps and consider them
5 compliant.

6 SENATOR LEE: So, Mr. Chair, then it would
7 be your representation that simply fixing the
8 process and readopting the same map would
9 result in a cure?

10 SENATOR GALVANO: That is an arguable
11 position, but --

12 SENATOR LEE: I think that's a ludicrous
13 position.

14 SENATOR GALVANO: Well, it is -- if you
15 had --

16 SENATOR LEE: And I wouldn't make that
17 argument.

18 SENATOR GALVANO: Well -- and we didn't.
19 We ultimately adopted a process to start anew
20 and start at the beginning, but at the heart of
21 where the issue was and that the catalyst for
22 the consent was, in fact, the Tier 1
23 allegations.

24 SENATOR LEE: Well, Mr. Chair, I just
25 think people need to read this amended

1 complaint, because I don't think that's what it
2 says at all. I think it is very specific as to
3 maybe why we did what we did, but what we did
4 is the basis for why we are here, and if we
5 don't fix these things as we go about trying to
6 address the map and we just ignore the court's
7 direction to us as a result of this consent,
8 this thing is going to get kicked out again.
9 And I just hope whatever we do, we hold up to
10 the light against the infirmities that have
11 been alleged by the plaintiffs that we have
12 admitted and we can say, "Well, we didn't
13 specifically admit to them," but there's also a
14 legal theory out there that I am aware of,
15 talking to lawyers, that because we didn't
16 specifically say that any of these infirmities
17 do not apply to the map, that we have admitted
18 every single one of them.

19 And so I would just suggest to you maybe
20 when we get into the Senate meeting, we could
21 have a little bit more dialogue on that because
22 that's definitely in dispute.

23 SENATOR GALVANO: Okay. Do you want to
24 comment, Justice Cantero?

25 JUSTICE CANTERO: Thank you, Mr. Chair.

1 Yeah, we specifically did not agree to the
2 specific districts that were alleged as
3 unconstitutional. We agreed in general that
4 the map was unconstitutional, but we didn't say
5 District X, Y or Z was unconstitutional. And
6 many of the arguments that they made as to the
7 unconstitutionality --

8 SENATOR LEE: Mr. Chair, look, in all
9 fairness, if you are going to sit here and tell
10 us that you had a right to object to these
11 allegations, and you did not, but therefore we
12 didn't admit to them either -- I mean, which is
13 it?

14 JUSTICE CANTERO: We answered the
15 complaint and we denied the allegations.

16 SENATOR LEE: We can say --

17 JUSTICE CANTERO: The only thing we --

18 SENATOR LEE: -- that our map was
19 unconstitutional and we did -- and in no place
20 did we object to any of the allegations made by
21 the plaintiffs, no place did we say that any of
22 these allegations are inaccurate. Why didn't
23 we do that if we object to them?

24 JUSTICE CANTERO: Mr. Chair?

25 We did object. We answered the complaint,

1 we denied those allegations. And the consent
2 judgment did not contain an admission of those
3 specific allegations.

4 SENATOR BRAYNON: Mr. Chair, may I make a
5 motion to extend to 6:30?

6 SENATOR GALVANO: Yes. Without objection,
7 show that adopted.

8 SENATOR LEE: Mr. Chair, I --

9 JUSTICE CANTERO: Mr. Chair, if it would
10 please that we have a motion on the House side?

11 REPRESENTATIVE CUMMINGS: Mr. Chairman, I
12 move that the House Select Committee on
13 Redistricting be extended until 6:30 as well.

14 REPRESENTATIVE OLIVA: Representative
15 Cummings moves that the House Select Committee
16 on Redistricting be extended until 7:00 p.m.
17 Without -- 6:30, 6:30. Thank goodness.

18 Without objection, show that motion
19 approved.

20 SENATOR GALVANO: Senator Lee.

21 SENATOR LEE: Look, maybe this is just
22 semantics and I need to get more -- more legal
23 advice, but what I've heard you say is that if
24 we were concerned about any of these
25 allegations, we had a right that when we

1 executed this consent, to specifically
2 delineate those that we did not agree to. And
3 yet we say in here that because of the findings
4 from the court based upon this evidence that
5 was submitted, that we believe our maps are
6 unconstitutional. This is the amended
7 complaint. This is the complaint that the
8 plaintiffs filed. This is what they said we
9 did wrong. We had every opportunity to deny
10 any of these allegations and yet still sign a
11 consent judgment saying that the maps were
12 unconstitutional, and we didn't do it. And now
13 I am sitting here being asked to remediate this
14 situation, and all I can tell you is I have a
15 voluminous number of complaints that have been
16 made by plaintiffs, and we have not denied any
17 one of them in this consent judgment.

18 SENATOR GALVANO: Justice Cantero.

19 JUSTICE CANTERO: Thank you.

20 The -- what we stipulated to in the
21 consent judgment is that the enacted plan
22 violates the provisions of Article III, Section
23 21, of the Florida Constitution. We did not
24 admit specifically which districts were
25 violated, so there was no admission as to any

1 particular districts. There was admission as
2 to the plan as a whole.

3 SENATOR LEE: Mr. Chair, then could
4 rational minds then just conclude that you
5 could look at the glass half-empty or
6 half-full, that we never admitted that all
7 these districts were unconstitutional, but
8 neither did we ever deny it?

9 JUSTICE CANTERO: No, we admit that the
10 map as a whole was unconstitutional and that we
11 agreed that we are going to redraw the map. We
12 didn't say any specific district was drawn
13 unconstitutionally. So the fact that we now go
14 into Pinellas from Tampa Bay doesn't mean that
15 we violate any of the stipulation or that we
16 had agreed that we weren't going to go into
17 Tampa Bay.

18 Their allegations of why it went to Tampa
19 Bay was because it was -- it violated Tier 1,
20 not the minority protections, but that they
21 argued that it was drawn with the intent to
22 favor or disfavor a political party or an
23 incumbent. So we come back here and we draw
24 districts that go into Tampa Bay and we state
25 the specific reasons why we had to go into

1 Tampa Bay, and if the map-drawers said that
2 they had various options that did not go into
3 Tampa Bay and they did not perform for
4 minorities, and the map-drawers affirm that
5 they had no intent to favor or disfavor a party
6 or incumbent, then I think those -- that
7 district will be approved.

8 And the district that they are presenting
9 in those maps, none of those maps go into
10 Manatee County as the enacted plan went. So it
11 is not the same configuration as the enacted
12 plan's configuration, and, in fact, it is
13 similar to the NAACP's suggested configuration.
14 So I would defend in court that map and that
15 district because it was drawn without the
16 intent to favor or disfavor a party or an
17 incumbent and because it meets the minority
18 protection criteria and because that is the
19 only way to protect minorities in that area.

20 SENATOR LEE: Well, this doesn't have
21 anything to do with minorities.

22 JUSTICE CANTERO: Yes, I am talking about
23 the --

24 SENATOR LEE: I am talking about from -- I
25 am just using the example of Allegation No. 50,

1 which says that we jump from Pinellas County
2 into Tam- -- into south Tampa, and that we did
3 that to favor a political party. And what you
4 are saying is, well, if we just do it and it
5 still favors a political party, then -- but we
6 didn't mean to do it, we can just reaffirm the
7 old approach for a new reason and the court is
8 going to find that is okay.

9 JUSTICE CANTERO: Well, if the map-drawers
10 came to an independents conclusion without
11 having looked at what was done before and
12 decided to draw a district a certain way, then
13 I would defend that because they -- they were
14 coming in independently of what had been done
15 before and they weren't doing it with any
16 intent. And, of course, the way you draw a map
17 is going to have political effects, and the
18 Supreme Court accepted that. But if you don't
19 have the intent, then what the political
20 effects are doesn't make it unconstitutional.

21 SENATOR LEE: Okay. Thank you.

22 SENATOR GALVANO: Senator Clemens.

23 SENATOR CLEMENS: I just want to make sure
24 we get some sort of legal clarity on that
25 because it sounds like a lot of double-speak to

1 me.

2 So we are talking about the -- not the
3 minority district that jumps the bay, but the
4 fact that in two of these maps, the other
5 district jumped the bay when clearly the
6 Supreme Court said that that was done for
7 political purpose. I mean, are you telling me
8 that that's okay now just because it was done
9 by different people?

10 SENATOR GALVANO: The Supreme Court did
11 not say that. It was with regard to the
12 congressional plan.

13 SENATOR CLEMENS: Thank you. Yes, with
14 regard to the congressional. Thank you.

15 SENATOR GALVANO: Okay.

16 SENATOR CLEMENS: Wait a second. I would
17 still like an answer to the question. You are
18 saying that because that was congressional and
19 then this is the state Senate maps, that those
20 same things don't apply?

21 SENATOR GALVANO: Justice Cantero.

22 JUSTICE CANTERO: In the congressional
23 map, that -- that district that went from Tampa
24 Bay to Pinellas was not a performing minority
25 district, and so the court said you had no

1 justification for crossing Tampa Bay in the
2 congressional map.

3 Here the map-drawers have determined that
4 the only way to -- this was -- this crossed
5 Tampa Bay in the -- in the benchmark plan, and
6 so the court determined that -- and so the
7 map-drawers determined the only way to keep
8 that as a minority district is to cross into
9 Tampa Bay.

10 SENATOR CLEMENS: Follow, Mr. Chair?

11 SENATOR GALVANO: Yes.

12 SENATOR CLEMENS: So if it were not a
13 minority district and it jumped the bay in the
14 Senate maps, would you say that then it is
15 probably a violation?

16 JUSTICE CANTERO: It depends on what the
17 -- what the justifications are. If it is still
18 a compact district and you have compact
19 districts around it -- and I am just looking at
20 the last draft, 9080 -- you have extremely
21 compact districts surrounding that District 20
22 of 19, 22 and 21, then the fact that it crosses
23 Tampa Bay has a legitimate reason for it.

24 SENATOR GALVANO: Representative
25 Moskowitz.

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

3 So understanding the debate over whether
4 or not the consent should have had specific
5 denials of the allegations, because, obviously,
6 I understand you denied it in your answer, but
7 that was before the consent, right? Is that
8 correct?

9 JUSTICE CANTERO: Thank you.

10 Yes.

11 REPRESENTATIVE MOSKOWITZ: Follow-up,
12 Mr. Chairman?

13 SENATOR GALVANO: Yes.

14 REPRESENTATIVE MOSKOWITZ: So with that
15 said, the consent specifically says that you
16 find the entire map unconstitutional, and you
17 state not specific districts. So if that's the
18 case and the entire map is unconstitutional, I
19 would like you to explain your rationale when I
20 am listening to the audio tapes of why you want
21 to go back to that map, the one that you deemed
22 unconstitutional, the entire map, to determine
23 who should have to run for election now versus
24 who would have to run in two years.

25 SENATOR GALVANO: Justice Cantero.

1 JUSTICE CANTERO: If you are -- if you are
2 referring to the numbering process, the
3 numbering process was deemed to be
4 constitutional in 2012 when it was randomly
5 numbered, and it has not been challenged, and
6 that was not -- not part of the case at all.
7 It was -- none of the allegations concerned the
8 numbering of the districts. So that was not
9 part of the case.

10 SENATOR GALVANO: Okay. Anyone else?
11 Senator Gibson.

12 SENATOR GIBSON: Thank you, Mr. Chair.

13 In terms of, I guess, the court naming
14 specific districts, but we then consent to
15 redraw them all, when we submit the map, all of
16 them must be to the court's satisfaction, or
17 just the ones that they found were not
18 constitutional or they throw out the whole map?
19 What -- where -- what does that scenario look
20 like?

21 SENATOR GALVANO: Justice Cantero.

22 JUSTICE CANTERO: Thank you, Mr. Chair.

23 I think the court is going to look at --
24 to see whether we drew a compliant
25 constitutional map, whether it met the Tier 1

1 standards, did not favor or disfavor a party,
2 an incumbent, and protecting minorities and
3 then was compliant with all the Tier 2 factors.

4 And I assume what will happen, like as
5 what happened with the congressional district,
6 is the plaintiffs, No. 1, they may not have any
7 problem with our map, or No. 2, they will have
8 a problem with a specific -- with specific
9 districts. For example, with the
10 congressional, we were required to redraw eight
11 districts. The League of Women Voters,
12 plaintiffs, only had problems with two of those
13 districts. And the focus of the trial was
14 really on those two districts, not on the ones
15 that they did not contest. So I would assume
16 that that same procedure is going to apply with
17 this map, the plaintiffs will have a problem.
18 If they have a problem with any districts, it
19 will be with a specific number of districts and
20 we will focus on those.

21 SENATOR GALVANO: Vice Chair Braynon.

22 SENATOR BRAYNON: Thank you.

23 I guess to the map-makers: Did you guys
24 use any of the 28 complaints in drawing the
25 base maps? Were any of those utilized in

1 trying to correct or remedy when you drew the
2 base maps?

3 SENATOR GALVANO: Mr. Ferrin.

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

5 No, we weren't specifically referencing a
6 complaint during the base map process.

7 SENATOR BRAYNON: So it was just drawn
8 from --

9 SENATOR GALVANO: Yes, you are recognized.

10 SENATOR BRAYNON: So it was just drawn
11 straight from scratch?

12 MR. FERRIN: We started with blank plates
13 and drew from there.

14 SENATOR BRAYNON: And didn't use -- okay.

15 SENATOR GALVANO: Based on review and
16 instruction of house and Senate counsel.

17 SENATOR BRADLEY: Mr. Chairman?

18 SENATOR GALVANO: Yes, Senator Bradley.

19 SENATOR BRADLEY: Could the other two
20 map-drawers also affirmly state for the record
21 what Mr. Ferrin just confirmed, because I saw
22 head-shaking that --

23 SENATOR GALVANO: Yes. Mr. Poreda and
24 Mr. Takacs?

25 MR. POREDA: Yes, we did not have the

1 complaint or anything of that nature in the
2 map-drawing room with us, and we started from a
3 blank slate.

4 SENATOR BRADLEY: I've got another
5 question.

6 SENATOR GALVANO: Yes.

7 MR. TAKACS: Mr. Chairman, I concur with
8 that as well.

9 SENATOR GALVANO: Senator Bradley,
10 question.

11 SENATOR BRADLEY: Thank you. And I have a
12 question for Justice Cantero.

13 Kind of going back to a discussion that we
14 were having when this process began several
15 hours ago, I thought I understood, and I want
16 to confirm, that it is your legal opinion as
17 our lawyer, and I believe the house counsel
18 also confirmed this, that if the Senate and the
19 House agree upon a map at the end of this
20 process, and that process produces a map that
21 is constitutionally compliant -- and that
22 process will produce a map that is
23 constitutionally compliant, goes to the court,
24 if the court agrees that the process by which
25 that map was developed was sterile, it did not

1 have improper intent, Tier 1 intent infecting
2 the process, that Tier 2 has been -- that has
3 been honored and followed, and that, therefore,
4 the map that the House and the Senate agreed
5 upon is constitutionally compliant, is that the
6 end? Or is this a situation where we go
7 through this process as I just described, give
8 the court -- the trial court, and then if it is
9 appealed, higher court -- we give the trial
10 court our product that is agreed upon by the
11 House and the Senate, and then they say, okay,
12 thank you, we got this, now we've got these
13 other two maps that have been submitted by
14 coalition plaintiff and a Romo plaintiff and we
15 are just going pick amongst these three? In
16 other words, those are two very different
17 analysis that a court would have, one would be
18 Scenario 1, which is it's simple, they look at
19 our map that we have agreed upon and they
20 decide is it constitutionally compliant. If
21 the answer is yes, then we are done. The other
22 scenario would be, yeah, you got that map, and
23 then on equal footing is these other maps that
24 parties have submitted. Is it my understanding
25 that Scenario 1 is the scenario that we are

1 operating under?

2 SENATOR GALVANO: Yes, you are recognized.

3 JUSTICE CANTERO: Thank you.

4 Yes. The only thing I would add is that
5 we have the burden of proof to demonstrate that
6 they are compliant with the constitution.

7 SENATOR BRADLEY: So --

8 SENATOR GALVANO: Yes, you are recognized.

9 SENATOR BRADLEY: Let's talk about that,
10 then, for a second, just so I understand.

11 We have the burden of proof, but what is
12 before the court is our map, assuming that we
13 approve it together, and if we meet that
14 burden, then that should be the end of it.

15 JUSTICE CANTERO: Mr. Chair?

16 SENATOR GALVANO: Yes.

17 JUSTICE CANTERO: That is correct.

18 SENATOR BRADLEY: Okay. Thank you.

19 SENATOR GALVANO: President Lee.

20 SENATOR LEE: Thank you.

21 Can you direct me to anything in the
22 court's opinion on the congressional map that
23 would lead you to that conclusion?

24 SENATOR GALVANO: Justice Cantero.

25 JUSTICE CANTERO: I'm sorry, to what

1 conclusion?

2 SENATOR LEE: To the conclusion that if we
3 pass a map, that's the end of it.

4 SENATOR GALVANO: You are recognized.

5 JUSTICE CANTERO: When I say that's the
6 end of it, it means that the court will approve
7 the -- approve our map. So, I mean, they can
8 still appeal and all that, but Senator
9 Bradley's question was whether -- if we present
10 a legislative map to the court, is this the map
11 that the court considers to determine its
12 constitutionality, or is it in line with other
13 maps that the plaintiffs may present to
14 determine which is the best map in
15 contradistinction to what happened in the
16 congressional map.

17 The reason that Judge Lewis looked at
18 several maps and said "I am going to pick out
19 the best map" was we didn't have a legislative
20 map to present to the court. If we do have a
21 legislative map to present to the court and we
22 demonstrate that it was drawn in compliance
23 with Tier 1 and Tier 2, then the court would
24 approve that map. It wouldn't go to a
25 plaintiffs' map unless the court first found

1 that ours did not comply with the constitution.

2 SENATOR LEE: And can you direct me in
3 this opinion to where you believe that is the
4 case? My -- my interpretation of what the
5 court did was that we are not terribly
6 relevant, that the House and the Senate can
7 pass a map, we can pass one we agree on, we can
8 pass one we disagree on, everyone is going to
9 take their map to the court, and that the judge
10 specifically says that it is a principle of,
11 you know, judicial law that you don't attempt
12 to resolve things that aren't in dispute. And
13 the dispute isn't between the House and the
14 Senate. The dispute is between the Legislature
15 and the plaintiffs. And if the plaintiffs
16 object to our map, we have the burden of proof
17 to prove that our map is superior to the
18 plaintiffs' map. And so is there's no safe
19 harbor because the Legislature happens to agree
20 on a map in defense against the coalition
21 plaintiffs submitting a map that may have
22 superior metrics and for one reason or another
23 catch the eye of the court. And that was my
24 reading of the -- of the ruling. And yet you
25 seem to have come to a different opinion that

1 somehow if we pass a map together, we have some
2 safe harbor, that there's some law, there's
3 some value in numbers or something.

4 SENATOR GALVANO: Justice Cantero.

5 JUSTICE CANTERO: I think in Apportionment
6 7, the court used the plaintiffs' map in -- as
7 a contradistinction to certain configurations
8 of our map and to say the plaintiffs have shown
9 that you can draw a more compact district here
10 or a more compact district there, but did not
11 require us to specifically do that if we
12 didn't -- if we thought there was a better way
13 to do it.

14 So the Supreme Court in Apportionment 7
15 did not adopt the plaintiffs' maps and didn't
16 adopt any district. It remanded for us to draw
17 districts ourselves in compliance with their
18 opinion, and we made certain choices, given the
19 Supreme Court's opinion. But the court didn't
20 say we are going to adopt the plaintiffs' map,
21 and I don't think that's what it -- it required
22 the court to do -- the trial court to do
23 either. And it is in -- on September 4th of
24 this year, it had a supplemental order to its
25 opinion when we couldn't come up with an agreed

1 map between the two chambers, and the court
2 directed the trial court to consider first maps
3 that were drawn by the House and the Senate and
4 amendments to those maps and to give
5 consideration first to agreement between the
6 House and the Senate as to certain districts.

7 So I think the court does give some
8 credence to the fact that there is a
9 legislative map or districts that were agreed
10 to legislatively, and that's what I am going to
11 argue to Judge Reynolds, that to the extent we
12 have a legislative map, you should first
13 consider whether that is constitutional, and
14 only if the court determines it is not, then
15 consider the plaintiffs' alternatives.

16 SENATOR GALVANO: Yes, follow-up.

17 SENATOR LEE: I don't want to belabor
18 this, but did the Legislature agree on the
19 configuration of Congressional District 26 and
20 27?

21 JUSTICE CANTERO: Yes.

22 SENATOR LEE: So that was a place where
23 our maps didn't disagree at all, did they?

24 JUSTICE CANTERO: Correct.

25 SENATOR LEE: And yet the court redrew

1 them, didn't they?

2 SENATOR GALVANO: You are recognized --

3 JUSTICE CANTERO: Yes, and that's one of
4 the arguments that we are appealing to the
5 Florida Supreme Court, that that was a -- that
6 was two districts that we agreed on.

7 SENATOR LEE: So we could agree there,
8 then, that it is an unresolved legal issue as
9 to whether or not if this Legislature agrees on
10 the configuration of any specific districts,
11 that the court's going to give any deference to
12 that over the coalition plan?

13 SENATOR GALVANO: Justice Cantero.

14 SENATOR LEE: It's an unresolved issue.

15 JUSTICE CANTERO: Well, it is unresolved,
16 but in the congressional context, there was no
17 legislative map, and that's why Judge Lewis
18 decided he's not going to consider it. If we
19 have a legislative map, then I would argue that
20 that's a distinction from the congressional
21 case.

22 SENATOR LEE: More follow-up because
23 I'm --

24 SENATOR GALVANO: Yes, you are recognized.

25 SENATOR LEE: -- hearing a lot of shucking

1 and jiving here.

2 What -- so it is your contention that had
3 the Legislature agreed on a map that included
4 the configuration of 26 and 27, Judge Lewis
5 would have accepted that map and not the
6 coalition's redraw of 26 and 27?

7 SENATOR GALVANO: You are recognized.

8 JUSTICE CANTERO: That is absolutely
9 correct, that is my contention.

10 SENATOR LEE: Thank you.

11 SENATOR GALVANO: Okay. We will hear from
12 Todd Bonlarron, Palm Beach County. He has been
13 very patient out there today, to provide us
14 some information.

15 MR. BONLARRON: Thank you, Mr. Chairman,
16 members and staff for your time in drafting
17 these maps.

18 I represent Palm Beach County, and we have
19 advocated both during congressional
20 reapportionment and here today that Senate
21 maps, the overall number of legislators in them
22 in Palm Beach County should not be diminished.
23 All of the maps that you have reviewed today
24 decrease Palm Beach County's representation by
25 one senator from four to three in the Florida

1 Senate. And in reviewing those proposed maps,
2 we have some observations based on Tier 2
3 criteria that we would like to share about the
4 current proposals.

5 First, we believe it is reasonable to
6 suggest that Palm Beach County, a county of
7 1.32 million people, could be split with
8 portions of it in four Senate seats and still
9 be consistent with both Methodology 1 and
10 Methodology 2, as well as the first principle
11 of Tier 2, which is to minimize splits of the
12 county.

13 Broward County to the south, with 1.74
14 million residents has five Senate districts
15 drawn in all of the proposals that you have
16 seen today. They have just over 400,000 more
17 residents than we have. And with a benchmark
18 of 470,000 as your goal for district sizes, it
19 would seem an additional split in Palm Beach
20 County would be consistent with the methodology
21 used in coming up that -- with that with our
22 neighbors to the south.

23 The second principle under Tier 2 asked
24 map-drafters to follow commonly understood
25 geographic boundaries, such as railways, major

1 roads, rivers, when county lines cannot, or in
2 this case, do not serve as a boundary line.

3 I would argue in the north end of Palm
4 Beach County, the Loxahatchee River is a
5 commonly understood boundary that has shared
6 characteristics with the St. Lucie River in
7 Martin County, and they have been consistently
8 and historically linked to one another in the
9 same district for decades. It is also unlikely
10 that that river boundary will ever change.

11 The municipalities of Tequesta and of
12 Jupiter and the colony of about 6,000 residents
13 are two fully-contained cities to the north of
14 that river, and them along with the
15 unincorporated pockets of Palm Beach County
16 could remain in their current Treasure Coast
17 drawn districts, and those districts could
18 currently be worked out with the two
19 northern-most districts that are drafted in
20 many of your maps in Palm Beach County and meet
21 the requirements of Principle 3 under Tier 2.

22 And the fourth principle is that the
23 districts shall be compact. I know under the
24 direction from the Supreme Court for Tier 2,
25 compactness, it refers to several different

1 models. Visual and numeric compactness don't
2 necessarily provide for the best compactness in
3 districts in Palm Beach County.

4 I would submit that for the purposes of
5 your continued discussion, just because a
6 district is more compact based on circle
7 dispersion method or under an area convex hull
8 method doesn't necessarily make it more -- make
9 it a more accessible district for its elected
10 officials and constituents. In Palm Beach
11 County, our development patterns are very
12 different from other areas of the state. Our
13 developments run north and south, not east and
14 west. The Intracoastal Waterway, A1A, U.S. 1,
15 TriRail, I-95, State Road 7, the turnpike, all
16 run north and south, and most of our
17 development is clustered in those corridors.
18 So the more you go north in connecting a
19 northern Palm Beach region to the western rural
20 portion of the Glades, you make it more
21 difficult for citizens to potentially connect
22 and have access with their elected
23 representative.

24 Just because an area might be 5 or
25 10 miles closer doesn't mean that it is

1 necessarily the shortest and most compact way
2 of getting there. State Road 80 in Palm Beach
3 County is one exception to this, and that is
4 our main east/west freeway, that freeway that
5 is in the central county, which is why an east
6 central district makes sense as drafted in many
7 of the proposals that were before you, and
8 should be clustered in and around that
9 corridor.

10 And, finally, I would just say we support
11 including more of southern Palm Beach County in
12 the southern Palm Beach County/Broward County
13 seat alignment. All of the proposed maps were
14 drawn with the seat encompassing more of Palm
15 Beach County in a roughly 80/20 split, Palm
16 Beach to Broward County. We believe that that
17 is a preferable split to strive for in
18 reapportioning that district, and over the long
19 haul, that will strengthen the accessibility
20 and compactness of the municipalities and the
21 residents in the southern end of the county.

22 We thank you for your consideration of
23 these observations, and if we can be of any
24 help, we promise to play nice in the sandbox.
25 So thanks.

1 SENATOR GALVANO: Yes, thank you and thank
2 you for your patience today.

3 MR. BONLARRON: Thank you.

4 SENATOR BRAYNON: Mr. Chair?

5 SENATOR GALVANO: Yes, Senator Braynon.

6 SENATOR BRAYNON: The map -- the 68, 69,
7 what is it, the Braynon map, when do we have
8 any -- when will we have time to go over that?

9 SENATOR GALVANO: Have you filed it as an
10 amendment at this point?

11 SENATOR BRAYNON: I haven't. Is there --
12 is there an actual bill to file to? Can I file
13 it as its own bill?

14 SENATOR GALVANO: Yeah, we have Joint
15 Resolution 2-C, that is a shell bill, and you
16 can put it in as an amendment and it will be
17 taken up and reviewed.

18 SENATOR BRAYNON: Thank you.

19 SENATOR GALVANO: Okay. Members, thank
20 you very much for your time today. Appreciate
21 all the input that we received from the members
22 of both committees, as well as the questions
23 and input from the members who were not on the
24 committees. Map-drawers, thank you for your
25 time, your patience, and appreciate the legal

1 counsel. And, Mr. Chairman, again, thank you.
2 I look forward to our work together through
3 this process and appreciate the cooperation
4 thus far.

5 REPRESENTATIVE OLIVA: Thank you,
6 Mr. Chairman. I want to echo those comments.
7 Thank you to both the attorneys, and, of
8 course, a tremendous job done by the
9 map-drawers. Thank you, all the members of
10 this committee, for your patience and your
11 engagement as well.

12 SENATOR GALVANO: Great. And with that,
13 Senator Bradley moves that we adjourn.

14 REPRESENTATIVE OLIVA: Vice Chair McBurney
15 moves that the House Select Committee adjourn.

16 Without objection, we are adjourned.

17 (Whereupon, the proceedings were
18 adjourned.)

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF LEON)

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

That the foregoing pages 2 through 23 represent a true, correct, and complete transcript of the tape-recording;

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

Dated this 2nd day of November, 2015.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2018

Commission NO.: FF 174037