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SENATE COMMITTEE ON REAPPORTIONMENT

OCTOBER 21, 2015

12:30 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, we will
3 reconvene the Senate Committee on
4 Reapportionment.

5 I do believe we have a quorum of members.
6 So we will pick up on our agenda and at this
7 point I would like to recognize Mr. Ferrin to
8 discuss the numbering methodology.

9 As you recall in my memo to the members, I
10 said that we would number based on a
11 methodology that kept the greatest commonality
12 with the existing districts. And I would like
13 to have Mr. Ferrin explain that and then give
14 an opportunity for questions and answers.

15 Mr. Ferrin, you are recognized.

16 MR. FERRIN: Thank you, Mr. Chairman. And
17 typically when you enter in reapportionment and
18 redistricting settings, when you are trying to
19 establish through analogue districts or
20 comparisons across different plans you would
21 turn to the kind of commonality of population
22 amongst -- between the districts, between
23 either the new or the old or Plan A and Plan B
24 or however you want to do it.

25 And so I would propose that that would be

1 the appropriate measure to gauge district
2 numbers by.

3 There is probably inevitably going to be
4 some circumstances in which the district
5 numbers won't line up perfectly and I believe
6 that I have kind of thought through an
7 objective method for doing that by which the --
8 the emphasize is placed on the odd or even
9 status of the, if you will, predecessor
10 district.

11 And so that new districts with the higher
12 percentage of population from the even
13 district, or from even districts would receive
14 even numbers and we would attempt to be as
15 consistent as possible with particular regard
16 to the specific numbers.

17 SENATOR GALVANO: Members, do we have
18 questions? Senator Gibson, you are recognized.

19 SENATOR GIBSON: Thank you, Mr. Chair. I
20 am not quite sure I understood. So in terms of
21 the current enacted map and the numbers
22 therein, we are going to number the same as
23 long as the district hasn't changed much? I am
24 missing something.

25 SENATOR GALVANO: You are recognized.

1 MR. FERRIN: Thank you, Mr. Chairman.
2 That is not quite how it would work. It gets
3 to be a little bit more mathematical
4 scientific. When you -- there is a comparison
5 report that I can run that shows the district
6 by the new district's population and how much
7 of that is common with the old district.

8 And so in cases where, some cases it may
9 be fairly straightforward where the numbers
10 will line up very consistently, and perhaps
11 cases where districts have not changed much.

12 In cases where districts have drastically
13 changed it is likely that a few district will
14 have significant population from several old
15 districts. And so the methodology would be to
16 sum up the percentage of the population from
17 even districts, old even districts in the new
18 district, and assign the 20 even numbers that
19 we have available to those districts that have
20 the highest percentage of their population from
21 an evenly numbered predecessor district.

22 SENATOR GALVANO: Follow up.

23 SENATOR GIBSON: Thank you, Mr. Chair.
24 And I am asking in light of the fact that we
25 had to do Senate Lotto when we did, well, I

1 call it Senate Lotto, when we did the current
2 enacted map. And so what is the difference
3 between that precedent and this process that is
4 being proposed?

5 SENATOR GALVANO: You are recognized and
6 if counsel wants to weigh in on that as well.

7 MR. FERRIN: Yes, and Mr. Chairman, thank
8 you. I think the thought here is that the --
9 this methodology would carry over the odd or
10 even status from the random renumbering. So
11 the last time it was done randomly, this is
12 simply going to carry, carry that forward and
13 apply that to the new, new plan. And if you
14 guys want to add to that.

15 SENATOR GALVANO: Yes, Justice Cantero.

16 JUSTICE CANTERO: I would just further
17 note that the Florida Supreme Court approved
18 that methodology for the numbering in
19 Apportionment Two and that it was not
20 challenged in the -- in the Court action. That
21 was not part of their case.

22 So we are trying to keep that same
23 numbering to the extent possible as existed
24 then and that was based on random numbering.

25 SENATOR GALVANO: Follow up.

1 Vice Chair Braynon, you are recognized.

2 SENATOR BRAYNON: Thank you. Justice
3 Cantero, you said that was approved in
4 Apportionment Two, you said?

5 SENATOR GALVANO: You are recognized.

6 JUSTICE CANTERO: That is correct.

7 SENATOR BRAYNON: Mr. Chair, follow up.

8 SENATOR GALVANO: Yes.

9 SENATOR BRAYNON: So Apportionment Two, if
10 I am correct, was the one where we only
11 remedied a few things, right? Apportionment
12 Two wasn't where we redid, we had to redo the
13 map, right?

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

16 JUSTICE CANTERO: To go back to
17 Apportionment One. The Florida Supreme Court
18 required that we redraw eight districts and
19 also required that we change the numbering
20 system which the Court felt favored incumbents.
21 So we both changed the eight districts and then
22 we renumbered the entire state on a random
23 basis. And then Apportionment Two, the Supreme
24 Court approved that.

25 SENATOR BRAYNON: Okay, they approved our

1 method right there.

2 JUSTICE CANTERO: Yes.

3 SENATOR BRAYNON: So we are saying that
4 because we used that method there we don't have
5 to redo it.

6 SENATOR GALVANO: You are recognized.

7 JUSTICE CANTERO: Yes, sir.

8 SENATOR BRAYNON: Okay.

9 SENATOR GALVANO: Further in questions?
10 Further in questions? Yes, Senator Gibson.

11 SENATOR GIBSON: Thank you, Mr. President,
12 Mr. Chair. And so we are making that decision
13 today even though we don't yet have a final map
14 and know what it is going to look like?

15 SENATOR GALVANO: What we are talking
16 about right now is the methodology that will be
17 applied to the map once the lines are drawn,
18 correct?

19 MR. FERRIN: Yes, sir, Mr. Chairman, and I
20 think when that methodology applied is a
21 question for the committee here, whether we do
22 that after the committee process or prior or
23 during. I am awaiting direction on that.

24 SENATOR GALVANO: Okay. Thank you. Yes,
25 Vice Chair Braynon.

1 SENATOR BRAYNON: So I guess that kind of
2 brings up a point of once we approve a map
3 through this committee, we could have vastly
4 different district, districts, and would that
5 in any way play a role in how we do our
6 numbering if we have just, I mean, we have just
7 totally revamped the map?

8 I mean not even, take out of the equation
9 the maps that are on the table. I am just
10 saying if we do that does that at all play a
11 role in how we do it? Mr. Chair, I don't know.

12 SENATOR GALVANO: Yes, Mr. Ferrin, I guess
13 the question is under this methodology if we
14 have vastly different districts, is it still
15 able to be applied?

16 MR. FERRIN: I think I understand the
17 question to -- let me see if I can maybe pose
18 this scenario and see if this is what you are
19 thinking.

20 If the committee here were to move the
21 map, I mean, we could renumber it during the
22 committee process and then approve the map and
23 then a floor amendment. Are you asking if that
24 numbering method needs to be consistently
25 applied to the floor amendment or it could be

1 or should be or how -- I am --

2 SENATOR GALVANO: Vice Chair Braynon.

3 SENATOR BRAYNON: I guess to kind of
4 clarify, when we do this method in committee
5 after we approve a map, it would be after, is
6 that how we would do it?

7 SENATOR GALVANO: The way I anticipate
8 this going, we are having our meeting today.
9 We will have some further discussion and then
10 Joint Resolution 2-C which is a shell Bill
11 under the Chair's name, will insert or I will
12 ask the staff to go ahead and draft an
13 amendment to that Bill that will be the map,
14 and at the time that is done I would ask that
15 the numbering be plugged in, too, so that when
16 we reconvene on Friday we can see the product
17 that we will either vote up or down to be sent
18 to the floor, among any other amendments that
19 get filed or maps that get filed through this
20 committee.

21 SENATOR BRAYNON: Okay. So I guess then I
22 have a different, I understand that and that
23 kind of answers that question.

24 My, I guess my question would be, how does
25 this possibly not be viewed as by the Court as

1 incumbency protection because the numbers were
2 already there in that region and you are kind
3 of giving that number to maybe an incumbent
4 that was in that -- that region?

5 Is it -- is it possible for the Court to
6 construe that as incumbency protection and
7 possibly violating Tier 1?

8 SENATOR GALVANO: Good question. Justice
9 Cantero.

10 JUSTICE CANTERO: Well, it is hard to
11 predict what the Court will do, but I think it
12 is defensible because the system that we are
13 using is based on the system that was drawn
14 randomly in which the Court approved, and in
15 which the Court determined did not protect
16 incumbents.

17 So we are just inserting that system that
18 has already had been done into our map.

19 SENATOR GALVANO: Follow up.

20 SENATOR BRAYNON: I am trying to follow
21 you logically, but doesn't that imply, then
22 does that mean that we are not considered
23 incumbents because we are elected in a map that
24 was already numbered?

25 That happened because there was no

1 incumbents in those districts, right, because
2 they were newly drawn, and now there may be
3 incumbents in the district? I am trying to
4 figure how to ask it the proper way.

5 SENATOR GALVANO: I think I understand
6 what. When the original methodology was
7 implemented it there were not incumbents.

8 SENATOR BRAYNON: Now we have incumbents,
9 but now we are not -- but if we go back to that
10 we are not considered incumbents. So the
11 question is are we going to be considered
12 incumbents in this methodology and could the
13 Court possibly say, well, you can't do that
14 again because these people have served in these
15 terms for four, five years, whatever, five
16 years.

17 SENATOR GALVANO: Justice Cantero.

18 JUSTICE CANTERO: You can never predict
19 what the Court will do, but I think it is
20 defensible to say that we are using that system
21 that was drawn randomly. So it is almost like
22 drug a random system that has been drawn back
23 in 2012, and we are just keeping that system.

24 SENATOR GALVANO: Senator Gibson.

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

1 suppose, and maybe, I don't know, if you can
2 tell me if this part is in not direction or
3 not, but when we -- when we redrew the map
4 where we technically considered incumbents in a
5 new map are sitting members considered
6 incumbents in a new -- in a new map, and --

7 SENATOR GALVANO: I think for purposes of
8 Tier 1, even though the lines may change, the
9 elect, sitting elected members are considered
10 incumbents.

11 SENATOR GIBSON: Okay.

12 SENATOR GALVANO: Let me take Senator
13 Simmons, you are recognized.

14 SENATOR SIMMONS: Yes, thank you. A
15 question for counsel, and I am -- I am
16 reviewing the Florida Supreme Court's decision
17 that it made on March the 9th, 2012, and in
18 that decision and in the handout we have, and
19 thank you for getting -- getting this to us.

20 On pages 44 and 45 the Florida Supreme
21 Court discusses the numbering system, and I am
22 trying to understand, you know, how since we
23 have stipulated that the -- that the numbering
24 system is or that the -- that the plan violates
25 Tier 1, subsection (a), I am reading on page

1 44, because the Supreme Court discusses in
2 detail the numbering system, and in the
3 subsequent decision that they had on
4 April 27th, 2012, they said neither -- neither
5 side questioned the numbering system.

6 But in giving us direction in the
7 Apportionment One, the Court said the question
8 we must first answer is whether as a result of
9 the new requirements in Article III, Section 21
10 (a), prohibiting apportionment plans that meet,
11 that have the intent of favoring incumbents,
12 the numbering of Senate Districts is now a
13 matter for this Court's review under Article
14 III, Section 16. And then it goes on and says,
15 "The Senate has asserted that the provisions of
16 Article III, Section 21 apply only to the
17 drawing of district lines and not the numbering
18 scheme."

19 Then the Court says on page 44, "We reject
20 the Senate's assertion. That numbering is
21 excluded from the evaluation under the
22 standards set forth in Article III, Section
23 21." And then over on page 45, the Court says,
24 "The numbers of the Senate districts are
25 unquestionably part of the apportionment plan

1 for purposes of reviewing whether the plan is
2 designed with the intent to favor or disfavor
3 an incumbent."

4 Can you explain that to us so that we can,
5 you know, address this issue of numbering and
6 be prepared to respond to any questions
7 regarding the numbering?

8 SENATOR GALVANO: Justice Cantero, you are
9 recognized, you may yield to whoever else.

10 JUSTICE CANTERO: Thank you. I am not
11 sure which pages you are looking at because I
12 have the So.3rd version of the opinion. I am
13 looking at some language that says, "We note
14 that the renumbering process indicates that the
15 Senate specifically considered incumbent
16 information when renumbering the districts."

17 And so here in the methodology that
18 Mr. Ferrin proposes we would not consider that
19 information. We would -- what we would
20 consider is the numbering process that was done
21 back in 2012, and then associate the districts
22 that most closely resemble the districts that
23 were done in 2012.

24 And in Apportionment Two, the Florida
25 Supreme Court approved the -- that numbering

1 that was done on a random basis.

2 SENATOR GALVANO: Follow up.

3 SENATOR SIMMONS: So how does that
4 coincide with the language of the stipulation
5 that we have entered into in the consent decree
6 which deals with the entire plan, which the
7 Florida Supreme Court has said that the entire
8 plan includes the numbering system?

9 So I am just asking the question, if the
10 entire plan includes the numbering system, how
11 does that fit within your analysis?

12 JUSTICE CANTERO: Well, you have to take
13 the consent judgment in the context of what was
14 alleged in the complaint and the complaint
15 contained no allegations about the numbering
16 system or the way that that was done.

17 SENATOR GALVANO: Senator Bradley.

18 SENATOR BRADLEY: Thank you, Mr. Chairman.
19 I am perusing the Plaintiffs' maps and unless I
20 am missing something it appears like all of
21 these maps are numbered with the same
22 methodology that is being suggested that we
23 follow. Am I missing something?

24 SENATOR GALVANO: Justice Cantero.

25 JUSTICE CANTERO: Thank you. I haven't

1 looked at the Plaintiffs' alternative maps on
2 that basis, but that --

3 SENATOR GALVANO: Hold on, are you
4 finished with your answer?

5 JUSTICE CANTERO: But it does coincide
6 with that numbering system of -- on a facial
7 review.

8 SENATOR GALVANO: Yes, Mr. Ferrin, do you
9 want to comment on that, having reviewed the
10 Plaintiffs' maps?

11 MR. FERRIN: Sure. I can -- I can't
12 testify and provide any insight as to the
13 methodology that was applied when they numbered
14 those. I don't want to make any assumptions
15 about it, but it certainly, you know, it would,
16 just a cursory review appear to be, you know,
17 something loosely based on the same type of
18 method.

19 SENATOR GALVANO: Senator Bradley.

20 SENATOR BRADLEY: Well, I -- I mean, we
21 were talking this morning about visual
22 compactness, and I -- and how that is a
23 subjective matter. I am just looking through
24 the maps and it is clear that they try to do
25 exactly what we are trying to do in this

1 methodology. They tried to match up districts
2 as much as practicable and the reason that is
3 relevant is that I remember in Judge Lewis'
4 opinion he -- and this is again I would to see
5 the Plaintiffs here, I wish they were here to
6 answer this, yes.

7 And when I see Judge Lewis in his
8 consideration of everybody bringing forth their
9 maps, he talks about, well, if the parties
10 agree on something, remember with CD 3, I
11 believe it was, or 4, what was --

12 JUSTICE CANTERO: Five.

13 SENATOR BRADLEY: CD 5, it was Judge Lewis
14 implied that he didn't think it was
15 particularly good. In his opinion he thought
16 that it could be more compact, probably in the
17 manner that Senator Gibson and Senator Simmons
18 were talking about doing.

19 I mean, that is what I read in the
20 opinion. However, he said, look, the
21 Plaintiffs have -- are good with CD 5 as it is,
22 the Legislature and all of them say that we are
23 good with how it is. So I am not going to -- I
24 am not going to sit here and try to figure out
25 who is right and who is wrong, let's move on to

1 the next issue.

2 So if the Plaintiffs, since they are not
3 going to be here I can only look at what they
4 have done. They have done what we are talking
5 about doing.

6 SENATOR GALVANO: Senator Braynon, Vice
7 Chairman.

8 SENATOR BRAYNON: Thank you. Now, one of
9 the things that happened I have seen in the
10 Court so far is if we do something and we say,
11 oh, there was our -- and say the Plaintiff
12 accuses us of having an intent and we defend it
13 and so, oh, that is not our intent and then it
14 is shown that there was another way we could
15 have done it which would have done -- which
16 would have gone further in proving that that
17 wasn't our intent, he just tended to err on
18 that side, right.

19 And it seems to me and what would be the
20 defense when the Plaintiff comes and says,
21 well, if they add just done the roll a ball
22 Lottery thing again then they wouldn't be
23 accused of and again I am saying this because
24 this is probably what you will face in Court,
25 is that they are going to say they did the

1 numbering like this because of the possibility
2 that, and this has come up, that some -- that
3 if you do the numbering that way and you keep
4 the odds and evens, then the odds will not have
5 to run and the evens will have to run, if
6 everybody doesn't have to run, and that could
7 be a possible.

8 With those two things combined could be
9 seen as an intent. And so what happens when
10 they say that you could, we could glean from
11 this that there was an intent even though we
12 can defend and you have defended just now the
13 regional thing and the League of Women Voters
14 maps did it, but what happens when they combine
15 the two and they say that, and then they say
16 why didn't they just do the roll a ball thing
17 because that could have taken all of that off
18 the table? Even if everybody ran again, they
19 did a roll a ball, so you didn't decide who has
20 to run and who doesn't have to run.

21 SENATOR GALVANO: Justice Cantero.

22 JUSTICE CANTERO: Thank you, Mr. Chair.

23 Well, first remember we are not in front of
24 Judge Lewis in this case, we are in front of
25 Judge Reynolds. Also let's remember that in

1 the original trial last year Judge Lewis
2 ordered very small changes to the districts and
3 it was only when it got to the Supreme Court
4 that at they ordered the further changes.

5 Third, the numbering system is not at
6 issue at least at this time. There is nothing
7 in the complaint that -- that objects to a
8 numbering system. And so the system that we
9 are using is just trying to implement the
10 system that was used that was based on a random
11 drawing process and included into our map. And
12 that, obviously we can't guarantee what a Judge
13 will say, but I think that is an adequate
14 justification for using it.

15 SENATOR GALVANO: Yes, President Lee.

16 SENATOR LEE: I am just curious, would it
17 have mattered if it was delineated in the
18 complaint?

19 JUSTICE CANTERO: No, I would we would
20 still have a justification, but it is an added
21 factor that they did not delineate it in the
22 complaint.

23 SENATOR LEE: So it matters if it is not
24 in the complaint, and it doesn't matter if it
25 is in the complaint. We just seem to keep

1 wanting to have it both ways. I mean, I look
2 at, and again, I just would love to hear from
3 somebody who has got a different opinion
4 because I just feel like, you know, every time
5 we get an answer it is, we are living in an
6 alternative universe here and we know what we
7 want the answer to be, but it never comes out
8 that way, and -- and we pick out pieces of
9 rulings. We want to focus on Reapportionment
10 One when it serves our interest, but we flip to
11 Reapportionment Seven when it serves our
12 interest.

13 We want to focus on one piece of these --
14 the amended complaint when it serves our
15 purpose, but then we want to go to the consent
16 judgment when that serves our purpose. I just
17 don't find any consistency in this. I think I
18 have lost confidence. That is basically where
19 I am at.

20 And so I don't know what to do, and I
21 guess what I would ask is this. There is
22 obviously confusion disagreement. Who will
23 make this decision ultimately?

24 SENATOR GALVANO: Justice Cantero.

25 JUSTICE CANTERO: The Senate and the

1 House, the Legislature will make the decision.

2 SENATOR GALVANO: No, I think he means
3 ultimately.

4 JUSTICE CANTERO: It will go to Judge
5 Reynolds and then ultimately it will go to the
6 Supreme Court.

7 SENATOR LEE: Is there a reason why we
8 haven't asked the Court? I want to know.

9 SENATOR GALVANO: Justice Cantero.

10 JUSTICE CANTERO: Unfortunately the way
11 that the process works is we can't ask the
12 Court. We have to take whatever guidance we
13 can from Apportionments One through Seven and
14 apply the principles that were explained.

15 SENATOR LEE: We don't have standing in a
16 declaratory request in the Supreme Court to
17 give us direction on this issue?

18 SENATOR GALVANO: Justice Cantero.

19 JUSTICE CANTERO: I don't believe that we
20 do have that standing. I don't believe that
21 the Supreme Court has declaratory judgment
22 powers outside of other jurisdiction that it
23 would have. It is usually, the Supreme Court
24 isn't an appellate court, a court of last
25 resort, not a court of -- not a trial court.

1 SENATOR GALVANO: Follow up, yes, sir.

2 SENATOR LEE: But when we have questions
3 of constitutional law in the Legislature there
4 have been times in history where we have sought
5 the direction of the court to clarify things in
6 an expedited fashion. I don't know what they
7 call it, but, you know, we go right to the
8 Supreme court.

9 I can't remember the circumstances off the
10 top of my head, but I think I did it when I was
11 -- when I was Senate President. Well, yes,
12 maybe that, that is another good example. I
13 just, it is like -- if the answer is out
14 interest why don't we seek it rather than joust
15 at windmill?

16 SENATOR GALVANO: Justice Cantero.

17 JUSTICE CANTERO: The Legislature can
18 certainly ask Judge Reynolds for guidance on
19 that as well, not just the Supreme Court and we
20 do have a case in front of Reynolds and this
21 will go back to Reynolds and the Legislature
22 can decide to leave it in Reynolds' hands as to
23 what to do on it.

24 SENATOR LEE: Was that a reasonable
25 remedy, just to send them a map and say that we

1 don't really know the answer so we are going to
2 leave it in your hands?

3 SENATOR GALVANO: Justice Cantero.

4 JUSTICE CANTERO: That is certainly up to
5 the Senate.

6 SENATOR LEE: Thank you.

7 SENATOR GALVANO: Senator Bradley.

8 SENATOR BRADLEY: I share President Lee's
9 frustration on this point, on the point of the
10 fact that, again, we don't have -- we are
11 sitting in a somewhat quasi judicial capacity
12 and we don't have the other argument other than
13 some of us seem to be making it.

14 And what, what I can say is that, and
15 please correct me if I am wrong, it seems to me
16 much similar to the pattern of behavior we saw
17 from the Plaintiffs in the previous
18 congressional case, what we are going to get I
19 would anticipate sometime in the next 48 hours
20 is a letter from a lawyer after they have had
21 the benefit of watching everything and not
22 participating actively, setting forth
23 something, submissive.

24 We will not be able to cross examine, we
25 will not be able to ask questions. And then if

1 -- and hopefully Judges or Courts are watching,
2 and then not having the benefit of being able
3 to explore as sort of the quasi judicial body
4 the rationale, the words contained in that
5 letter like they dropped that letter on us last
6 time and never came in and explained it or
7 showed anything, and then it shows up in an
8 opinion that, well, hell, heck, they told you
9 that, you know, they had a problem down here in
10 this area.

11 I mean, but it is just words on a letter.
12 I mean, it is not -- it is not, you can't --
13 one of the fundamental precepts of fairness, of
14 due process is the idea of not only do you have
15 to make your argument, but you have to subject
16 it to challenge. You have to stand, stand in
17 the fire and take the questions and let us
18 explore and poke and prod and decide what is
19 right and what is wrong and then make decisions
20 accordingly. So President Lee, what is going
21 to happen --

22 SENATOR GALVANO: I --

23 SENATOR BRADLEY: Okay, is that they are
24 going to send us a letter and we are not going
25 to be able to ask them about it. That is what

1 is going to happen.

2 SENATOR GALVANO: Senator Gibson followed
3 by Vice Chair Braynon.

4 SENATOR GIBSON: Thank you, Mr. Chair.
5 And, well, since I reject the Plaintiffs' maps
6 I reject the idea that we have to follow their
7 direction on the renumbering. But in terms of
8 those -- did I hear the districts that are
9 changing majorly are going to be even or odd
10 numbered districts solely?

11 SENATOR GALVANO: Mr. Ferrin.

12 MR. FERRIN: No, Senator Gibson, that is
13 not quite correct. It is -- it is all based on
14 the percentage of overlapping population. So
15 in cases where a district did not change, you
16 know, significantly, there wasn't a drastic
17 change to that district, it is not completely
18 altered and has, you know, major different
19 parts in different counties and things like
20 that, it is likely going to end up retaining
21 the same odd or even designation, because it is
22 all based on population.

23 If the population changed drastically and
24 there is an entirely new constituency within a
25 district, then the numbers may change.

1 SENATOR GIBSON: And --

2 SENATOR GALVANO: Follow up.

3 SENATOR GIBSON: And what do we consider
4 -- is there some percentage change that we
5 consider to be a drastic change?

6 SENATOR GALVANO: Mr. Ferrin.

7 MR. FERRIN: No, Senator, that was just
8 kind of as an example. The way -- so I add up
9 the overlapping pop -- I look at the
10 overlapping population, add up the overlap from
11 all of the even numbered districts and then
12 rank them. And so the 20 districts that have
13 the most population from evenly numbered
14 districts will get even numbers.

15 It has -- it is very district centered, it
16 is not taking into account which incumbent
17 might be from which district or which incumbent
18 -- I don't know that -- and it focuses on --
19 think of it in terms of the electorate there
20 maintaining their relevant election cycle.

21 So if they were are at an even number, you
22 know, if people voting in an even numbered
23 district they would ordinarily have Senatorial
24 elections in years that were multiples of four,
25 right. And so by retaining that, you know,

1 that electorate gets to continue that pattern,
2 you know, at least in terms of district
3 numbers.

4 SENATOR GALVANO: Follow up.

5 SENATOR GIBSON: So if you are four and
6 four like when we did the Lotto thing, you will
7 still be four and four. There is no -- even
8 though the district changed, there is no
9 election if you are not technically up this
10 time anyway. Is that what -- is that how that
11 would work?

12 SENATOR GALVANO: Justice Cantero, do you
13 want to speak to that?

14 JUSTICE CANTERO: As far as elections,
15 that is a separate issue and I can get into
16 that when --

17 SENATOR GIBSON: Well --

18 SENATOR GALVANO: Yes, ask your question.

19 SENATOR GIBSON: I think if your number
20 change was -- it won't be your number then,
21 that is the factor. I don't know. I don't get
22 how they are not related or correlated.

23 SENATOR GALVANO: Senator Montford.
24 Senator Montford.

25 SENATOR MONTFORD: Thank you, Mr. Chair.

1 Do I have this right that if a district has a
2 number and that district is not changed at all,
3 it remains that number. If that district has a
4 number and there is a minor small percent
5 change, whatever that number is, whatever
6 percent, that number stays the same, correct?

7 I mean, that is pretty --

8 SENATOR GALVANO: Mr. Ferrin.

9 MR. FERRIN: I think that is what is
10 likely to be the case, Senator, keeping in mind
11 that there is only 20 districts that can have
12 even numbers and 20 districts that can have odd
13 numbers.

14 SENATOR MONTFORD: Right. But you have in
15 place or at least in your mind if there is --
16 if there is a -- if there is one -- two
17 districts that don't fit that model, if you
18 will, then you -- what you will do is take
19 those two together?

20 SENATOR GALVANO: You are recognized.

21 MR. FERRIN: Thank you, Mr. Chair, and
22 that is -- I haven't applied this to the map
23 yet, so I can't speak to the results of how
24 this is going to work and if every district is
25 going to end up with the same number, actual

1 number that it had.

2 I believe that the methodology that I have
3 worked out addresses the notion of sort of
4 conflicting numbers where -- where a new
5 district wants to have or two new districts
6 sort of want to have the same old district
7 number.

8 I think by adding the entire percentage of
9 the population that is from an even district we
10 can address that and figure out which 20
11 districts have the most population that was
12 previously in an even numbered district, and
13 put them back into an even numbered district.

14 SENATOR GALVANO: Follow up, yes.

15 SENATOR MONTFORD: Thank you, Mr. Chair.
16 Is there any case law relative to the number of
17 times a particular population is required to
18 vote on a particular office? For example, if
19 you -- if we change a number you could
20 conceivably have a population voting three
21 times for their Senator in one district. I
22 mean, that is possible.

23 Is there any case law on that or an
24 argument has been made that that is undue
25 hardship, if you will?

1 SENATOR GALVANO: Justice Cantero.

2 JUSTICE CANTERO: There is really no case
3 in Florida on the issue. There is a case from
4 the Third Circuit, 1993, in which districts
5 were changed such that one Senator was moved
6 from one side of the state up to the other side
7 of the state, because of the numbering system
8 and the staggering of districts and the Court
9 said he did not have to run for election in
10 that period, that it could wait until the next
11 period. So there is not a whole lot of law on
12 that, but the law that we did find was
13 favorable.

14 SENATOR MONTFORD: One follow up,
15 Mr. Chair.

16 SENATOR GALVANO: Yes.

17 SENATOR MONTFORD: But what I heard you
18 say I think is that based on everything that
19 you have heard and that you have read in the
20 Court case here and the appeal and everything,
21 is that we would be on safe ground to leave the
22 numbers where we are if possible.

23 SENATOR GALVANO: Justice Cantero.

24 SENATOR MONTFORD: And make adjustments as
25 staff has described.

1 JUSTICE CANTERO: Yes, sir, with the
2 caveat that there is not a lot out there.

3 SENATOR GALVANO: Vice Chair Braynon, go
4 ahead with your question.

5 SENATOR BRAYNON: Okay, so now I am kind
6 of getting this more, I understand this a
7 little bit more. I think let me ask the first
8 questions maybe to the Chair. Is it -- is it
9 our contention or are we waiting for the Court
10 to let us know as a result of this numbering
11 system, everyone runs or just the people in
12 whatever cycle is up now?

13 SENATOR GALVANO: The -- well, we are
14 going to go forward with numbering the
15 districts so that we have a map that is a
16 product, assuming that we get the votes in each
17 Chamber to do so.

18 With regard to who runs when, in fact, I
19 would like to have very clearly that argument
20 spelled out because that is a question that has
21 come up time and again since we convened this
22 special session.

23 The position that our counsel has taken is
24 that the terms that are existing would be run
25 to completion. So this would be a good time I

1 think if, Justice Cantero, you can do that and
2 I would also like you to specifically address
3 the '82 Florida case that has been referenced
4 during this process.

5 SENATOR BRAYNON: Mr. Chair, before he
6 does if I could add something to his
7 explanation, why I am asking. I am only asking
8 because if that happens then which I said
9 earlier, how do we lay that against our level
10 of intent in this? And while they didn't make
11 a complaint about it, we still have to go to
12 the Supreme Court and in our -- in our
13 agreement we said it is on us to justify it,
14 what we did.

15 So they don't have to make a complaint,
16 they don't have to make a complaint beforehand,
17 we have to justify everything we did. So that
18 was our agreement that -- I mean, it is almost
19 like they don't really have to show up because
20 we said what we do we have to justify it. So
21 maybe you can do it, when you explain it talk
22 about it in that respect, too. Do you get what
23 I am saying?

24 SENATOR GALVANO: Justice Cantero, you are
25 recognized.

1 JUSTICE CANTERO: Well, let's start with
2 the proposition that there are several
3 constitutional provisions that have to be
4 reconciled. The first is that Senators run for
5 four-year terms, that terms are staggered in
6 order to -- to allow Senators, not all Senators
7 to come in office at the same time, and then
8 there is an apportionment process that takes
9 place every 10 years.

10 The only Florida case on point is the 1982
11 case that required elections to take place, but
12 there was a reapportionment case based on a
13 decennial census, the one that occurs after the
14 1980 or after every 10-year census there is a
15 reapportionment.

16 That case related to that apportionment.
17 There were cited in those cases and there are
18 cases from other states that say, well, when
19 you have a case that -- when you have a
20 constitution that staggers elections and you
21 have a constitution that provides for
22 reapportionment, you don't necessarily have to
23 run everybody at ones when you do the
24 reapportionment because you have the right to
25 stagger elections and you have the right to

1 four-year terms and you have to reconcile
2 those.

3 Now, the Florida Supreme Court in the 1982
4 case pointed out that that was a unique
5 situation in that case because not only was it
6 a decennial reapportionment case, unlike this
7 is a remedial case, but also in that case we
8 were going from multi member districts to
9 single member districts.

10 So there is a paragraph that is I think
11 very important in that case and it says, "We
12 feel it is important to note that not only were
13 all districts geographically changed there was
14 also a basic political change. The 1972
15 apportionment plan was composed almost entirely
16 of multi member Senate Districts. While the
17 1982 apportionment plan submitted for our
18 approval is composed entirely of single member
19 Senate districts. This is a major political
20 change that substantially affects the political
21 process. This type of major political change
22 was not involved or a factor in the equal
23 protection cases cited by the Senate and the
24 Attorney General to justify hold over terms to
25 maintain continuity in office as a justifiable

1 temporary delay in reapportionment
2 implementation.

3 Although our decision is not based on 14th
4 Amendment equal protection grounds, this
5 political change could be a significant
6 distinguishing and even controlling factor."

7 So the Court made a big deal out of the
8 fact that it was going from multi member
9 districts to single member districts and
10 distinguished the cases that I am talking about
11 on that basis. One of the cases which didn't
12 exist at the time because this was a 1982 case,
13 is the 1993 case from the Third Circuit which
14 specifically said that, noted that numerous of
15 -- let me just find the quote, "Numerous courts
16 have concluded that temporary
17 disenfranchisement resulting from the combined
18 effect of reapportionment in a staggered
19 election system meets the rationale basis test
20 and therefore does not violate the equal
21 protection clause."

22 So we don't have the situation that
23 existed in the 1982 case, in the Florida
24 Supreme Court. We are not going from multi
25 member to single member districts, and in

1 addition, we have already had reapportionment
2 of -- for this decade. We already have
3 Senators who have had to truncate their terms
4 and there is no Florida case that has ever held
5 that Senators need to truncate their terms more
6 than once in a decade.

7 SENATOR GALVANO: Yes, follow up
8 questions, Senator Braynon.

9 SENATOR BRAYNON: I know there has been a
10 bit made of this and this is a two thing
11 system. Is this -- is this going to be a bone
12 of contention with our colleague attorneys?
13 Are they -- are they on the same page with us?

14 SENATOR GALVANO: Justice Cantero.

15 JUSTICE CANTERO: When you say colleagues.

16 REPRESENTATIVE BRAYNON: The House, I am
17 sorry.

18 JUSTICE CANTERO: The House attorneys,
19 they are keeping an open mind and seeing what
20 we do. I don't know whether it is or not. I
21 certainly can't guarantee they are going to
22 agree or disagree.

23 SENATOR GALVANO: Yes, and I would just
24 further comment. It is like anything that we
25 work through the process, the product that we

1 put out of the Senate has to get vetted in the
2 House.

3 They have obviously given us the lead in
4 this special session because it is the Senate
5 maps and we will send them a product and see
6 what they do with it.

7 Yes, further questions.

8 SENATOR BRAYNON: I am sorry, this was in
9 response to -- I think we were talking a little
10 bit about the Plaintiffs sending letters and
11 everything, and I mean, I am bringing these
12 points out because I have seen what they do and
13 I have brought it out before.

14 The last letter they wrote us, it was a
15 point I brought up in committee and a point I
16 brought up on the floor and then they sent a
17 letter. So I don't know that they are just --
18 that we were not hearing anything that they are
19 saying.

20 Also I am bringing up the possibility and
21 I will bring this up now just in case we get
22 the letter, I am bringing up now that there is
23 a possibility that there could be seen an
24 intent in this to protect incumbents, that
25 there is a possibility which is why I asked for

1 our attorneys to talk about it.

2 So I mean, you know, let's not say we are
3 getting blindsided. I am putting that on the
4 record right now that there is a possibility
5 there could be an intent and if you overlay
6 both things with our numbering process and the
7 fact that we have -- we have a legal opinion
8 that says that we don't all have to run, there
9 could be seen as an intent in that.

10 SENATOR GALVANO: Yes, let me give the
11 attorneys an opportunity to respond if you
12 would like. Senator Bradley.

13 SENATOR BRADLEY: Thank you, Mr. Chairman.
14 Vice Chairman Braynon, nothing that I said in
15 saying that they are -- that there is a
16 blindsiding. I -- one can -- if one wants a
17 fair process with due hearing, with due -- if
18 one wants a fair process with what I would
19 consider to be in my legal background to be
20 suitable due process, my point is it is not
21 enough to simply write a letter saying this is
22 how I would like it to be done and then not
23 subject yourself, I am talking about the
24 Plaintiffs, not you, of course, and not subject
25 yourself to challenge, to be able to ask

1 questions of the individual.

2 That is fundamental to a fair process that
3 not only you can't just, oh, I am just going to
4 write a letter. When I try a case I can't just
5 write a letter to the Judge and then have a
6 witness just put in an affidavit and if the
7 other side says, well, I want to talk to this
8 witness, I want to challenge, did they see what
9 they -- what is the basis for their opinion,
10 did they really see what they say they -- what
11 they write in their letter. All the things
12 that one does in a proceeding like hopefully we
13 would have here where all sides get to be fully
14 vetted and challenged and that is not being
15 made available.

16 So to be clear I am not suggesting that,
17 that the -- when they write a letter that I am,
18 that I am ignoring it, what I am saying is that
19 is not good enough.

20 That, you must go further if we are going
21 to have a true, fair and full discussion and
22 hearing on these matters.

23 SENATOR GALVANO: Senator Simmons.

24 SENATOR SIMMONS: Thank you, Mr. Chair.

25 Another question as we go through all of this.

1 I am reading from and the best thing I know to
2 do is look at the instructions when you are --
3 when you are having confusion about something.

4 And it says, "Moreover, any Senator", and
5 I am reading from the 2012 decision, March 9th,
6 by the Florida Supreme Court.

7 "Moreover any Senator who represents a
8 district where a change in the district lines
9 has resulted in a change in constituency must
10 stand for reelection in the next general
11 election after reapportionment."

12 That is reading from, I am sure the
13 constitution. And then it goes on and
14 discusses the 1982 decision that talks about,
15 you know, truncated term limits and things like
16 that, and then they ultimately decide that the
17 numbers of the Senate District are
18 unquestionably part of the apportionment plan
19 for purposes of reviewing whether the plan is
20 designed with the intent to favor or disfavor
21 an incumbent.

22 Then, of course, they make what we all
23 know to be true, is that as the Senate conceded
24 in a prior reapportionment case, however,
25 elected officials have no property rights to

1 the office to which they have been elected. So
2 trying to get the instruction from the Florida
3 Supreme Court regarding numbers and what we do,
4 is it as we get out of this and we make our --
5 our plan that we as a committee are going to
6 propose to the -- to the full body, to the full
7 Senate as we go through this, is this a
8 situation in which everybody who has a changed
9 district runs and must run, or is it -- or do
10 we have a different theory on that?

11 SENATOR GALVANO: Justice Cantero.

12 JUSTICE CANTERO: Well, our position is
13 that like the 1982 case, this case is a
14 decennial redistricting case. We are now here
15 in a remedial case, and no Florida case has
16 said that Senators have to truncate their terms
17 twice or more times during one 10-year period.

18 So we take the position that we should not
19 have to truncate terms in this remedial plain.

20 SENATOR GALVANO: Senator Montford,
21 followed by Senator Gibson.

22 SENATOR MONTFORD: Thank you, Mr. Chair.
23 Let me ask another way. If this was so
24 important and we want a plan that is going to
25 stand up, why are we -- why are we reluctant to

1 renumber all the districts? What is the
2 advantage of having to not renumbering all of
3 the districts?

4 SENATOR GALVANO: This is a good question.
5 Senator or Justice Cantero.

6 JUSTICE CANTERO: Well, certainly it is in
7 the prerogative of the Senate and the
8 Legislature to provide for that if it wants to.
9 My position is that it is not required because
10 we have already truncated terms once during the
11 10-year period and the Supreme Court has never
12 required the truncation of terms more than once
13 in a decennial period.

14 Now, that is not to say that it won't do
15 it eventually, but it has not in the past, but
16 that is certainly in the prerogative of the
17 Senate and the House if it wants to do it that
18 way.

19 SENATOR MONTFORD: We are --

20 SENATOR GALVANO: Before you do, I think,
21 he was asking more towards the numbers and I
22 want to make clear that we are talking about
23 two different, two different issues. The
24 position with regard to running for reelection
25 I think ultimately the Court is going to make

1 that decision anyway once it reviews the map
2 and the arguments made.

3 The numbering is actually part of that
4 physical Bill that we will put forward which is
5 not an issue in these proceedings.

6 You are recognized.

7 SENATOR MONTFORD: You are right, but the
8 question I have is we are seemingly going to
9 extraordinary efforts to do everything right
10 and then if this is such a big issue, then why
11 wouldn't we just say we will just renumber
12 them?

13 I mean, I am missing something. There has
14 got to be an advantage to not renumbering
15 everything. I just don't know what that is.

16 SENATOR GALVANO: No, I think that is a
17 good point and it is very similar to what Vice
18 Chair Braynon brought up. That maybe you get
19 to a point where as a prophylactic measure you
20 do so, and that is the -- that is really not a
21 question for legal counsel at this point. It
22 is something that we need to add to our
23 discussion.

24 Senator Simmons.

25 SENATOR SIMMONS: As a follow up to the

1 Chair's remarks and Senator Montford's
2 comments, and Senator Braynon as well. If we
3 got only one district that is unchanged in our
4 maps and all of the remaining 39 districts are
5 changed, is that right?

6 JUSTICE CANTERO: I believe that is the
7 case that District 3 remains unchanged.

8 SENATOR SIMMONS: Okay, and so and is it
9 my understanding, is it correct that if your
10 district changes you must in fact run because
11 your constituency has changed?

12 SENATOR GALVANO: Justice Cantero.

13 JUSTICE CANTERO: That is true certainly
14 for the decennial redistricting.

15 SENATOR SIMMONS: But for what we are in
16 right now, taking into consideration that the
17 stipulation is that the plan is invalid, are we
18 -- are we bound by the rule that we all must
19 run again or are we subject to a different rule
20 that says, no, your constituency has changed
21 but in fact you are relieved from running
22 again?

23 SENATOR GALVANO: Justice Cantero.

24 JUSTICE CANTERO: Thank you, Mr. Chair.
25 There is no case right on point and in the

1 Florida Supreme Court as to a post
2 apportionment case, post decennial case. There
3 is a case from the Middle District of Florida
4 from 1996, where there were challenges to a
5 plan on certain districts, and there were --
6 there was one even numbered district that was
7 going to have to truncate its terms and under
8 the provisions of an agreement in that case
9 that the Court approved, it determined that
10 that even though the constituency changed in
11 that district, that there would not have to be
12 a special election of Senators for that
13 district.

14 SENATOR GALVANO: Follow up, yes.

15 SENATOR SIMMONS: Since we are in this
16 nebulous situation, would it not be appropriate
17 for us to go ahead and get a -- first get the
18 redrawing completed in accordance with what the
19 -- the staff has worked so hard to do and
20 certainly the committee and committees have
21 worked so hard to do?

22 And then the issue of numbering and the
23 issue of in fact whether we all have to run
24 again, simply rely upon to our benefit and to
25 the public's benefit the stipulation that says

1 that the Court reserves jurisdiction to
2 consider any pending or post judgment motions?

3 This would be a post judgment motion. The
4 Order also says that the Court retains
5 jurisdiction to review the remedial plan to
6 ensure that it complies with the requirements
7 of Article III, Section 21 of the Florida
8 Constitution, talks about the burden being
9 shifted to us.

10 It says that the Plaintiffs and the
11 Florida Senate stipulate and agree that the
12 Trial Court had will retain jurisdiction of
13 this case to perform an oversight role should
14 any disputes arise. I mean, it seems to me
15 that rather than getting ourselves boxed into a
16 situation where we take a position, it would
17 seem to me within a matter of days that you
18 could ask the Court to interpret this and tell
19 us what we are going to need to do so we can do
20 it right, and we can certainly work on these,
21 you know, the geographical boundaries.

22 But certainly get ourselves in a situation
23 where we get guidance from Judge Reynolds, ask
24 him based upon the stipulation that, that there
25 is a retention of jurisdiction to perform an o

1 oversight role. We are not asking, we don't
2 have to file a new dec action. All we have to
3 do is file a motion saying, Judge, we are in
4 this situation, we need your instruction with
5 respect to this, whatever position is taken so
6 that we don't end up passing a plan and then
7 having it held unconstitutional.

8 We in fact use to the benefit of ourselves
9 what has been negotiated here and that is the
10 ability to go in and get some instruction and
11 then we will know that we are not doing
12 something that has improper intent.

13 SENATOR GALVANO: Justice Cantero.

14 JUSTICE CANTERO: Senator Simmons, as I
15 understand your question is whether once we
16 pass a map, the map, itself.

17 SENATOR SIMMONS: No, I am saying that it
18 doesn't take very much. Everyone is on an
19 expedited process here. I am saying that you
20 could simply tomorrow, it takes about two to
21 three pages to do it, file a motion, go in and
22 say, here are the questions that we have asked
23 and we would like a little instruction from
24 you, Judge, and see whether we can get some
25 direction on this issue of -- because we are

1 putting a lot of eggs in one basket here, and
2 if we got a little instruction from him, yes,
3 it is going to be subject to appeal and
4 everything like that, but at least we would
5 have some idea that what we have done, and
6 let's use to our benefit the terms that have
7 been negotiated here.

8 And that is if we have a doubt and we
9 can't get instruction on it, rather than
10 rolling the dice, we in fact get instruction.

11 SENATOR GALVANO: Justice Cantero.

12 JUSTICE CANTERO: We can certainly
13 consider that. My preference would be at least
14 to have a map passed without a determination of
15 the terms of office and with tentative
16 numbering on it and then ask the Court for its
17 guidance in determining the terms of office.

18 That would be my preferred way to go,
19 because at least then we have a -- we have a
20 map and the only question is what the terms of
21 office are.

22 SENATOR GALVANO: Senator Gibson.

23 SENATOR GIBSON: Thank you, Mr. President.
24 Before I ask my original question can I ask a
25 follow up to that question?

1 SENATOR GALVANO: Absolutely, you have the
2 floor.

3 SENATOR GIBSON: Thank you. In terms of a
4 map passing, do you mean passed out of this
5 committee or do you mean passed off the floor
6 before we ask the Judge?

7 SENATOR GALVANO: I think he means the
8 Legislature.

9 SENATOR GIBSON: The Legislature, okay.
10 So my question goes back to the determination
11 of districts based on some figure of how much
12 they change.

13 So if you look, for example, at the
14 current enacted map and just use map 9080 as an
15 example of potential changes. So in the
16 current enacted map which is 30, I don't know
17 if you can put it up, Districts 8, 11, 18, and
18 15, and some of the ones in South Florida,
19 look, they look to change pretty dramatically
20 if you look at map 80.

21 And so in that -- in that scenario what
22 would those numbers change to? How does that
23 change impact the rest of the map and given
24 that there is a major change in the voting
25 population, how does that not trigger an

1 election?

2 SENATOR GALVANO: Justice Cantero.

3 JUSTICE CANTERO: Yes --

4 SENATOR GALVANO: Mr. Ferrin.

5 JUSTICE CANTERO: I don't know if

6 Mr. Ferrin wants to.

7 SENATOR GALVANO: Mr. Ferrin.

8 MR. FERRIN: Thank you, Mr. Chairman. I
9 will deal the part about the numbering and I
10 haven't worked through, you know, I haven't
11 tried to apply these -- this methodology to any
12 of the base maps yet. So I can't tell you
13 exactly how it would change, district, what
14 number District 11 would get when this is
15 applied.

16 I would have to go look at its -- the
17 population, its overlaps from in that area I
18 would presume. It may be District 10 in the
19 enacted plan. And so I would have to look at
20 that and how much of that overlaps with
21 District 10 and how much might overlap with I
22 guess it would be probably District 8 in
23 Volusia County there, and look at the
24 comparison there and make the objective
25 determination in terms of, you know, are there

1 enough even numbers available for that district
2 to retain an even number.

3 I am happy to try to illustrate this with
4 you at some point if that may be, if a visual
5 and walk you through exactly how this is done,
6 show you the reports and maybe that will
7 make --

8 SENATOR GALVANO: Here is what we are
9 going to do. I do want to get back to the
10 maps. I think we have explored this issue. We
11 know where the legal counsel has outlined their
12 position.

13 When we vote on the map I am going to do
14 it in such a way that this issue, itself, is
15 considered independently. So that we can have
16 that discussion that day so that you are, as a
17 committee you are not voting on just a take it
18 or leave it with the numbers plan. I think
19 that is a more fair process.

20 And then this way we can have that debate
21 and make a decision as the committee and send
22 it to the floor. And so with that I think I
23 want to have a little more discussion on the
24 maps that we had before and I know Senator
25 Clemens has a map to propose.

1 The discussion I did want to have, I had a
2 chance during the break to visit with counsel
3 about the second amended complaint and the
4 discussion that we had prior to breaking for
5 lunch. And as you recall, President Lee had
6 pointed out at least in three maps where one
7 allegation would apply.

8 What I ask is to take a look, for counsel
9 to take a look and understanding that they
10 didn't have all weekend to do it, can you give
11 us some feedback on what maps you think have
12 best addressed the allegations, and with the
13 understanding that they are simply allegations.

14 We by no means by doing this have
15 committed to them. Do you want to handle that
16 Justice Cantero or Mr. Levesque?

17 JUSTICE CANTERO: I can at least begin and
18 then turn it over to Mr. Levesque. We did do a
19 very cursory comparison because obviously we
20 didn't have a whole lot of time during lunch,
21 but from the districts that we were able to
22 look at, and again, the complicating factors we
23 have got the allegations of like 11 different
24 districts, and then we have got six different
25 maps. So we have got to compare those

1 allegations as to the 11 districts times six.

2 That is really 66 different comparisons
3 that we have to make, and I think it is also
4 fair to make a comparison not only to our
5 districts, but also to the nine Plaintiffs'
6 alternative maps, because if they, for example,
7 allege that you shouldn't have crossed into
8 Tampa Bay, but they cross into Tampa Bay, then
9 I think that would be a factor to consider.

10 So we -- we started that process but
11 because there are so many districts and maps
12 involved we didn't get, you know, even probably
13 half way through, but I did notice some things.

14 First, there are at least two of our maps
15 that don't cross Tampa Bay and I am just using
16 Tampa Bay again as the example we have used.
17 So those are the first things I looked at. So
18 there is two maps that address that allegation
19 and I don't want to call it anymore than an
20 allegation. In the Plaintiffs' alternatives
21 maps, the nine maps, I didn't see any that
22 crossed Tampa Bay.

23 However, back in 2002 when -- I am sorry,
24 2012, when the Plaintiffs were contesting the
25 districts, they also offered alternative maps

1 in the Florida Supreme Court in Apportionment
2 Two, and the Florida Democratic Party offered a
3 map to the Florida Supreme Court, and in that
4 district it did cross Tampa Bay. So my
5 argument has always been to a court, if they
6 are submitting maps that at they claim are
7 constitutional and they have a certain
8 configuration, then our configuration has to be
9 just as constitutional, keeping in mind Tier 2
10 factors only. If they claim that there is some
11 Tier 1 problem with it, that is another story,
12 so those are the preliminarily results.

13 As far as a Central Florida, my
14 recollection from our review is all of the
15 districts --

16 SENATOR GALVANO: Could I interrupt you
17 for a minute, please? Can you guys keep it
18 down a little bit. It is actually three,
19 Senator Gibson, that don't, and that is 9074,
20 9078 and 9080. And Justice Cantero, I
21 understand that we go back and forth.

22 But I think what I would like the
23 committee to at least have a thumbnail sketch
24 of, irrespective of the legal arguments, did
25 you, you know, were there anything within the

1 maps that were put forward other than what you
2 have already noted on the Tampa Bay that jumped
3 out at you?

4 JUSTICE CANTERO: Yes, Mr. Chair. As I
5 recall, the Central Florida area, there were
6 three or four districts that they -- they
7 alleged were non-compact or did not fulfill
8 geographical political boundaries, and Central
9 Florida has been completely redone.

10 So all of those with the exception of
11 Seminole County have been redone. Seminole
12 County is almost entirely its own district.
13 And looking at the Plaintiffs' summary of their
14 district challenges as opposed to just saying
15 in the complaint that these districts are
16 unconstitutional, they narrow down their
17 challenge to not that Seminole County district
18 as much as its relation to other districts in
19 the area, such as Districts 13, 10 and 14, all
20 of which were in that same Central Florida,
21 Orlando, Seminole County area.

22 That whole area has been completely
23 redrawn, and I haven't been able to check every
24 single one of our six maps, but we were able to
25 do a visual inspection of a few of them and

1 District 32 is another one that they challenged
2 and that has been completely redrawn.

3 I am not sure whether we had an
4 opportunity to go over any of the other, but
5 that is about a total of six or seven of the
6 challenges.

7 SENATOR GALVANO: Mr. Levesque, did you
8 want to add anything?

9 MR. LEVESQUE: Just piggy-backing off what
10 Justice Cantero said. In the Hillsborough
11 area, the maps that would have been drawn that
12 would have been clearly compliant with what
13 their criticisms were, were certainly 9078 and
14 9080.

15 We still have a district from Pinellas
16 that goes into north Hillsborough and 9074, but
17 that is slightly different.

18 SENATOR GALVANO: Mr. Levesque, can you
19 pull it closer and yes, repeat what you had
20 said.

21 MR. LEVESQUE: That there were, as Justice
22 Cantero identified I believe it was three maps
23 that the -- that accommodated the Plaintiffs'
24 criticisms in that Hillsborough, Pinellas area.
25 9074 and 9078 and 9080.

1 9078 and 9080 probably best addressed
2 their concerns because none of the Pinellas
3 districts go back into Hillsborough in terms
4 of, with the exception of the one minority
5 district where it is required.

6 Similarly, in Central Florida, the
7 criticism was that there were -- there was a
8 more compact way to draw the Orange, Seminole,
9 north Orange, Seminole districts that would
10 better comply with Tier 2 requirements. When
11 you look at all of our Central Florida
12 districts, they are all more compact than the
13 current plan on a regional basis.

14 And then as Justice Cantero was pointing
15 out, we were working as fast as we can in South
16 Florida. They were critical of District 32.
17 District 32 was completely redrawn, and it
18 follows the Broward County borders on the north
19 side. But the part that intersects or
20 interacts with the minority districts does so
21 in a much more compact and compliant manner.

22 SENATOR GALVANO: Senator Bradley, you had
23 a question?

24 SENATOR BRADLEY: I do and I just want to
25 kind of recap because we were talking about

1 earlier about should we go down this road and
2 then we decided as a group, which I am glad we
3 did, to go down this road, to make sure that we
4 cover everything. And I appreciate President
5 Lee kind of pushing us in that direction.

6 And so what I am looking at is, and I am
7 sorry if I repeat, but I just want to make sure
8 I understand everything I just heard. 9078 and
9 9080 address allegation 50 in the complaint,
10 and they don't -- and they don't have a
11 district going into Hillsborough in the sense
12 that the Pinellas, Hillsborough line is honored
13 in 78 and 80, isn't that correct?

14 MR. LEVESQUE: That is correct.

15 SENATOR BRADLEY: Okay, and then in 74
16 your point was that while technically there
17 wasn't a crossing of the bay because what is
18 being described as District 16 on this 9074
19 map, because it goes into Hillsborough and
20 Tampa in a way that kind of wraps around the
21 bay, that is -- that appears to be -- let's
22 see, a situation where not only you are
23 honoring the Pinellas, Hillsborough line but
24 there is more compactness in the 78 and 80, is
25 that fair to say?

1 SENATOR GALVANO: You are recognized.

2 MR. LEVESQUE: Certainly if you are
3 comparing just to compare districts. If you
4 are going like District 16 in 9074 with
5 District 16 in 9078 or 9080, that individual
6 district was more compact I believe, and I
7 defer to Jay for the ultimate authority.

8 But I believe, when you are looking at
9 that configuration, while you could argue that
10 it addresses the map drawer's concerns, the
11 reason the district is configured that way, as
12 you will see to the north you have got Pasco
13 County kept whole as its own district, which is
14 probably the justification for doing that. But
15 allowing 16 to grab population to the south as
16 it wraps around the bay.

17 SENATOR BRADLEY: I don't mean to
18 interrupt you. You said 16 but then you got to
19 make sure that the record is clear. On 80, 16
20 turns into 19.

21 MR. LEVESQUE: Yes, you are correct.

22 SENATOR BRADLEY: Correct, and then on 78,
23 16 turns into 18.

24 MR. LEVESQUE: Correct.

25 SENATOR BRADLEY: Okay.

1 SENATOR GALVANO: They are placeholder
2 numbers.

3 SENATOR BRADLEY: Yes, they were
4 placeholder numbers but I just want to make
5 sure, this is going to be transcribed and I
6 want to make sure the record is clear, the
7 lawyer in me, I guess.

8 Okay, and so then we go to the Central
9 Florida area and when I look at the complaint
10 in the manner that we have been discussing all
11 day, you got districts, on the enacted map,
12 Districts 10, 12, 13 and 14 seem to be
13 clustered in a -- in an allegation that those
14 together create what they allege to be a
15 violation, is that correct?

16 MR. LEVESQUE: I think that is a fair
17 description.

18 SENATOR BRADLEY: Okay, and so then I look
19 at 9074, 9078 and 9080, and it looks to me like
20 it is completely different now and it has been
21 changed significantly, is that correct?

22 MR. LEVESQUE: I think that is correct.

23 SENATOR BRADLEY: Okay. And then we go to
24 District 32 in the enacted State Senate plan
25 which --

1 SENATOR BRAYNON: I think he may have made
2 a mistake in saying 32. Thirty-two is the one
3 that goes along the coast on Palm Beach.

4 SENATOR BRADLEY: Right, that is what he
5 was talking about.

6 SENATOR BRAYNON: That is the one I was
7 talking about.

8 SENATOR BRADLEY: There was allegations
9 regarding district -- Thank you, Mr. Vice
10 Chair.

11 SENATOR BRAYNON: Uh-huh.

12 SENATOR BRADLEY: May I?

13 SENATOR BRAYNON: Yes, go ahead.

14 SENATOR BRADLEY: Yes, sir. And so
15 looking at the maps that I am looking at, I
16 have got 78 and 80 in front of me now because I
17 have now for the purposes of, as I am moving
18 forward, put 74 aside with the discussion we
19 just had about the Pinellas, Hillsborough area.
20 It looks to be that the District 25 and 78
21 which is the equivalent of 32, right?

22 MR. LEVESQUE: Right.

23 SENATOR GALVANO: Mr. Ferrin.

24 SENATOR BRADLEY: It is not equivalent but
25 that is the closest.

1 MR. FERRIN: Right. I think you can
2 compare those two. If you are looking in terms
3 of general changes to the area, that is yes.

4 SENATOR BRADLEY: Right, and then District
5 26 would, in 9080 would be the closest one
6 could come to try to find the equivalent of in
7 the enacted Senate plan, District 32, correct?

8 MR. LEVESQUE: I think that is correct.

9 SENATOR BRADLEY: Okay, so in both of
10 those cases we have significant -- we have an
11 allegation made about a district and we have
12 significant changes to what would be best
13 described, it is more compact, it, whatever was
14 alleged, it looks like they are out of Palm
15 Beach County, and okay. And that is -- did I
16 kind of fairly summarize what I just heard from
17 everybody?

18 MR. LEVESQUE: Yes.

19 SENATOR GALVANO: Okay, here is what we
20 are going to do at this point. I see Senator
21 Clemens has been very patient here today.
22 Let's have his map presentation and then we
23 will have testimony from Trustee Brian Pitts
24 and we will have a discussion and then adjourn.

25 Senator Clemens, are you ready?

1 SENATOR CLEMENS: Chair Galvano.

2 SENATOR GALVANO: Yes.

3 SENATOR CLEMENS: Do you want us to stay
4 here or do you want us to move?

5 SENATOR GALVANO: Either way, either way.
6 I think you can see it either way. You might
7 as well stay there or if you want to stretch
8 your legs or something.

9 SENATOR CLEMENS: Okay, and I would also
10 like to ask if -- if President Lee or the
11 committee wants us to investigate further.

12 SENATOR GALVANO: That -- if an individual
13 member wants some additional information I will
14 leave it to that member, not as a committee
15 instruction. We are talking about the exercise
16 we have been going through with the allegations
17 in the complaint.

18 You are recognized, Senator.

19 SENATOR CLEMENS: Thank you, Mr. Chair.
20 So first of all I want to thank the Chair and
21 the committee, having sat in the back and
22 watched this whole process. I appreciate your
23 diligence. I appreciate the fact that several
24 of you volunteered to do this, so I want to
25 thank you for that. I know it is not a

1 difficult thing.

2 And I know that, that one of the central
3 tenets of deciding whether a map is compliant
4 and constitutional centers on who drew the
5 maps. So I want to start off talking about that
6 and all of the contributors to the drawing of
7 9082, and there they are, so.

8 SENATOR GALVANO: You produced that.

9 SENATOR CLEMENS: Yes, it is a lot better
10 looking than me, I will tell you that much. So
11 I spent the past six to eight weeks learning
12 the redistricting software and I want to thank
13 Jay Ferrin and his staff because the truth of
14 the matter is, it is very difficult, it is
15 clunky, it is tough to learn and it takes a
16 certain amount of expertise to be able to draw
17 these maps. And what you will see as I move
18 through my presentation is I was learning as I
19 went and there were a few instances where it is
20 clear that it was being drawn by somebody who
21 was doing it for the first time.

22 And so I will point out those instances
23 and go through those because I think it is
24 important to start with those and some of those
25 submission difficulty issues that we have. For

1 those of you who have never submitted a map,
2 what you have to understand about submitting
3 these maps is that I can't look at the
4 statistic for the map, the compactness and the
5 performance of the minority access seats until
6 I submit it.

7 I don't know how many cities are split
8 until I submit it. So that is a difficulty,
9 obviously, for anybody who is trying to draw a
10 map. So I wanted to run through a couple of
11 things.

12 You may have noticed in the submission on
13 our website where it says, this is a complete
14 submission, it actually says no, and that is
15 due to user error.

16 I want to explain those before I move
17 forward because I think it is important. So
18 let's start here in Dixie County, and what you
19 will see right here is a little, what might
20 otherwise be described as an appendage.

21 That is actually a part of Dixie County,
22 but due to the way the soft -- the software
23 works or the way the census blocks were
24 populated, it actually shows it as being a
25 separate part of the county contained within

1 two other counties. Because of the way I drew
2 my map, compared to the way that Jay drew and
3 others drew the base maps, no one else had this
4 problem. So I wanted to bring it to your
5 attention because Jay did bring it to my
6 attention, two issues, and then he also brought
7 them to the attention of our attorney who
8 called me last night about it.

9 So I wanted to just let you know as far as
10 I know Dixie County does not have a part of
11 itself inside someone else, in some other
12 county and I think this is more of an issue of
13 how the software works or how the census blocks
14 were populated rather than actually having a
15 split county. So I wanted to make that clear.

16 So here is another, another error in the
17 maps that were filed and are on your website.
18 As you move through this process you are trying
19 to keep a district whole. And so I drew a line
20 along this particular road but as you can see,
21 Pinellas Park actually sticks out a little bit
22 there, and if that is missed then it shows the
23 city as being split. So in the statistics that
24 you have on the website there are actually six
25 instances where this happened, where a city was

1 not meant to be split but was split. So those
2 statistics that you see are not completely
3 accurate and this morning I did resubmit to
4 Mr. Ferrin the corrected map. So I just wanted
5 everybody to be aware of that.

6 I told him I didn't expect him to run all
7 of the statistics on them, but I will tell you
8 that the population does not change in most of
9 these splits that I corrected with the
10 exception of this one here, Pinellas Park. So
11 that is what that looks like now that I made
12 the correction.

13 And then this is the other issue that we
14 have had to deal with. The orange area that
15 you see is Southwest Ranches and there is a
16 little appendage right here that are -- that
17 Mr. Levesque called me about last night as
18 being potentially problematic. So I wanted to
19 make sure I address it.

20 It doesn't look like a problem here but as
21 we move forward you will see that there is this
22 rectangle right here, and that is by some
23 definition, including according to Mr.
24 Levesque, some prior cases not contiguous, even
25 though it is the same city. There is a, you

1 know, I am not an attorney.

2 There might be a disagreement about
3 whether or not that is actually the case this
4 morning. I took the opportunity to get in
5 touch with Emily McCord at Southwest Ranches to
6 ask her about whether or not those parcels are
7 actually contiguous. And as you can see in
8 this e-mail she says they are. So I think this
9 is an issue still be settled within my map
10 because it does cause an extra city split, and
11 I think that is something that we will want to
12 continue to talk about.

13 But out of respect to our attorney's
14 opinion and some of the legal cases there,
15 obviously this is very easy to fix, but it does
16 require another city split, and that is simply
17 to take that rectangle out and put it into
18 Cooper City which is the city right next to it.
19 So either of those options depending on what
20 the committee wants to do is I think is up to
21 the committee, but it is my contention and the
22 contention of those people that work for
23 Southwest Ranches that those parcels are
24 contiguous.

25 That being the case I want to now move --

1 are there any questions relating to those
2 particular issues?

3 SENATOR GALVANO: No, go into your map and
4 if it gets filed as an amendment before the
5 committee I would we expect that you will fix
6 those issues before then or if you are filing
7 it on the floor, before then.

8 SENATOR CLEMENS: Thank you, Mr. Chair.
9 So here are my guiding principles for map
10 construction and they are slightly different
11 than the principles that you had heard from
12 either Methodology One or Methodology Two.

13 The Tier 1 principles in drawing districts
14 do not reduce the ability of minorities to
15 elect a candidate of their choice, nor attempt
16 to pack minorities into one district when not
17 constitutionally necessary.

18 The second Tier 1 principle is in drawing
19 districts give no regard to partisanship or
20 incumbency. And then the Tier 2 principles.
21 And I heard a lot of talk earlier today about
22 whether or not counties, it was important to
23 keep counties together, whether it was
24 important to keep cities together.

25 I tried my best to do both. So the first

1 Tier 2 principles are in drawing districts
2 consistently respect county boundaries by
3 keeping counties whole wherever possible, and
4 in drawing districts consistently respect city
5 boundaries by keeping cities whole wherever
6 possible. And I know Senator Lee, you had some
7 questions about that yesterday.

8 So that -- this is a methodology that
9 actually tries my best to incorporate both of
10 those goals, Tier 2 goals.

11 Where possible consistently follow what
12 are commonly understood geographic boundaries,
13 such as railways, major roads, rivers and water
14 bodies. Make districts as nearly equal in
15 population as practicable with a maximum
16 overall deviation of one percent. You may know
17 that the maps that were drawn by staff used the
18 four percent number, although most of their
19 maps came in significantly under that four
20 percent number.

21 I thought that deviation was a -- in the
22 drawing of my maps and for me it was a primary
23 concern. I would like to make sure that these
24 districts were as similar in population as
25 possible, and what you will see is that I did

1 have success in doing that, and I think that is
2 an important consideration.

3 Districts shall be compact where possible.
4 Follow previous Court direction regarding the
5 drawing of districts, where possible address
6 Plaintiffs' concern with political
7 gerrymandering of the current map.

8 So in answer to the issues that Senator
9 Bradley was bringing up, those were issues that
10 I looked at to deal with in my map.

11 These are the same amount of
12 African-American minority performing districts
13 and the same amount of Hispanic minority
14 performing districts that we have currently.
15 The district numbers are slightly different.
16 And here is the map. So I will do the same
17 thing that has been done previously in
18 presenting the maps and start off in northwest
19 Florida.

20 You can see that there has been a little
21 bit of a change here in terms of the
22 population. Again, my goal in terms of
23 deviation necessitated that we needed to take a
24 slightly different approach, thereby making
25 District 1 slightly more compact and District 2

1 slightly less compact. That does change
2 obviously District 3, which now has Jackson
3 County in it as opposed to Calhoun and
4 Franklin.

5 This is District 4, keeps all of these
6 counties whole, Hamilton, Suwannee, Columbia,
7 Lafayette, Baker, Union, Bradford, Alachua. Up
8 in the northeast corner, that is the map that I
9 was able to draw. It ended up being very
10 similar to the map that was drawn by staff.
11 They are very, very much the same. There are
12 several different configurations of 5 and 6 and
13 I think all of them are compliant.

14 Moving down below that into what you see
15 on the map in front of you which I believe is
16 District 7, it keeps Clay County whole. This
17 is where we address the Plaintiffs' concern
18 that Clay County was drawn into a district with
19 Alachua for political purposes. So separating
20 Clay from Alachua I thought was important,
21 important nod to some of the evidence that was
22 presented in the Court case previously, and
23 also to making sure that some of the
24 Plaintiffs' concerns were dealt with.

25 We also keep Marion County whole. I want

1 to talk a little bit about this split in
2 Flagler because it looks a little bit unusual,
3 and I think that I need you to understand, I
4 want you to understand my reasoning for why
5 this is done, and it is an important reason.

6 Having a little bit of a screen flare-up
7 here, wait just a second. So this is the map.
8 Maybe many of you haven't done actually drawn
9 maps, haven't seen as something like this, but
10 this is the map with the city boundaries
11 overlay. And I think that it is important for
12 you to look at because I want you to understand
13 maybe why some of these districts were drawn
14 the way that they were. And of course here we
15 see Flagler County, oh --

16 SENATOR GALVANO: We are not seeing
17 anything.

18 SENATOR CLEMENS: Sorry. I don't know why
19 you are not seeing what I am seeing on my
20 screen.

21 SENATOR GALVANO: It didn't look like
22 Flagler County.

23 SENATOR CLEMENS: Let me try something
24 different. Do you know why this isn't showing
25 on my screen right now? Is there anyone

1 technically that can help me?

2 SENATOR GALVANO: Yes, can someone from
3 the Sergeant's or IT help here?

4 SENATOR CLEMENS: All right, I am going to
5 keep going because I think it is important for
6 us not to --

7 SENATOR GALVANO: Hold on one second.
8 Does everybody happen a copy of 9082? No?

9 A VOICE: I am sorry. I can't hear you.

10 SENATOR GALVANO: Senator Clemens, people
11 either have a paper copy or on their computer
12 and if they don't it is coming. So why don't
13 you continue in the interest of time, please.

14 SENATOR CLEMENS: Okay, fair enough. So
15 the, what I was trying, what I was trying to
16 show you and unfortunately it is not going to
17 be on your paper copy, is that the City of
18 Bunnell or my computer is doing some crazy
19 things here.

20 The City of Bunnell and the City of Palm
21 Coast basically dictate that if you are going
22 to split Flagler and you are not going to do it
23 with splitting any cities, that you need to
24 draw that northern section of District 10 in
25 that way. So the purpose of the way that is

1 drawn was to not split cities. So it doesn't
2 split Bunnell, it doesn't split Palm Coast
3 which kind of run vertically next to each
4 other.

5 At least I got this back up. And what I
6 was trying to show you I think probably, this
7 is Bunnell -- oh, I am sorry, this is -- this
8 is Bunnell right here, if I am not pronouncing
9 that properly, I apologize, I am a South
10 Florida boy, and there is Palm Coast. So this
11 split being drawn this way was necessitated by
12 the desire to not split two cities.

13 All right, so moving on to Central
14 Florida. As was mentioned earlier, we wanted
15 to find a way to deal with some of these
16 issues. Seminole County in my map does not go
17 into Orange County. And so it was -- it was
18 obviously it is not quite big enough
19 population-wise to be a district on to itself.
20 So the appropriate way I felt was to take in
21 space above Seminole and the reason for the
22 split being drawn the way this is has to do
23 with the composition of Deltona, Orange City
24 and Senator Simmons, can you tell me how you
25 pronounce it, Dewberry, Dewberry, okay, I just

1 wanted to make sure I had that right.

2 So again the desire to treat not splitting
3 cities as a Tier 2 component did require
4 slightly a little bit of creative drawing on
5 that, but it wasn't for any other purpose other
6 than to not split cities.

7 Here we have -- we have District 13, which
8 is a minority performing district, and I will
9 fully admit that I did attempt although could
10 not spend a lot of time on it trying to draw 14
11 as a Hispanic performing district.

12 Again, as I mentioned earlier, until I
13 turn in the maps I can't see what the
14 performance is. So it turned out that that
15 particular drawing did not turn out to be a
16 Hispanic performing district. But I actually
17 still believe that that is possible and I don't
18 think it is an idea that we should give up on.

19 Also dealing with the issue as it relates
20 to the appendage in District 14 which in Orange
21 County you can see that that appendage no
22 longer largely exists. So we were able to deal
23 with that particular issue. Because we kept
24 Marion County whole it did require a Lake
25 County split. You see how that works out, but

1 over on the other coast, the counties of Levy,
2 Citrus, Sumter, Hernando, those are all kept
3 whole in District 8 which you can -- you can
4 see the top of right there with Dixie County,
5 and then down into Levy, Citrus, Sumter and
6 Hernando, all of those counties being kept
7 whole.

8 I didn't really have a concept of
9 sandboxes, but it kind of turned out that way.
10 So I also wanted to do my best to keep Pasco
11 whole. It is a little bit shy of the deviation
12 issue and I really felt that the deviation was
13 important Tier 2 concern, keep these districts
14 as even as possible. So that is why it does
15 dip down into a little bit of a populated area
16 of Hillsborough County.

17 Brevard County, you can see I basically
18 just followed the population down from Volusia
19 until we were able to fill up the population of
20 an entire district trying to keep it as compact
21 as possible and that necessitates in order to
22 keep Indian River County whole, that
23 necessitates taking a little bit of Brevard and
24 Osceola and Polk County in order to make that
25 happen. As you know, when we get into the

1 center of the state there is less population.

2 All right, so here is that minority access
3 seat. I spent a lot of time working on trying
4 to draw a district that did not jump the bay in
5 anyway and that performed for
6 African-Americans, and I have to tell you, I
7 told you earlier that I -- that I drew this map
8 by myself and that is entirely correct, but
9 over the last two days, thanks to our attorneys
10 here and to Jay I found a map that was called
11 draft 19. And what I was able to do was
12 combine some of the work that I had done over
13 the past month with draft 19 and be able to --
14 to find a district that performs for
15 African-Americans at 50.2 percent in the 2010
16 primary.

17 So what is important about this, it
18 doesn't jump the bay so we don't have the issue
19 as it relates to whether or not this is
20 constitutional as laid out by the Supreme Court
21 in the congressional case.

22 It performs properly, and I think it is,
23 it is a landmark example that we can, through
24 the assistance of our attorneys who first
25 pointed out draft 19 to me in the public

1 meeting on Monday, and through the hard work of
2 Jay Ferrin and his staff, we can assemble a
3 district in Hillsborough County that performs
4 for African-Americans.

5 I think this is a pretty important and
6 landmark piece of what I am trying to present
7 to you today.

8 Any questions so far?

9 SENATOR GALVANO: None. Why don't you
10 wait, let's go to the end.

11 SENATOR CLEMENS: Sure.

12 SENATOR GALVANO: And probably if you
13 could wrap up in like 10 minutes.

14 SENATOR CLEMENS: I will, absolutely.
15 Thank you so much for your indulgence, I
16 appreciate you letting me do this today. So as
17 we get into south of Central Florida, and I
18 apologize, Jay did me a big favor in running
19 these graphic files but I don't have them
20 zoomed in as much as I would like to.

21 You can see what happens with the teal
22 looking district there, 23, it does go up into
23 Hillsborough and then pretty much where the
24 population runs out it needs to have population
25 added into it from Sarasota. I keep Sarasota

1 County whole, Hardy County whole, Highlands
2 County, Glades County, Desoto and then I am
3 able to keep Charlotte County whole as well as
4 Glades and Hendry. And in order to meet my
5 deviation goals it does dip slightly into Lee
6 County.

7 I then stopped and moved down to Collier
8 County with an effort to try to keep Collier
9 County whole, and by -- by just basically
10 moving the map up from Collier County
11 population-wise until we met the population
12 rules, was able to -- to make those districts
13 match up.

14 Over on the east coast you have seen it
15 before, this is again another sandbox even
16 though I didn't know what that term was until
17 two days ago, but Okeechobee, St. Lucie County
18 and Martin Counties are kept whole. You may or
19 may not remember but when they are just kept
20 whole by themselves they do have a deviation
21 issue that would not have met my goals, my
22 stated goals which is to be below one percent.
23 So it does add a small portion of Palm Beach
24 County up there.

25 You may have heard yesterday testimony

1 about a river that runs up there, that is
2 actually where my map goes down to for that
3 said district.

4 Down into Palm Beach County, this is an
5 area that was not challenged by the Plaintiffs,
6 but there are some changes. District 28 pushes
7 north a little bit to take in North Palm Beach,
8 and I tried to keep the western border of those
9 two, for lack of a better term, coastal
10 districts, 28 and 31 relatively consistent
11 without having it dip in too much to the east
12 or to the west, and that just required that one
13 dip in the center of the county there.

14 It keeps all of the cities in Palm Beach
15 County entirely whole, and I think this is a
16 laudable. Moving to Broward County, Broward
17 County is a place that is all but impossible to
18 keep cities whole. There is just no way to do
19 it, and that is in many ways dictated by
20 District 33 right here, which is the minority
21 access seat.

22 I do something slightly different than
23 others have done because one of my stated goals
24 was to make sure we weren't packing districts
25 unnecessarily. This district comes down from

1 the Palm Beach County border and does not
2 intersect the city of Deerfield Beach. That
3 was done because it frankly was not necessary
4 for that to happen in order for -- for this
5 district to perform for African-Americans and
6 it was crossing areas that were not minority
7 areas. In order to get there I thought that
8 was unnecessary and we didn't need to split
9 again as one of my stated goals, we didn't need
10 to split the city of Deerfield Beach in order
11 to be able to make that happen.

12 So obviously drawing District 33 in
13 Broward was the first thing to do, and then by
14 bringing District 31 down, you know, the
15 population actually fit quite nicely into that
16 area to make sure that the deviation didn't
17 happen. Before I drew Districts 32 and 34 I
18 realized that District 35 which is a minority
19 performing seat would cause some issues in how
20 those were going to be drawn.

21 So I went down to District 35 and drew
22 that map next. That is a minority performing
23 seat. It takes in the entire City of Miramar
24 so it doesn't split that, and of course that is
25 where we saw take Southwest Ranches issue

1 earlier just above that as it relates to
2 Districts 34 and 32.

3 So then after drawing 35 I was able to go
4 back up into Broward County, start to the west
5 side of District 31 and draw that population
6 around, again trying to keep as many cities
7 whole as possible.

8 There is just no way with the way
9 Districts 33 and 35 have to be drawn that I
10 could find no way to not split Davie. So that
11 was a necessity, but again, that map is drawn
12 in the way it is and if you see anything that
13 happens to be slightly less, maybe perhaps less
14 compact it is because I was trying my best to
15 keep cities whole which I thought was laudable
16 goal.

17 Then going down the coast, 36 is a
18 minority access seat that performs for
19 African-Americans. So that makes the two
20 minority access seats for African-American of
21 35 and 36. And you see 38 which is my goal to
22 keep, one of my goals to keep the entire City
23 of Miami whole, the entire City of Miami is
24 within District 38 and I thought that that was
25 a laudable goal as well. So the way to best

1 accomplish that was to have a split between
2 Miami and Coral Gables which is in, now in
3 District 39. And then I started back up at 37
4 with Hialeah and making sure that all three of
5 these Districts, 37, 38, 39 were Hispanic
6 performing seats and they are by far.

7 At the same time I was trying to bring
8 District 40 up and figure out where the best
9 place to stop District 40 was. So before I
10 completed District 39, what I basically did is
11 went down to the Keys and drew up until I
12 basically got the population that was
13 necessary. That area to the -- just to the
14 east of Monroe County and I guess to the west
15 of District 37 and 39 is not populated. So
16 there is an option here if you are looking to,
17 I think on everybody's maps, District 40 is the
18 least compact. So if you are looking to make
19 40 more compact and you are not concerned about
20 compactness in some of the other districts you
21 could extend District 37 all the way out to the
22 county line and not add population into it.

23 It would obviously make 37 less compact,
24 but it would make 40 more compact if that were
25 a concern of the committee. So I am sorry,

1 there is a -- I should have pulled it up first,
2 there is a little bit of a closer look of how
3 those districts play out. And again most of
4 those lines that you will see with 35, 36, 37,
5 38 and 39 have to do with city borders.

6 I do not split a city in Miami-Dade
7 County. Here is some of the statistics. We
8 heard some discussion from Senator Lee and
9 Senators earlier about, and I think Senator
10 Montford, about how do we get to deciding
11 whether, I think we all hoped we come into this
12 process and there would be one map that would
13 be the numerical superior to others that would
14 be very clear and I think what we have heard
15 from Mr. Ferrin is that is just not the case.

16 Some maps are better at some things, some
17 maps are better at other things. My Reock
18 score for this map is not the best of the
19 proposed plans, nor is it the worst of the
20 proposed plans.

21 It falls somewhere in the middle and I
22 think as you heard several others say a
23 difference of .1 or .2 is not a significant
24 enough difference to be able to declare, to say
25 that one map is better than the other.

1 The same thing on the Convex Hull, the
2 best plan was .80, the worst was .78, again, a
3 de minimis really in terms of making a decision
4 over whether or not one map is better than the
5 other.

6 Counties whole and counties split, the
7 same thing, 51 counties are kept whole in the
8 proposed plans, the best was 53, the worse was
9 47. I fall in the middle of that. Where there
10 is what I consider to be a significant
11 difference is in the amount of city split
12 because that was a goal of mine.

13 I split four less cities than the best
14 proposed plan and I split nine less cities than
15 the worst proposed plan. I think that is a
16 significant improvement and one that bears
17 paying attention to as we move forward.

18 Here are all of the statistics that kind
19 of -- and these are all available to you,
20 anywhere that you want them. So I am not going
21 to spend a bunch of time.

22 SENATOR GALVANO: Yes.

23 SENATOR SIMMONS: You guys have seen all
24 of this kind of stuff, but I do want to
25 specifically look at this one. So this is an

1 area where my map is significantly better than
2 -- than any of the base maps, simply because it
3 was a goal of mine. So deviation I thought was
4 an important goal.

5 I thought it was -- it was -- it was a
6 goal during the drawing of the maps in 2012,
7 and I thought it was important now. You see
8 that my overall deviation is significantly less
9 than any of the other maps, almost 50 percent
10 less. And when you look at the largest
11 deviation, my largest deviation is 4,655.

12 The next best is a good 45 percent higher.
13 So those are some, I guess places where in the
14 other case the statistics didn't show a
15 significant difference. I would argue that
16 these do actually show a significant difference
17 between the map that I produced and others.

18 So what are the advantages of the maps
19 that I have produced?

20 SENATOR GALVANO: Why don't we stop here
21 and then go and see if there are some
22 questions. I do want to get back to a
23 discussion which could very well include your
24 map.

25 Did you have a question, Vice Chair

1 Braynon? Okay, do you want to run through that
2 slide?

3 SENATOR SIMMONS: Yes, I will run through
4 it real quick.

5 SENATOR GALVANO: Okay.

6 SENATOR SIMMONS: Significantly less
7 deviation, we talked about that. I tried my
8 best to not pack districts in instances where I
9 thought not through any intent but just that
10 maybe they had been packed without -- without
11 intent.

12 Significantly less city splits I have
13 talked about. My map does not jump Tampa Bay.
14 That is the only one to not do so and finally
15 mine was drawn by a member of the Legislature.

16 We heard Senator Lee talk repeatedly about
17 the fact that these maps were not drawn by the
18 Legislature. This one was, and I think that is
19 another significant difference. Thank you, Mr.
20 Chair.

21 SENATOR GALVANO: Thank you very much.
22 Did you have a question, Senator Bradley?

23 SENATOR BRADLEY: I just had a quick
24 question. Looking at districts 35 and 33 on
25 your map and the BVAP on those two, it looks

1 like on 35 it is 47.7 and on 33 it is 43.4,
2 which is a fairly significant reduction from
3 comparable BVAPs of the districts, of those
4 protected districts in the enacted plan and
5 some of the other plans under consideration.

6 I think that was obviously a goal because
7 it is a Tier 1 consideration to address. And
8 so if you could just comment on that.

9 SENATOR SIMMONS: Absolutely, I appreciate
10 the question because it is something I meant to
11 comment on the first time, thank you. One of
12 the goals in my methodology was not to pack
13 these districts and as we heard our attorneys
14 say the other day, performance is really the
15 key. It is, a number is a number but really
16 performance is the key.

17 And so the performance is the key to these
18 districts, you know, and whether or not they
19 perform for African-Americans is the key
20 metric, not the BVAP. BVAP is a tool that we
21 can all use to try to decide whether it could
22 possibly perform, but the real -- where the
23 rubber meets the road analyses of whether or
24 not these districts are accessible to minority
25 voters to elect a candidate of their choice is

1 -- is how these districts perform, both of
2 these districts perform well for
3 African-Americans.

4 SENATOR GALVANO: Thank you. Do you have
5 one more question?

6 SENATOR BRAYNON: A follow up on that.

7 SENATOR GALVANO: Yes.

8 SENATOR BRAYNON: I wanted to know if -- I
9 have two questions. The first one is I wanted
10 to hear our counsel's opinion on the concept
11 you just laid forward with the -- about the
12 BVAP is not -- that it is more about functional
13 performance than anything.

14 SENATOR GALVANO: You are recognized.

15 JUSTICE CANTERO: Thank you, Mr. Chair.
16 That is correct, you have to do a functional
17 analysis to determine whether that district
18 would perform, and I certainly haven't
19 conducted a functional analysis right now of
20 these districts.

21 I do note, just in a cursory review of
22 District 21, the Tampa Bay district where there
23 is a BVAP of 44.6 percent, I am sorry, there is
24 a -- there is a primary turnout of 44.6 percent
25 of black Democrats. So that is a red flag and

1 you have to then drill down deeper and see if
2 despite the fact that black Democrats are not a
3 majority of the Democratic primary, they would
4 be able to elect a candidate of their choice.

5 SENATOR BRAYNON: Mr. Chair.

6 SENATOR GALVANO: Yes, follow up.

7 SENATOR BRAYNON: Yes, so I hope I have
8 the right one, I have his in front of me. So I
9 was -- I was -- I was under the assumption that
10 that seat or close to wherever that seat was,
11 was an opportunity seat and when it is an
12 opportunity seat you can look at the -- you can
13 look at the performance of the coalition in
14 that thing, and I think even there was a
15 coalition before when it was 18 or 19 if I am
16 not mistaken.

17 SENATOR GALVANO: You are recognized.

18 JUSTICE CANTERO: I think it was in 19
19 before and again I haven't looked to see
20 whether it was a coalition or a black
21 performing district under 19.

22 SENATOR BRAYNON: I think -- go ahead.

23 MR. FERRIN: I think, and I am kind of
24 going to go off the top of my head here because
25 I don't have the benchmark plan in front of me,

1 but my recollection is that in the benchmark
2 plan in district, I think it was 18 or 19, I
3 can't remember, the Tampa Bay minority
4 district, the African-American voters in that
5 district controlled the primary and the
6 majority level. I want to say it was 56,
7 58 percent, something like that.

8 I know that -- and I know that it was
9 above 50 because there was an issue that we
10 grappled with when we were drafting the base
11 maps, and what ultimately I think led us to the
12 conclusion that it was going to end up, to do
13 take we were going to have to cross Tampa Bay.

14 And I think the issue there is in the
15 application of the diminishment standard, it
16 would be a reduction in the ability to elect
17 and that they would be less likely, in an area
18 where the population was able to control the
19 district as a majority of the primary voters
20 and then you reduce that to the point where
21 they are relying on I believe, if the
22 contention is that with the addition of the
23 Hispanic population they control the primary,
24 that would then be a crossover district and I
25 think a status change like that could be

1 problematic.

2 SENATOR GALVANO: Okay, further in
3 questions? Okay, Senator Clemens, thank you.
4 Oh, Simmons has a question? You Simmons has a
5 question. You are recognized.

6 SENATOR SIMMONS: I am looking at the --
7 at your map, and in looking at your minority
8 access for African-Americans which is 21,
9 right?

10 SENATOR GALVANO: You are recognized.

11 SENATOR CLEMENS: For the Hillsborough
12 seat?

13 SENATOR SIMMONS: Yes.

14 SENATOR CLEMENS: Correct, yes, sir.

15 SENATOR SIMMONS: So you have reduced the
16 African-American BVAP and I realize that that
17 is, although it is not the end all or the be
18 all, but what you do have is a significant drop
19 and probably what, seven percent of the BVAP
20 from the existing plan that -- that we enacted
21 in 2012?

22 SENATOR GALVANO: You are recognized.

23 SENATOR CLEMENS: Yes, that is absolutely
24 correct. As we heard BVAP is not a number that
25 really means very much other than as a marker

1 for deciding whether or not it is possible to
2 reach a minority coalition district. And so
3 the BVAP is not -- I mean, the way that BVAP
4 was achieved was by jumping the bay. And so it
5 is not a determining factor.

6 What is the determining factor is whether
7 or not minorities have an opportunity to elect
8 a candidate of their choice and I believe with
9 getting the coalition of African-Americans,
10 blacks, Hispanics, over 50 percent and that is
11 the same standard that we have for several of
12 our other performing districts.

13 SENATOR SIMMONS: May I?

14 SENATOR GALVANO: Yes.

15 SENATOR SIMMONS: Well, I don't think the
16 standard is whether or not a minority can elect
17 a candidate of his or her choice. My
18 understanding is that we shall not diminish the
19 ability of a minority to elect a person of his
20 or her choice.

21 So that unless we delete the -- a portion
22 of the constitutional provision that says we
23 shall not diminish, and I understand that our
24 Supreme Court has defined this in a -- in a
25 more functional analysis than absolute numbers,

1 and I understand that, you know, that for
2 example, there are members of the
3 African-American minority such as Congresswoman
4 Brown who don't agree with what has happened
5 regarding a functional, supposedly functional
6 analysis that has been done with respect to the
7 east/west configuration of Congressional
8 District number 5.

9 I am just looking at it as the examples
10 that were given by the Florida Supreme Court
11 with respect to, you know, this functional
12 analysis and then reference to the United
13 States Supreme Court's decision, but a dramatic
14 drop of six or seven percent seems to me that,
15 that that is a significant concern. How do you
16 address that?

17 SENATOR CLEMENS: Thank you, I appreciate
18 it. Mr. Chair.

19 SENATOR GALVANO: Yes, you are recognized.

20 SENATOR CLEMENS: I address it simply by
21 the language that comes from the League of
22 Women Voters versus Detzner where it says that
23 the Supreme Court emphasized that is the
24 ability to elect a preferred candidate of
25 choice, not a particular numerical minority

1 percentage that is the pertinent point of
2 reference. The language of the Voting Rights
3 Act that protects against adopting
4 redistricting plan that has purpose or of or
5 will have the effect of diminishing the ability
6 of a minority group to elect their preferred
7 candidates of choice.

8 Language incorporated into our Tier 1
9 State Constitutional language both does not
10 require maintaining the same population
11 percentages. Instead the Supreme Court has
12 told us this requirement is satisfied if
13 minority voters retain the ability to elect
14 their preferred candidates.

15 I can go through this whole thing but I
16 mean this is right from the --

17 SENATOR GALVANO: Let's not.

18 SENATOR CLEMENS: -- the Supreme Court
19 decision. You know, so with all due respect to
20 your opinion, that is actually the Court
21 opinion, and they are very clear about it.

22 SENATOR GALVANO: Further questions,
23 further questions?

24 SENATOR SIMMONS: Can I continue then?

25 SENATOR GALVANO: Yes, you may.

1 SENATOR SIMMONS: Yes, Senator Clemens,
2 the end result is they cited the United States
3 Supreme Court's recent decision, correct?

4 SENATOR CLEMENS: Correct, yes.

5 SENATOR SIMMONS: In the Legislative Black
6 Caucus versus Alabama?

7 SENATOR CLEMENS: Correct.

8 SENATOR SIMMONS: And that was dealing
9 with the Voting Rights Act, correct?

10 SENATOR CLEMENS: That is correct.

11 SENATOR SIMMONS: And the examples that
12 the United States Supreme Court gave were
13 matters that were dropping things from like
14 75 percent to 70 percent and they wouldn't
15 consider that to be a problem. Isn't that
16 true?

17 SENATOR GALVANO: You are recognized.

18 SENATOR CLEMENS: Thank you, I am sorry,
19 Mr. Chair. I believe that is true but I can't
20 recall the specifics of that.

21 SENATOR SIMMONS: So --

22 SENATOR GALVANO: You are recognized.

23 SENATOR SIMMONS: May I continue?

24 SENATOR GALVANO: Yes.

25 SENATOR SIMMONS: They were not talking

1 about --

2 SENATOR GALVANO: Just keep it as a
3 cadence, not a cross exam.

4 SENATOR SIMMONS: And we are not talking
5 about dropping something from 35 percent to --
6 to a number like 29 percent, correct?

7 SENATOR GALVANO: You are recognized.

8 SENATOR CLEMENS: Well, you seem focused
9 on BVAP and that is not exactly what the
10 Supreme Court says you should be focused on.
11 It says you should be focused on the ability to
12 elect a preferred candidate of choice, and that
13 is -- that is what this body has to decide.

14 You know, we have a big decision, this
15 committee has a big decision to make right now.
16 If you go with any of the base maps what you
17 are saying is it is more -- it is more
18 important to jump the bay than it is to be able
19 to draw the district in the way that I have
20 drawn it, and that is, that is a marking point
21 for the Supreme Court.

22 If this committee decides that they want
23 to going with the base maps instead of starting
24 with my map as the base map, what you have said
25 is, you don't -- we want to jump the bay.

1 SENATOR SIMMONS: May I?

2 SENATOR GALVANO: Yes, Chairman Simmons,
3 you are recognized.

4 SENATOR SIMMONS: I would like to correct
5 that, I have not said that. What I have said
6 is that Tier 1 requires that we not diminish on
7 a functional basis the ability of
8 African-Americans in that district to elect the
9 candidates of their choice, and it appears to
10 me that however it is done, however it is
11 drafted, that the primary obligation that we
12 have is to live by that constitutional mandate.
13 That is all I have said.

14 SENATOR CLEMENS: Mr. Chair.

15 SENATOR GALVANO: Yes, brief follow up and
16 then --

17 SENATOR CLEMENS: And I appreciate that we
18 have a disagreement and I didn't mean to put
19 words in your mouth. What I said is the
20 committee as a whole if they decide to go in
21 that direction that is the decision they are
22 making, not you specifically, Senator Simmons,
23 but I don't know how else to get around this
24 language.

25 It is very clear, it is the ability to

1 elect a preferred candidate of choice. We can
2 have I guess a debate over whether or not that
3 is, you know, the case, but in many other cases
4 around the state of Florida we have decided
5 that, including when we drew these maps last
6 time we had decided that if the -- the minority
7 population, blacks and Hispanics combined have
8 the ability to coalesce behind a candidate of
9 their choice, that is acceptable, and that is
10 not diminishment.

11 Diminishment is when you don't give them
12 the opportunity to elect a candidate of their
13 choice.

14 SENATOR GALVANO: Okay, thank you for your
15 time and if it comes before us for
16 consideration then we can have further debate
17 on it. We thank you.

18 If you can make it a brief question, Vice
19 Chair. Yes, do you have public testimony?
20 Okay.

21 A VOICE: May I -- I got a lot.

22 SENATOR GALVANO: Well, if you would like
23 to take some time and talk about it, you are
24 welcome to. We have heard a presentation of a
25 map that has been posted. It is not yet before

1 us for consideration, and should it be it will
2 get the same respect as anything we take up
3 which will include further question and
4 answering and debate. You are recognized.

5 SENATOR BRAYNON: I think what I wanted,
6 he touched on a point that I think is something
7 that eventually we will need to talk about and
8 it is about the using BVAP or HVAP versus doing
9 a functional analysis. And I think that that
10 is as important a point as whatever we have to
11 talk about here because it is the difference
12 between a map that, you know, breaks cities and
13 breaks counties in order to increase BVAP or to
14 increase functional -- when maybe we should do
15 functional, we should be looking at functional
16 analysis.

17 And I just think that is kind of a huge
18 decision and he kind of touched on it and he
19 tried to talk about its importance and we
20 didn't -- I didn't hear a definitive, you know,
21 which direction we are going in, because I --
22 I, as you know, have a map and I want to
23 improve, I want to change, I want to change
24 some things and I would like to know what is
25 the direction that we are going in?

1 Are we saying that BVAP or HVAP is the be
2 all and end all or is it just a starting point
3 and it doesn't -- as long as the functional
4 analysis works and you functionally can elect
5 the candidate of choice, then, you know, I
6 think that is kind of important.

7 SENATOR GALVANO: You are --

8 SENATOR BRAYNON: Thank you, Mr. Chair,
9 appreciate you.

10 SENATOR GALVANO: Okay, let's see, Brian
11 Pitts. Do we have any other public testimony
12 besides that, any other maps? You are
13 recognized for three minutes, sir, and then we
14 are going to have a discussion here. Thank
15 you.

16 MR. PITTS: Brian Pitts, (inaudible). Now
17 there is two means here, you know, I hear
18 about, Senator Haridopolos present with you,
19 what you are going through right now is the
20 very issue he was squabbling about in several
21 committees, and it happened, it happened.

22 I thought maybe he might have even a bit
23 too difficult, and saying, no, no, no, he is
24 saying, how are we going to do this. And now
25 you heard Haridopolos and the committees he had

1 and when he chaired, he said this very issue is
2 going to happen.

3 Now, the Attorney General, I wonder where
4 the Attorney General is, because, you know in
5 Article III, 16, the Attorney General is
6 supposed to be involved in this petition to the
7 Court. This all should be in the Supreme Court
8 between you, the Supreme Court and the public
9 on the side, because this is apportionment. I
10 mean, just looking at Article, the Article III,
11 Section 16.

12 If you do a proposal now, because I am
13 trying to figure out how the Supreme Court did
14 not moot the League's case. They should trump
15 in Article 16 pretty much after you all do
16 this, the Attorney General is supposed to be
17 involved and Petition the Court, and then the
18 Court on its own become involved. That is what
19 this Article III, Section 16.

20 So I am trying to figure out how did the
21 Trial Court case not get mooted. Attorney
22 General again, you all can ask for an advisory
23 opinion, 16.013. Article III, Section 16(c) is
24 where the Attorney General is supposed to be
25 involved. For (inaudible) all writs Petition,

1 all the Attorney General can get involved. You
2 all can ask the Attorney General to get
3 involved and get an opinion aside from the
4 Trial Court, but again, that should be mooted
5 because the Supreme Court under Article III,
6 Section 16, is supposed to weigh in on this
7 whether it is valid or not or what parts of it
8 is and to send as it back to you and if you
9 cannot then the Attorney General will Petition
10 and then the Court will do it and then it will
11 be filed with the Department of State and that
12 is how it should end.

13 I am trying, I am not getting it here,
14 y'all need to talk to the Attorney General as
15 to what her duties are. I would just make a
16 couple of maps, send it to the League and say,
17 here, it is boxes, it is 40 boxes, 40
18 rectangles, what do we need to change. Fine,
19 you don't want to show up, so here is my thing,
20 why was it not put in the stipulation in the
21 order that you have a mediation or some type of
22 agreement to come together and agree and all
23 the Court would need to do is, is it
24 constitutional and it would not be a feud.

25 Why don't you get an amended order or

1 stipulation stating that both parties must come
2 together and do this in a mediation. We
3 understand there could be an impasse but that
4 is how usually a court does stuff. One sided
5 so say you do this new map, new issues now
6 because you are not just changing the parts
7 that is supposed to be alleged. You do a whole
8 brand new map and they come now and you can say
9 bad faith over the frivolous argument or with
10 unclean hands because you didn't come to this
11 meeting today when we asked you.

12 I am just saying the arguments you could
13 present. That would really be bad faith
14 because they should be here today. I mean,
15 they could take it up with legal counsel as to
16 whatever, why that would the not be, but I am
17 just saying or you can go back, get a consent,
18 a new judgment saying y'all must come to a
19 stipulation.

20 But at the end of the day the Florida
21 Supreme Court is supposed to have this. Again,
22 I will say it again. Y'all need to talk to the
23 Attorney General about what her duties is under
24 Article III, Section 16. I can't believe this.
25 This has been going on and now you got another

1 case. I don't understand, and that is in the
2 Constitution. Now, honestly --

3 SENATOR GALVANO: You got about 40 seconds
4 to wrap it up.

5 MR. PITTS: I would take up 90, I would
6 just get 9070, 9076 and 9080. I would play
7 with the both of those maps, y'all choose
8 between the two -- between the three and pass
9 them.

10 I understand 22 is a compact issue is that
11 Pinellas issue, but it says, if feasible, that
12 language. I would take those two maps and run
13 with it and then talk to the Attorney General.
14 You ain't got time to keep playing with this,
15 please. Get it over with. What more can you
16 do.

17 SENATOR GALVANO: Thank you very much. Do
18 we have further public testimony? Okay,
19 members, I am going to open it up for any
20 comments or further questions regarding the
21 discussions and presentations we have had
22 today.

23 Yes, Vice Chair Braynon, you are
24 recognized.

25 SENATOR BRAYNON: Not to reiterate my

1 question, but can I pose a question asked
2 before?

3 SENATOR GALVANO: Absolutely, you may. A
4 question.

5 SENATOR BRAYNON: Our attorneys, to
6 Justice Cantero about BVAP versus functional
7 analysis, which I think you kind of answered
8 but if you could clarify.

9 JUSTICE CANTERO: Mr. Chair.

10 SENATOR GALVANO: Yes, you are recognized.

11 JUSTICE CANTERO: Thank you. Yes, Vice
12 Chair, it is the case that BVAP is a starting
13 point and you have to drill down and conduct a
14 functional analysis.

15 My concern is I did not hear that there
16 had been any functional analysis done on the
17 minority districts. So we don't know one way
18 or the other whether they would perform given
19 the BVAP that they have.

20 SENATOR GALVANO: Yes.

21 SENATOR BRAYNON: Jay, do we have,
22 Mr. Ferrin, do we have the functional analysis
23 of the minorities districts in Senator Clemens'
24 map?

25 MR. FERRIN: Mr. Chair. Yes, it is

1 attached to the back of the report and Senator
2 Clemens had contacted me, I forget what day it
3 was, a day or two ago about running this for
4 him and I ran the functional analysis for him
5 and provided it for him prior to his submission
6 of the map, and I hadn't really reviewed it. I
7 simply prepared it for him and gave it to him.

8 You drafted maps with me before. Whenever
9 you decide you are ready to see how anything,
10 you know, performs in terms of compactness or
11 functional analysis, I provide that for you.
12 So I offered the same opportunity to Senator
13 Clemens and prepared him a functional analysis.

14 I have not previously walked through it in
15 great detail, but I was just paying attention
16 to the conversation and some of the things that
17 he touched on. So I mean, I have the materials
18 here we can walk through it in the meeting if
19 that is the Chair's pleasure.

20 SENATOR GALVANO: No, just make sure --

21 MR. FERRIN: I believe everybody has it.

22 SENATOR GALVANO: You can go through it.

23 MR. FERRIN: And anybody that does not
24 have it and needs it provided, I am happy to do
25 so.

1 SENATOR GALVANO: Senator Montford, are
2 you -- you are recognized.

3 SENATOR MONTFORD: Thank you, Mr. Chair.
4 I don't want to belabor about the BVAP and
5 performance, but when we had the same
6 discussion back on the congressional maps,
7 remember there was a statement made by the
8 House legal counsel that there was a difference
9 in the way North Florida voters voted versus
10 Central Florida. And that, that was quite a
11 disparity and he provided the data that showed
12 me that.

13 Does -- when we do the functional
14 analysis, will that -- will that be taken into
15 account because it concerns me that that could
16 put a difference between North Florida, Central
17 Florida and South Florida?

18 SENATOR GALVANO: You are recognized.

19 JUSTICE CANTERO: Thank you, Mr. Chair. I
20 think racially polarized voting is indicated
21 somewhat in -- in the statistics. I am not
22 sure that it is completely indicated. You
23 would have to take a look at actual elections
24 and to see what -- who were the candidates and
25 whether those candidates won and how whites

1 voted for a black candidate and vice-versa. So
2 I don't think that the analysis attached to the
3 reports or the reports attached to the maps
4 give you an accurate indication of racially, of
5 whether racially polarized voting exist or not.

6 SENATOR MONTFORD: Mr. Chair, follow up?

7 SENATOR GALVANO: You are recognized.

8 SENATOR MONTFORD: But wouldn't the same,
9 wouldn't the same logic apply here that it
10 would be in the congressional races as well?

11 SENATOR GALVANO: You are recognized.

12 SENATOR MONTFORD: Theoretically.

13 JUSTICE CANTERO: Yes, that if there was
14 racially polarized voting in North Florida for
15 a congressional, it would be for -- for the
16 Senate districts and Central Florida more or
17 less the same as well.

18 SENATOR MONTFORD: Thank you, Mr. Chair.

19 SENATOR GALVANO: Further comments? Yes,
20 Senator Bradley.

21 SENATOR BRADLEY: Thank you, Mr. Chairman,
22 and let me just say that I really appreciate
23 all the hard work and efforts that have come
24 forth by -- and today I want to thank my
25 colleagues on this committee for really, I

1 mean, I feel as though we have laid it all out
2 there, and we have gone anywhere that anybody
3 needs to go and I am glad we did.

4 And here, I look at what we have been
5 presented and it seems to me that the first
6 fork in the road is method one, Methodology One
7 versus Methodology Two, and as I stated earlier
8 and everything I have heard today has done
9 anything but strengthen my conviction on this
10 point and hearing some comments from some of my
11 colleagues have done nothing but strengthen my
12 feelings on this point.

13 The idea of keeping counties whole at all
14 cost, for lack of a better term, for that to be
15 the overriding guiding idea, I think that is
16 not as fair to all Citizens throughout the
17 state of Florida as the approach in Methodology
18 Two, which is to be mindful of all areas of the
19 state and not just try to make county whole at
20 the cost of others, at the cost of the greater
21 good.

22 So putting me into the silo with
23 Methodology Two, then I get to 76, 78 and 80,
24 and I look at the stats and I see how many
25 counties are split, how many counties are whole

1 amongst those three. 78 has 51, 76 has 50, and
2 80 has 47. So 78 is the winner on that, on
3 that way of looking at things.

4 And then we get into this discussion about
5 county splits versus city splits and I will
6 tell you, let's me give you an example of --
7 from my area of the state. You know, I live
8 in, grew up in Clay County, about 10 percent of
9 Clay county residents live in the city,
10 90 percent of Clay County residents live in the
11 county. So people consider themselves, I would
12 suggest, the vast majority of them are more
13 concerned about the Clay County political
14 boundary if we are concerned about these things
15 than they would a city boundary because
16 literally 90 percent of the residents in Clay
17 County live in an unincorporated area.

18 And I am not alone around in that round
19 the state of Florida. So I think that is a
20 reasonable and the idea being a municipal
21 attorney myself, annexations, particularly when
22 growth is happening and our economy is churning
23 is a fairly frequent occurrence around the
24 state of Florida, and I don't think we have
25 changed the county boundary in 100 years in the

1 state of Florida.

2 So it is important to me that, you know,
3 county splits and reducing the number of county
4 splits I think is a laudable goal and 78
5 compared to 76 and 80, 78 is the winner on
6 that, on that measure. Then I keep going down
7 and I look at political and geographic
8 boundaries via, and I think that is relevant.

9 Let me tell you why, because, you know,
10 where there is some discussion about in our
11 constitution how it talks about being compact
12 and it talks about political and geographic
13 boundaries. It doesn't say, and therefore, in
14 my mind geographic boundaries are important,
15 too, and that is one measure that takes into
16 account the fact that we should honor rivers.
17 We are talking about this bay a lot, okay, we
18 should, and that is, and that, the relevance
19 there.

20 And now I look at the standard deviation
21 between 76, 78 and 80, and 76, 78, out
22 performed significantly on that measure, 6.4
23 versus 9.4, 9.5. And then when you look at the
24 average, the minimum, the maximum and the
25 median, 78 is the winner on all of those as

1 well. And so there -- there is some objective
2 criteria that I think favors 78. And then we
3 go to the road we went down today, which I am
4 glad we did, and that was just laying it all
5 bare and talking about what was the problem,
6 what was being alleged, what was in the
7 complaint and let's talk about it and let's
8 address it.

9 And then I look at 76, 78 and 80, 76
10 crosses the bay, 78 doesn't, and then 80 kind
11 of wraps around the bay, and one could argue
12 that, you know, and how one looks at it
13 normally, I understand there is a land
14 contiguousness, but there is water. You can
15 stand on one end and look across the bay to
16 another part of that district because of the
17 way that is done and it busts through a county
18 line between Hillsborough and Pinellas to boot.

19 And then we talked about other areas of
20 the state about complaints, things in the
21 complaint and allegations in the complaint and
22 then it appears that those have been addressed,
23 you know, to any reasonable person's
24 satisfaction when it comes to Central Florida,
25 and as well as the District 32 in the map and

1 then I have just discussed Hillsborough and
2 Pinellas. So to me you take into account
3 Methodology Two and then you look at the fewest
4 county splits, you look at the objective data,
5 the Reock scores and all of that, the
6 compactness are all basically the same, and
7 then you go to the complaint and those
8 allegations, particularly the one that was
9 focused on I think understandably by President
10 Lee with the Pinellas, Hillsborough area, 78 is
11 the winner on that.

12 And I just, to me it is -- it, after
13 everything we have heard, after all we have
14 done, that is a reasonable direction for us to
15 go.

16 SENATOR GALVANO: Further comments,
17 further comments? Vice Chair Braynon, we have
18 got about nine and a half minutes.

19 SENATOR BRAYNON: I will take 10.

20 SENATOR GALVANO: We will adjourn and you
21 then you can keep going.

22 SENATOR BRAYNON: And can continue. I
23 notice that there was some other submitted maps
24 on the -- on the website, on the submitted
25 plans and even something from a House member.

1 SENATOR GALVANO: Excuse me a second. It
2 was my mistake, it was noticed until 3:30, so
3 we do have --

4 SENATOR BRAYNON: I will take --

5 SENATOR GALVANO: Now you can have your
6 10.

7 SENATOR BRAYNON: I can have an hour and a
8 half. I noticed some submissions from them.
9 How do we move forward with them? I think I
10 know, but I am just -- if you could put it out
11 there.

12 SENATOR GALVANO: And --

13 SENATOR BRAYNON: You weren't listening to
14 me?

15 SENATOR GALVANO: I was not.

16 SENATOR BRAYNON: Okay, I said that
17 earlier that people weren't listening to me now
18 it is proven true.

19 SENATOR GALVANO: I was listening to staff
20 who would hopefully guide me in a better
21 direction.

22 SENATOR BRAYNON: Oh, so I noticed there
23 are other maps submitted or plans submitted.
24 One even from a House member. How do we -- how
25 are we going, and are we going to deal with

1 those going forward?

2 SENATOR GALVANO: In this committee we are
3 only going to going go forward deal with maps
4 that have become an official amendment for us
5 to consider and vote upon. I had a workshop
6 today when we could have been taken votes and
7 offered up opportunity for example with Senator
8 Clemens to come and share his map.

9 But anybody who has a map is welcome to
10 find a sponsor on the committee or on the
11 floor.

12 SENATOR BRAYNON: Okay, and one more
13 question and I guess this is kind of a retread
14 and answer this how you want. But I really, I
15 want, I really would like us to just at least
16 find out what it would take to update our
17 functional analysis information, at least 2012,
18 just if someone could let me know how much
19 man-hours, how many man-hours that would take,
20 because I think that would really help us a
21 long way in providing an actual functioning
22 analysis for how districts function, because I
23 -- I am a child of the millennia so I am on the
24 Twitters.

25 SENATOR GALVANO: The --

1 SENATOR BRAYNON: Yes, and you know, if it
2 was said on Twitter then must be true and there
3 is some talk on the Twitters and I don't
4 legally --

5 SENATOR GALVANO: Usually it is from Gary
6 (inaudible).

7 SENATOR BRAYNON: If I am wrong because I
8 can no longer read Twitter now, I don't know if
9 that is like a gleaning my intent, but I just
10 see people on Twitter saying it may not take as
11 long as we have said it would take. So
12 somebody could kind of tell me how long it
13 would take and if we really are not going to --
14 if it is really just way too much, it is going
15 to take way more than two weeks.

16 SENATOR GALVANO: Okay, we can get that
17 information for you. Jay, do you think?

18 MR. FERRIN: If you want me to talk about
19 that now.

20 SENATOR GALVANO: Sure, if you want to
21 give a quick answer on that at this point you
22 are recognized to do so.

23 MR. FERRIN: Thank you, Mr. Chair. And
24 just a little background on that. After, I did
25 work on the Reapportionment Committee in 2011

1 and 2012, and after the '12 session ended, one
2 of the things I did was to start working on the
3 2012 data.

4 I spent the entire summer of 2012, working
5 through aligning precinct geometry with census
6 blocks where you have to split the census
7 blocks. So I was carving up census blocks for
8 about four months, trying to get that geometry
9 to line up and that is just one component.

10 We kind of divided up the labor that
11 summer and the House took the lead on
12 validating the election results data and the
13 voter registration data which, if you will
14 believe this, the way those precincts are
15 reported to the Division of Elections and the
16 Secretary of State is the naming conventions
17 don't always line up.

18 So we have to manually validate all of
19 that data for each election. And so the House
20 did that for the summer of 2012. I did the
21 geography for the summer of 2012, and then it
22 took a couple of months and then into the fall,
23 just to get to the 2012 general election data
24 into a position in which it could be
25 incorporated and used in a reliable manner for

1 the purposes in which we are using it.

2 So, I pen, I would estimate that as a
3 month, you know, given our current resources,
4 months of work to try and get that prepared,
5 you know.

6 I did look at it when I first came into
7 the position in July. I kind of gauged the
8 status of all of that very quickly as the Court
9 opinion came out, you know, a few days after I
10 took this job. I realized there wasn't going
11 to be time to go down that road and wasn't able
12 to pursue that sort of stuff much longer.

13 SENATOR GALVANO: Yes, you are recognized,
14 Senator Braynon.

15 SENATOR BRAYNON: Two suggestions. First
16 of all, and I notice the House isn't meeting
17 and the House guys aren't doing anything, and
18 they got two guys and we got one.

19 And the second thing was functional
20 analysis are only done in the minority
21 performing seats which is one, two, three,
22 four, five, I think it is six of our counties.
23 So I don't know if that was even, if that even
24 would shrink it, that the functional analysis
25 is Dade, Broward, Hillsborough, Pinellas,

1 Duval, Orange, Osceola.

2 SENATOR GALVANO: Mr. Ferrin.

3 MR. FERRIN: I would still gauge that as a
4 momentous workload given the other things that
5 we were trying to tackle. I mean, maybe if we
6 were going to be -- if we knew we were going to
7 be in special session this time in 2016, to do
8 it again and we had nothing to do now we could
9 probably put forth all of that effort and get
10 it right.

11 I mean, there is a big concern between
12 getting it done and getting it right when it
13 comes to this sort of stuff. It needs to be,
14 you know, correct.

15 SENATOR GALVANO: Senator, yes, you are
16 recognized.

17 SENATOR BRAYNON: I am going to glean that
18 we may be back here at some point unless the
19 map, unless the Courts decides to draw this.
20 So you might want to look at that. Thank you,
21 Mr. Chair.

22 SENATOR GALVANO: You are welcome.
23 Senator Simmons.

24 SENATOR SIMMONS: Mr. Chair, for a
25 question and then possibly a comment?

1 SENATOR GALVANO: Absolutely.

2 SENATOR SIMMONS: And ask our counsel, I
3 know that the question was asked by me and
4 others when we were doing the congressional
5 maps about what was the relevant time period
6 and we were told that with respect to the
7 congressional, the Federal issue that we were
8 required to use the 2010 census, is that right?

9 SENATOR GALVANO: You are recognized.

10 JUSTICE CANTERO: Thank you, Mr. Chair. I
11 don't recall that question and answer. I know
12 that the 2010 primary turnout figures were the
13 only primary turnout we had. We also had
14 figures for I believe the 2012 general election
15 turnout.

16 SENATOR SIMMONS: May I follow up?

17 SENATOR GALVANO: Yes.

18 SENATOR SIMMONS: Now that we are dealing
19 with this --

20 JUSTICE CANTERO: I am sorry, and to
21 further answer your question. It is the 2010
22 census that we need to use, the census data,
23 yes, it is from 2010, that we need to use. So
24 now would still be that 2010 census data.

25 SENATOR SIMMONS: That is the question I

1 have. We are now in a state proceeding and --
2 and to -- to Senator Braynon's point. It would
3 seem that it would, and I realize the
4 difficulty right now given the time periods,
5 but it seems that we should be dealing with the
6 most recent information, at least from a
7 comparative basis so that we could look and
8 see, for example, in a minority access
9 district, whether or not the population, the --
10 for example, the BVAP in a -- in a District 19,
11 or the number I see here is at 22 or whatever
12 else, but let's put it in the Tampa Bay area,
13 that we could then be looking in at least in
14 hindsight to see whether or not we are doing
15 the right thing to assure that there has not
16 been a diminution in the ability of minorities
17 to elect a candidate of their choice.

18 And so these are things that at least
19 would be relevant considerations. Do we at
20 least have BVAP information relating to 2012,
21 2014, in the districts that there are minority
22 access districts?

23 SENATOR GALVANO: Do you want to comment,
24 Mr. Ferrin?

25 MR. FERRIN: We are limited to the 2010

1 census data and that is -- that data is down to
2 the block level, done for the 2010 census data.
3 I am not aware of stuff that it would be a
4 census count down to the block level that would
5 be -- enable us to do that.

6 SENATOR SIMMONS: I just wanted to know if
7 we had the information available and it was
8 that I believe legitimately raised by Senator
9 Braynon, and so.

10 MR. FERRIN: Yes.

11 SENATOR GALVANO: Yes, President Lee.

12 SENATOR LEE: Yes, I am going to take all
13 of this back and think about it for a couple of
14 days. But I was wondering if I could indulge
15 Senator Bradley to again walk me through how he
16 discounts Methodology One in favor of
17 Methodology two. I mean, that does shorten the
18 list to three maps if you can get your head
19 around that, and I actually take a liking to
20 maps in both Methodology One and Methodology
21 Two, and I thought I would ask him again if he
22 could by convenience to tell me again how
23 Methodology One he thinks is unfair to the
24 state as a whole I think as he put it.

25 SENATOR GALVANO: Senator Bradley, you are

1 recognized.

2 SENATOR BRADLEY: Well, we asked the House
3 staff, I am sorry, our Senate staff to explain
4 the difference between Methodology One and
5 Methodology Two, and I thought they did an
6 excellent job a couple of days ago and then we
7 went through that today.

8 And in a nutshell what they are suggesting
9 is that if you have, using -- this may be a
10 real example, but kind of an extreme example,
11 of a county that has a large population,
12 divided five ways, if one can get to three that
13 is preferable. But it is harder to get to
14 three when all you are worried about is making
15 sure that another county somewhere else that
16 perhaps has a smaller population that has the
17 ability to be in one, have to be wholly in one
18 Senate district and not every person lives in a
19 county in our state that has the ability to
20 have their entire county be in one Senate
21 district, if that -- because there is counties
22 that have populations greater than 475,000.

23 And so I think that if you are overly
24 focused on making sure you have whole counties,
25 then you have -- keep your eye on the ball less

1 on making sure that you don't overly divide up,
2 and I think ultimately prejudice individuals
3 who happen to live in a county that is being
4 cut up in many, many pieces in order to -- to
5 sacrifice for the greater good of having one
6 whole county together.

7 I think that it is reasonable to try to do
8 both, when it is practical to keep the county
9 whole, and also be mindful of the fact that it
10 is better to have a county divided up two or
11 three times than four or five, four or five
12 times, and we should try to do both. And that
13 is where I understand methodology having done.
14 Is that a fair representation?

15 SENATOR GALVANO: Justice Cantero.

16 JUSTICE CANTERO: Yes, sir.

17 SENATOR BRADLEY: And that is -- may I --

18 SENATOR GALVANO: Yes, continue.

19 SENATOR BRADLEY: And you asked why I
20 think that is fair. I hope that it is
21 self-evident what I said in that I think it is
22 fair to all people who happen to live in
23 counties that, you know, populations exceed
24 470, that they not be treated, you know,
25 treated less.

1 SENATOR GALVANO: Did you have a question,
2 yes?

3 SENATOR GIBSON: I think I need a little
4 -- thank you, Mr. Chair. You said we should do
5 both, is that what you said?

6 SENATOR BRADLEY: Yes, what I said was
7 that you, you know, it is much like Justice
8 Cantero has repeated many times. There is no
9 -- this is an art, not a science. One must
10 balance a lot of things.

11 The constitution gives us a lot of
12 direction in Tier 2. You have compactness but
13 you don't do compactness at the -- at the
14 complete expense of political boundaries and
15 geographic boundaries. You -- there is a
16 little bit of everything and you try to find a
17 balance.

18 And what -- and what I am -- to answer
19 your question, I -- we don't ignore the goal of
20 trying to create whole counties, you, when you
21 can you do it, but you don't do it at the
22 expense of making, you know, of having, you
23 know, a county that is larger unnecessarily
24 divided more than it needs to be.

25 SENATOR GALVANO: Follow up, yes.

1 SENATOR GIBSON: Thank you, Mr. Chair. So
2 are you suggesting then that some parts of the
3 state lend themselves better to Methodology One
4 and some parts lend themselves to Methodology
5 Two? Is that -- is that what you are saying?

6 SENATOR GALVANO: You are recognized.

7 SENATOR BRADLEY: I don't know if I would
8 describe it as some parts of the state. I
9 would just describe it as the fact that I think
10 that the more balanced approach is Methodology
11 Two. How that unfolds in one particular area
12 or another in the state is how it unfolds in
13 one particular area or another in the state.

14 SENATOR GIBSON: So it is --

15 SENATOR GALVANO: Yes, you are recognized.

16 SENATOR GIBSON: I am not sure how you
17 combine them, but, so Mr. --

18 SENATOR BRADLEY: Because I don't think
19 they are mutually exclusive.

20 SENATOR GALVANO: Yes.

21 SENATOR GIBSON: Mr. Chair. Is there any
22 particular problem with applying different
23 methods in different parts of the state and
24 still get a constitutional map? I am asking
25 him.

1 SENATOR GALVANO: Yes, that is in
2 counsel's comment as well, but that is when we
3 get into the consistent methodology issue, and
4 that became an issue during our congressional
5 map redistricting special session.

6 SENATOR GIBSON: So we have to choose one
7 method?

8 SENATOR GALVANO: Yes.

9 SENATOR GIBSON: Regardless of what that
10 is.

11 SENATOR GALVANO: We need a consistent
12 methodology throughout the map. So if you --
13 you can't pick and choose based on an area of
14 the state as I understand it.

15 SENATOR GIBSON: My final question would
16 be is there, I know we have six maps with two
17 methodologies. Is there potentially a third
18 methodology to --

19 SENATOR GALVANO: No, I think --

20 SENATOR GIBSON: Based on what we have to
21 abide by?

22 SENATOR GALVANO: There will be
23 opportunity for amendment. I think Senator
24 Clemens had his methodology or he had two
25 methodologies that he applied on his map, but

1 from where we are right now as a committee we
2 have six maps with two methodologies.

3 SENATOR GIBSON: Thank you.

4 SENATOR GALVANO: Further comments,
5 further comments or questions?

6 Okay, members, I appreciate very much the
7 time that you have taken here today, the depth
8 of our discussion and the subject matters that
9 have been covered. Thank you, Mr. Ferrin, you
10 have been doing Yeoman's work here.

11 And thank you to legal counsel. From here
12 going forward we have Joint Resolution 2-C
13 which I have filed currently as a shell Bill.
14 Based on the discussions that we have had here
15 today I will be filing an amendment to that
16 Bill and I am going to make sure to do it
17 before midnight tonight, so that it is
18 available tomorrow for a 6:00 p.m. amendment
19 deadline should anyone want to file any
20 additional amendments.

21 We did have a discussion regarding the
22 numbering, and so on. I am going to make sure
23 that what we present is done in such a way that
24 the committee can have that discussion and make
25 a decision and we will be able to decide on

1 lines without feeling like it is stuck in any
2 type of particular numbering position. And so
3 that is where we are.

4 We will take up the Bill on Friday. If we
5 need additional time then we will come back on
6 Monday and finish our committee's work and then
7 send our product to the floor.

8 Thank you all and with that Vice Chair
9 Braynon moves we adjourn.

10 (Whereupon, the proceedings were
11 adjourned.)

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C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF LEON)

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

That the foregoing pages 2 through 132 represent a true, correct, and complete transcript of the tape- recording;

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

Dated this 6th day of November, 2015.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2018

Commission NO.: FF 174037