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SENATE COMMITTEE ON REAPPORTIONMENT

OCTOBER 23, 2015

9:00 a.m.

Transcribed by:

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Court Reporter

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

2 SENATOR GALVANO: Good morning, we will
3 call to order the Senate Committee on
4 Reapportionment. Administrative assistant,
5 please call the role.

6 SENATE CLERK: Chair Galvano?

7 SENATOR GALVANO: Here.

8 SENATE CLERK: Vice Chair Braynon?

9 SENATOR BRAYNON: Here.

10 SENATE CLERK: Senator Bradley?

11 SENATOR BRADLEY: Here.

12 SENATE CLERK: Senator Gibson?

13 SENATOR GIBSON: Here.

14 SENATE CLERK: Senator Lee?

15 SENATOR LEE: Here.

16 SENATE CLERK: Senator Montford?

17 SENATOR MONTFORD: Here.

18 SENATE CLERK: Senator Simmons?

19 SENATOR SIMMONS: Here.

20 SENATE CLERK: A quorum is present, Mr.
21 Chair.

22 SENATOR GALVANO: Thank you. Members, we
23 have a good bit of work to do today. Today we
24 will be voting in this committee. We have been
25 very open for the last few meetings and have

1 had participation from members who are not on
2 this committee, but as we get into the
3 questions and debate today we are going to have
4 it be committee based.

5 Also, procedurally, we have several
6 substitute amendments, and if one is to be
7 adopted, what would normally happen is the
8 others would then be deemed out of order.

9 What I would like to do is give everybody
10 an opportunity to see what these amendments are
11 about. So I am going to ask the committee to
12 have these amendments if we do have a
13 substitute amendment adopted, re-construed it
14 as an amendment to the amendment, so that way
15 everyone who has an amendment in has an
16 opportunity to present that amendment and that
17 the committee then has an opportunity to make a
18 decision on that amendment.

19 I did, as a courtesy to Vice Chair Braynon
20 who is carrying an amendment that I believe
21 Senator Clemens has prepared that I will afford
22 Senator Clemens who is not on the committee a
23 few minutes to explain his amendment. But for
24 the most part I think we have gone through a
25 ton of this stuff already at length through the

1 last couple of committee meetings.

2 So with that we will first take up 9084,
3 which is under my name and that is the base map
4 9078 that was explained on Monday and then
5 again on Wednesday.

6 If there are additional questions we will
7 take those. Otherwise, we will then move into
8 the substitute amendment process. Seeing no
9 additional questions, the very first substitute
10 amendment is 9090, and this amendment is the
11 random numbering amendment to 9084.

12 In other words, as you recall, we had a
13 methodology explained by Mr. Ferrin on
14 Wednesday, and that methodology is incorporated
15 into 9084. If we adopt 9090, then the random
16 numbers that were chosen on Thursday will be
17 applied to the map. And just let me make a
18 point clear, members.

19 You -- we cannot pass a map that is
20 unnumbered. So as -- at some point before a
21 final vote is taken on a map it has to be
22 numbered. As a committee we have to send a
23 passable product to the floor, and I know a
24 question came up about waiting to number, but
25 unless we send a numbered map that is passable

1 to the floor, then we have not completed our
2 work here on the committee.

3 So, any questions on the 9090 random
4 numbering?

5 SENATOR BRAYNON: Yes, Mr. Chair.

6 SENATOR GALVANO: Yes, you are recognized,
7 Vice Chair Braynon.

8 SENATOR BRAYNON: So if we are to -- if
9 there is any amendments made to this map will
10 we go through that process again?

11 SENATOR GALVANO: If we have amendments
12 that amend the map such that it is not -- we
13 are not able to align the numbers, then yes,
14 that is always an opportunity to do so.

15 Okay, any debate on the random numbering
16 scheme procedurally?

17 SENATOR BRAYNON: Procedurally.

18 SENATOR GALVANO: Yes, you are recognized
19 for a procedural question.

20 SENATOR BRAYNON: If we adopt this
21 substitute amendment does that mean that all
22 others are deemed out of order at this point?

23 SENATOR GALVANO: You are correct. Under
24 our rules, but what I am doing as a courtesy --

25 SENATOR BRAYNON: Draft it as an

1 amendment.

2 SENATOR GALVANO: Yes. Further comment,
3 debate on the random numbering? Yes, you are
4 recognized now in debate.

5 SENATOR BRAYNON: Thank you, Mr. Chair. I
6 think that the -- I had some problems with
7 those numbering and going through the whole
8 process of randomizing before we had a final
9 product, but if -- with the assurance that if
10 there are substantive, substantial changes to
11 the maps through the amendment process or maybe
12 another map is adopted we will go through that
13 randomization again and I feel -- I have
14 another level of comfort knowing that it is
15 possible that we -- that if something changes
16 we would go through the random process again.
17 And I am okay with it if that is what we are
18 doing. Thank you, Mr. Chair.

19 SENATOR GALVANO: Further debate? Further
20 debate?

21 All in favor signify by saying yea.

22 (Chorus of yays.)

23 SENATOR GALVANO: Opposed nay. Show
24 amendment 9090 adopted.

25 The committee asked that we waive the

1 rules to show 9068 as an amendment to the
2 substitute amendment that was just adopted.

3 All those in favor, signify yea? Show it
4 adopted without objection.

5 We are now on 9068, and this is by Vice
6 Chair Braynon, and we do have copies of the
7 maps for everybody.

8 SENATOR BRAYNON: Thank you, Mr. Chair. I
9 am not as efficient as my colleague, Senator
10 Clemens. I do not have a Power Point
11 presentation with my face on it, but if you can
12 go to your maps, I think they are in the
13 packet.

14 So just, since I don't have the Power
15 Point presentation with my face, I will tell
16 you who wrote this. It was myself along with
17 Jay Ferrin, our staff and after it was released
18 we did get some opinions from our counsel about
19 some of the things we did voting rights.

20 Let me preface this by saying, you know,
21 we -- this was the first -- this was drawn
22 before the base papers. There haven't been any
23 changes since it was released and since the
24 base maps have come out, or even, you know, or
25 any of the other maps that have been released,

1 whether it be Senator Clemens' map, I think
2 there was each a submitted map from
3 Representative Caldwell.

4 I want to say out of respect for everyone
5 that drew other maps, I am not of the opinion
6 that I am the best map maker in the world and
7 nobody else's map has any good ideas. What I
8 have found is that there are plenty of ways to
9 slice this peninsula, let's call it that, and,
10 you know, some work better than others.

11 There are certain methodologies that work
12 and, you know, and I have tried and I have, I
13 actually have gone back in to the lab as you
14 would say with my -- my co-producer,
15 Mr. Ferrin, to try to improve some things, but
16 this is -- what you see before you is the
17 product of before I had any ability to look at
18 the other maps that were drawn.

19 So what I will do is I will tell you my
20 methodology and talk very briefly about what
21 you see in front of you or, you know, why not
22 do this, I will just let Jay tell you because
23 he was part of this to explain. I am not going
24 to put you on the spot like that.

25 But I will say this though, the important

1 -- the important thing is that whenever I had,
2 you know, as we talked about map, map drawing,
3 how that traditionally is done, staff was a
4 great help in that. So I want to thank Jay for
5 that and -- but the ideas were mine.

6 As you know, I sent an e-mail to Jay. I
7 will walk you through this. I sent an e-mail
8 to Mr. Ferrin and in that e-mail I talked about
9 how I wanted to start this map. And so after
10 that e-mail, Mr. Ferrin came to me with a not
11 complete product that pretty much did in a very
12 basically and almost specifically to the letter
13 what I had asked him to do in that e-mail.

14 Now, the first place we started, the first
15 thing I started was with my -- my minority
16 performing districts. We made sure that we
17 were going to draw those. Now, there came one
18 of our first benchmarks and one of the things I
19 learned that I think we have since figured out.

20 We had a question there. Is the benchmark
21 map where we are starting or is it the enacted
22 map. The enacted map being the map that we are
23 currently serving, the benchmark being the 2002
24 map. Since we have drawn this map we have come
25 to the -- I think most people have decided and

1 our counsel has decided that we are going to go
2 off of the benchmark map.

3 Now, when starting with the enacted map,
4 District 14 in Orlando which you will see is a
5 Hispanic seat and crosses county lines and is a
6 little, you know, squiggly or whatever, which
7 was originally I think in the benchmark, I am
8 sorry in the enacted plan.

9 It was originally I think it was District
10 14, too, right, right, it was District 14. So
11 we tried to recreate that district. If you go
12 off the benchmark plan and that district does
13 not exist so therefore it is not protected. So
14 there is one issue that this map, that this map
15 may have.

16 So I will, because I will readily admit
17 and I think I will start there, this map has
18 some issues and which is one of the reasons we
19 are still in the lab. And one of the issues is
20 that, is that seat there is drawn off of the
21 enacted map when you need to do it on the
22 benchmark plan.

23 Let me go to the second issue. On my map
24 it is District 19, which is the Tampa area
25 minority performing seat. So one of the things

1 that I took into account that I know that I
2 heard that the base maps did not and it really,
3 we tried to just start at Tier 1 and go -- and
4 go from there and try to make sure we correct
5 everything from our Tier 1 thing.

6 Well, I actually did look at many of the
7 allegations about the enacted map and tried to
8 correct them, and one of the things that was an
9 allegation there was the District 19, the
10 minority seat jumping across the bay. So the
11 attempt in my District 19 is to draw this seat
12 and have it perform as a minority performing
13 seat without crossing Tampa Bay.

14 What I did there was I went down into
15 Manatee, which in the enacted and I think the
16 base map this seat does, it jumps the bay and
17 then comes straight down and goes into Manatee.
18 Now, again, like I said, I was going to start
19 at the problems.

20 In doing that with the current numbers
21 that we have, which is the 2010 primaries, if
22 you -- if you will just turn your thing
23 completely over to the back and you look at the
24 first row on the second set of numbers and you
25 look at District 19 and you look at the first

1 line which is Dem 2-R and you will see black
2 and it says 42.2.

3 In order for that to, I guess as I kind of
4 have learned since and we talked to our
5 attorneys, in order for that to perform as it
6 did in the benchmark, not enacted, it needs to
7 probably be close to 50 or it is diminishment.

8 Now, if you combine those numbers it still
9 doesn't get to that. And so to get, if you
10 combine that number with the Hispanic, you
11 can't even create -- it is not even a
12 performing coalition seat, but what we learned
13 yesterday, the last committee meeting we talked
14 a little bit about it, and again, like I said,
15 this was a learning process and we are learning
16 stuff every day, that seat is not a coalition
17 seat. That is considered an African-American
18 performing. So that is one of the problems
19 that this map possibly has.

20 Now, I will say, which is how I got to the
21 conclusion that I talked about that I had been
22 talking about before is we are looking at 2010
23 numbers. I do believe that if we go to 2000,
24 some more current numbers you could possibly
25 get there all staying within possibly one

1 county, but we don't have those, so we will
2 move forward.

3 All right, next I will go to District 31
4 and District 36 on my map. Those are the two
5 minority completing performing districts. Both
6 of those are over 50 percent BVAP, at 50.6 and
7 50.1 respectively, and they perform in the
8 primaries as you will see, 73 and 62 percent
9 respectively.

10 Those maps, those seats were drawn, we
11 were trying our hardest to keep as many cities
12 possible whole and trying to -- but making sure
13 that we kept the BVAP over 50 percent to not
14 have any diminishment.

15 Then we will go up the state into District
16 12, which is a coalition seat. District 12
17 still performs with a coalition. Again, if you
18 flip to the back of your map and you look at
19 District 12, you will see that there is a 47.2
20 number in the primary, along with a 5.5, which
21 both combined, so above a 50 percent which in
22 the benchmark map that is how that seat
23 performed. As a coalition seat they combine
24 over 50 percent to control the primary in their
25 -- in their -- for their -- the candidate of

1 their choice.

2 As we move up to the next minority
3 performing seat that is again, remember, I am
4 going off of enacted, not benchmark. We kind
5 of tried to stay in that. And so number nine
6 is exactly the same as it is in the enacted
7 map. So that one still performs at its same
8 exact numbers.

9 All right, then we will move -- now let me
10 talk about the map in general. So first off
11 there were, I started from the bottom of the
12 state and went up. So if you start from the
13 bottom of the state our District 39, I drew,
14 you put Monroe County into it and then you
15 basically fill in, fill in the population going
16 up through Dade County.

17 Now, I think right here I want to stop for
18 a minute and just talk about the concepts of
19 drawing this map in Dade County. One of the
20 things that is going to be different about my
21 map is as much as we talk about, you know,
22 what, you know, it being a sterile process, I
23 live in Dade County, I am a fifth generation
24 Miamian, I know what Dade County looks like,
25 right.

1 So Tier 1 and Tier 2 we did, because we
2 protect, I made sure I protected our Hispanic,
3 our three Hispanic seats which will be 38, 37
4 and 40 on my map.

5 We have my performing seat which is 36
6 which goes into Broward just like it does in
7 the enacted map and then we have a -- we have
8 the 35, which is a minority access seat which
9 performs in the primary for an
10 African-American, if I am not mistaken, yes,
11 that is correct. And -- but so now I have
12 taken care of Tier 2.

13 I made, we are all -- we kept as many
14 cities as we could whole, but then we moved to
15 what I think we talked a little bit about in my
16 questioning about what do we talk about when we
17 say communities of interest, right, because
18 that is kind of that Tier 3 issue, right.

19 Well, if I draw two cities together,
20 right, and I have a choice, do I draw the city
21 of Aventura with the city of Golden Beach or
22 city -- yes, Sunny Aisles or draw Aventura
23 together with the city of North Miami Beach?

24 Well, as a person that is from there, I
25 would have actual knowledge about which one of

1 those two have the most in common. It is all
2 within Tier 1, it is all within 2, but then we
3 move to that next level, and that is almost, if
4 I dare say the reason why redistricting is done
5 by the Legislature, because we know things like
6 that.

7 I can say or someone from that area can
8 say, as long as I am not trying to cross county
9 lines, I am keeping -- I am keeping minorities
10 and my intent is not to favor one party or the
11 other, my real intent is to put two cities that
12 have a common interest together versus putting,
13 you know, two cities that don't, I can make
14 that decision and my knowledge about that area
15 can do that.

16 Now, in the South Florida area, because I
17 am, you know, it is no secret, I live in
18 Miami-Dade, I am a Miami-Dade person, I have
19 that knowledge, so that is why I think that,
20 you know, we -- we as legislators should be
21 involved in this process, because this, as I
22 move through the state I don't have that
23 knowledge, right, and that is another reason I
24 say that there are other maps that give me that
25 information, and as long as it doesn't for Tier

1 1 or Tier 2, then that Tier 3 issue which could
2 be cities or counties that have interest, it is
3 something that I would know or something that
4 someone else from that area would know and
5 could help us all to make a decision to make a
6 map that performs well for this state and
7 passes constitutional muster.

8 So I believe my Dade County one is drawn
9 in a way that I personally believe is what a
10 Dade County seat, Dade County should look like.

11 Move up to Broward County, also an area
12 where I am familiar with. You have District 34
13 which is drawn to come out on the coast. It is
14 caught between the two minority performing
15 districts which forces it to go on the coast.
16 If you look at its west coast boundary -- I
17 mean, its west coast boundary is drawn on city
18 lines. So the little sticking out pieces are
19 on city lines. District 33 also is, as much as
20 possible drawn on to city lines.

21 SENATOR BRADLEY: Mr. Chairman.

22 SENATOR GALVANO: Yes.

23 SENATOR BRADLEY: I didn't mean to
24 interrupt, but which district were you just
25 talking about? I got a little confused when

1 you said that it follows the city lines.

2 SENATOR BRAYNON: 34. Do you see the
3 little --

4 SENATOR BRADLEY: Yellow?

5 SENATOR BRAYNON: Yellow, do you see the
6 little yellow piece?

7 SENATOR BRADLEY: I do, thank you, I just
8 needed that clarification, thank you.

9 SENATOR BRAYNON: Yes, and then moving up
10 to Palm Beach, also again doing the same thing,
11 keeping as many city, cities whole as possible,
12 and so on up the coast. When we move over, let
13 me see, after that we kind of did a process of
14 now let's look at the complaints that were
15 made, and some of the allegations.

16 One of them was about the Volusia County
17 seat and that the way it was split was
18 specifically to favor one party or the other.
19 Volusia County has such a type of population.
20 We had talked about before that it could be
21 mostly in one district. What I did here in
22 District 8 is you will see that it comes, it --
23 much of the population of Volusia is in
24 District 8.

25 There is not a huge population in that

1 lower portion in District 13. Most of the --
2 most of the population in Volusia is in
3 District 8. So we tried to keep the voting
4 pop -- the majority of that population into one
5 Senate seat.

6 Once you do that it starts to effect some
7 of the things around you. The county that we
8 split there in that grouping, I guess or that
9 sandbox is Flagler. So we get some population
10 from Flagler and move over up into St. Johns
11 and again, and Clay. Again, this is not an
12 area that I am from. So if Clay is not the
13 best, the county that has the most in common
14 with St. Johns and that piece of Flagler, maybe
15 it is Putnam, but, you know, maybe there is
16 someone from that area that could say, could
17 give suggestions to that.

18 Again, pointing out why this process is
19 really, really necessary, why we as legislators
20 are necessary in this process. Moving over, we
21 put Alachua into District 7, and District 7
22 contains Gilchrist the, Dixie, Suwannee,
23 Columbia, Baker, Union and Bradford. Again,
24 keeping all of these counties as whole --
25 whole, and making that its own district.

1 After District 7 and you move, moving
2 east, I mean, moving west, all of these are
3 exactly the same as they are in the enacted
4 map, District 3, District 1 and District 2. So
5 District 3, 1, 2, 4 and 9 are all the same as
6 in the enacted map.

7 Looking at District 5 as a result of the
8 keeping 7 whole and drawing of the Volusia
9 district, we draw a district now 5 which has
10 all of Levy, Citrus, Sumter and Marion is the
11 one county that is split there. Marion is
12 split in half by District 11 and District 5.

13 Moving south to the Tampa Bay area, Pasco,
14 Hernando. I would say this is kind of a
15 sandbox, from 18 all the way to 26, and it is
16 kind of the same sandbox that is in one of the
17 maps. I guess right now it is called district
18 -- it is -- Senator Galvano's map has that same
19 sandbox. Remember, I talked about -- huh?

20 SENATOR GALVANO: It is at this point
21 9090.

22 SENATOR BRAYNON: 99 -- 90.

23 SENATOR GALVANO: 9090.

24 SENATOR BRAYNON: Now, moving into it
25 sandbox, remember, I talk about 19 not

1 performing the way that I really wanted it to
2 do, wanted it to perform which means there
3 would need to be same adjustments, but I kind
4 of tell you what is there right now. So right
5 now we, what we do is we keep District 24
6 wholly encompassed in Hillsborough.

7 District 17 comes down, gets a little bit
8 of south Tampa, gets some of Hillsborough and
9 gets some of Pasco County. The rest of Pasco
10 County is included with Hernando county in
11 District 18.

12 District 22 and District 20 are both
13 Pinellas based seats. District 20 because once
14 you go from the bottom of the bay up, you
15 still, you don't leave enough in Pinellas
16 County to make a full Senate seat. So we --
17 this is again a decision point to go into Pasco
18 County and pick up a little, pick up some
19 population in Pasco County to fill out to make
20 this a full Senate seat.

21 Now, again, not from that area, I have
22 seen maps that go into Hillsborough which is an
23 option. Again, if I was from that area I could
24 tell you which ones of those areas fit better,
25 but again, a place where the input of us as

1 people from that local area would be useful.

2 Moving, moving down, the District 26 is
3 Manatee and Manatee is broken into by 19 as we
4 try to pick up African-American population in
5 the cities of Bradenton and that is how that
6 breaks, Manatee breaks and shares with 19.

7 Then because you break, one of the things
8 that you do when you break there I think that
9 is about 43,000 people in that break, we said,
10 yes, about 43,000 people. We move into
11 Sarasota and pick up some population in the
12 northern part of Sarasota.

13 Everything else in Sarasota is in District
14 22 which is with Charlotte, Desoto, part of
15 Highlands and all of Glades. Now, 28 breaks
16 the Lee County, Lee County by a little bit in
17 order to take in some -- to get some population
18 and also on one in there there is a little
19 island there, right.

20 These are again some things that, you
21 know, in hindsight we could change to stop a
22 county split right there, but that island, we
23 did that because, you know, the only way you
24 can get to that island is through District 28.
25 So again, but that is not a consideration that

1 you should be using. So that is something I
2 would change and put 28, put those islands into
3 30 to make sure that, you know, that would
4 break an aggregate city, county split.

5 The rest of Lee County then goes into
6 District 23 which completely has Collier and
7 Hendry in them. After that I think I have gone
8 through the whole map.

9 Now, I will move quickly to the numbers,
10 Reock and Polsby-Popper and all of those, all
11 of those averages. If you look on your second
12 page on the back of the map, we go to the one,
13 two, three, four, five, the fifth row it says
14 Reock ratio, Convex Hull, Polsby-Popper. Those
15 four averages there, 44, 79 and 39, are all
16 within the middle, middle range of all of our
17 base maps.

18 We are -- so therefore in doing this we
19 were able to create all of our compactness and
20 all of those are shapes are all within the same
21 as all of the base maps that have been drawn.

22 If you go over to our counties and our
23 city splits, our counties, our county split is
24 on, it is twisted a little bit, so you turn the
25 paper, that same page to the side and you will

1 see that in the benchmark plan there were 45
2 counties split into more than one district, in
3 this one there is only 20. And like I said, it
4 can be -- it can be -- this number can be, can
5 be improved.

6 That number again though is also somewhere
7 within the range of the base maps. Our cities
8 split with more than one district which is the
9 third number, number, if you look on the next
10 section of our stats, on the benchmark map
11 which is the 2002, there were 126 cities split.

12 In mine there are only 28. Again, right
13 within the range of what our base maps are. So
14 begin, I think that is the totality of my map I
15 -- oh, I did not do the Orlando area. I am
16 very sorry.

17 District 13, District 13, that was one,
18 again, one of the -- one of the allegations was
19 the finger from district, what is now, what is
20 in my map District 13, in the enacted plan I
21 think it is also District 13. It had a finger
22 that came down in the middle of Orange County
23 that District 14 went in and kind of created.

24 So what we did was we, that finger, we
25 basically shaved that off and put the

1 populations into 12 and 14 and clock-wised move
2 population -- no, counter clockwise from 21, 15
3 and 11 as we picked up some -- as we lost
4 population of 14 that was gained from the
5 finger and the same thing with 12. We kind of
6 just moved around. So now District 13 which is
7 in Orange County goes into Brevard and moves a
8 little into Volusia.

9 District 10 is still almost, almost the
10 same as it is, if not completely the same as in
11 the enacted plan, but again, remember, we were
12 working off of enacted and we probably should
13 be working off of benchmark, but either way
14 that is wholly encompassed in Seminole County.
15 You go a little bit to pick up some of Orange
16 County in district -- in District 10.

17 And then we talked already about District
18 12 which is our coalition performing seat and
19 that is why it is drawn the way that it is
20 drawn, and as a result of drawing that one that
21 way, on 14 this one, you produce District 14
22 and until trying not to break into Hillsborough
23 or break anymore lines, we kept that in Lake
24 and in Polk County and Orange County. And I
25 think that is everything, Mr. Chair.

1 Oh, wait, I will take questions, but then
2 I have a motion. I have a thing to say.

3 SENATOR GALVANO: Okay, let's have some
4 questions then. Anybody, questions for Vice
5 Chair Braynon? Senator Gibson, you are
6 recognized for a question.

7 SENATOR GIBSON: Thank you, Mr. Chair. I
8 just need clarification because I am confused
9 on the numbers. So Senator Braynon, you used,
10 did you use current numbers for the districts
11 and not placeholders, and not the numeric
12 scheme from yesterday?

13 SENATOR BRAYNON: Correct. Mr. Chair.

14 SENATOR GALVANO: Yes.

15 SENATOR BRAYNON: I used -- I used
16 placeholders and what I did, and this was again
17 I didn't focus very much on the numbers. When
18 we originally drew the map we just drew numbers
19 that were in the area of the numbers that we
20 currently have. So many of the numbers will
21 look very familiar to the numbers that are in
22 the enacted map.

23 SENATOR GALVANO: Additional questions?

24 Senator Montford, you are recognized.

25 SENATOR MONTFORD: Mr. Chair, I have a

1 question but it is not about this particular
2 map, just in general. So when we finish this
3 map I would like to ask a question.

4 SENATOR GALVANO: President Lee.

5 SENATOR LEE: Well, just to comment.
6 First of all, this is a -- I think this is a
7 healthy exercise, Senator Braynon, I really do,
8 and I appreciate the Chairman, despite the fact
9 that we could have been in and out of here very
10 quickly, taking the time, hitting the pause
11 button and letting people participate and
12 provide input here.

13 And I empathize because as someone that
14 spent five hours on recorded tapes in
15 congressional hearings, I know how painful this
16 is. I know that this is not fun. This is
17 definitely not nickel beer night here when you
18 are drawing these things.

19 So I guess my -- the one thing I would
20 want to draw your attention to and I don't
21 think it is a big deal, I think it is easily
22 fixed and my approach here on these things is
23 to try to help my colleagues make improvements
24 where I see potential liabilities. You
25 mentioned Senate District 19.

1 SENATOR BRAYNON: Yes.

2 SENATOR LEE: Which is the minority
3 district in Tampa, and I think if you go back
4 to the amended complaint, what you will see is
5 that the Court, not the Court, but the
6 Plaintiffs did not object to District 19, they
7 did not object to District 19 crossing the bay.

8 Their objections which are on page 13 of
9 the complaint really refer to the affects of
10 what happens next after District 19 crosses the
11 bay, is that District 22 crosses back, and
12 their alleged Tier 2 deficiency is related to
13 District 22 crossing the bay from the west back
14 over into Hillsborough County to the east, not
15 District 19 crossing the bay from Hillsborough
16 County over to Pinellas, because going back to
17 Senator Hargrett and then Senator Miller and
18 now Senator Joyner, that district has performed
19 as a minority access seat for over a
20 generation.

21 So while that was something that I think
22 the Plaintiffs raised in the congressional case
23 effectively because the congressional district
24 did not perform as a minority access seat and
25 therefore was not entitled to Tier 1

1 protection. That does not apply in, as I
2 understand it, necessarily in the Senate case
3 and in the allegations contained in the amended
4 complaint.

5 Now, I will say that just kind of as a
6 footnote so that you can, you know, look at
7 that. I actually see a map by Senator Clemens
8 that is only minimally different than what you
9 have done in the Tampa Bay area. And so -- and
10 you might be able to address a slight
11 compaction issue or two visually as I look at
12 your map, vis-a-vis, his, if you kind of looked
13 at that portion of the complaint, looked at his
14 map and saw how he addresses the situation.
15 And I just wanted to offer that to you as a
16 colleague trying to help.

17 SENATOR BRAYNON: Thank you.

18 SENATOR GALVANO: Further questions of
19 Vice Chair Braynon? Senator Diaz de la
20 Portilla, I am going to let you ask a question,
21 but I really want to limit to our committee
22 today because we have got a lot of work to do,
23 but as a courtesy to you, you are recognized.

24 SENATOR DE LA PORTILLA: I appreciate
25 that, Mr. Chairman. And so then I will ask a

1 compound question so that I can get all of my
2 questions in one if there isn't any objection
3 from anyone or the Chair.

4 I just want to Senator Braynon, in terms
5 of a question, it is a Tier 2 question
6 regarding city splits.

7 In this map, the city of Miami, the oldest
8 city in Dade, in Miami-Dade County, in the
9 1898, is split in how many different parts?

10 SENATOR BRAYNON: Give me a second and I
11 will tell you.

12 SENATOR GALVANO: You are recognized.

13 SENATOR DE LA PORTILLA: And the compound
14 part of it is, just what is the rationale?
15 Thank you, Mr. Chair.

16 SENATOR BRAYNON: Two.

17 SENATOR GALVANO: The answer was two.
18 Okay, any further questions?

19 SENATOR BRAYNON: He had a compound
20 question.

21 SENATOR GALVANO: He said what was the
22 rationale.

23 SENATOR BRAYNON: Oh, what was the
24 rationale, I didn't hear that. I was looking
25 up the answer to question one. That is, again,

1 again, being from Miami, and, you know, knowing
2 that if that city is split which is the largest
3 city in Dade County, so if one city is going to
4 be split in Dade County it probably would be
5 the largest city in Dade County.

6 Miami is a -- is probably also the most
7 diverse city in the state of -- in Miami-Dade
8 County. So when splitting it I split it with
9 District 35 which was a minority, I guess, what
10 was that, minority access seat, and split it
11 with 40 which is a minority performing seat.
12 40 performs Hispanic, 35 performs
13 African-American in the primary, and the city
14 of Miami is one of those cities that has an
15 African-American area and a Hispanic area.

16 So therefore that was split for Tier 1
17 requirements. So I think the argument, the
18 reason is Tier 1 reasons why I split -- I split
19 the city of Miami.

20 SENATOR GALVANO: Senator Gibson, you had
21 a question?

22 SENATOR GIBSON: Thank you, Mr. Chair. I
23 just have a technical question as we go through
24 the discussion about maps and amended, the
25 amendatory process.

1 For the next, I know I am getting ahead of
2 myself, but for the next redistricting or
3 reapportionment process after the 2020 census,
4 will the map that we end up with be the
5 benchmark for that next drawing, given -- well,
6 and I am asking that particularly as some
7 districts' BVAP get lower or some are no longer
8 coalition districts? And so I just want to
9 know if this will be the benchmark for the next
10 time.

11 SENATOR GALVANO: And the answer is we
12 don't know, but once the Court makes a decision
13 as to what the lines should look like and
14 approves the map, then that approved map will
15 become the benchmark.

16 SENATOR GIBSON: All right, thank you.

17 SENATOR GALVANO: Vice Chair Braynon, you
18 are recognized for a motion.

19 SENATOR BRAYNON: Thank you, Mr. Chair.

20 As I talked about there are some things that I
21 still want to work on on this map and in seeing
22 everything that has come before us and, you
23 know, and putting this out here and also
24 getting input as it relates and even from
25 Senator Lee and I am, you know, I am working on

1 ways to improve this or even places where I
2 think that this probably could serve as an
3 improvement to the -- to whatever map it is we
4 possibly pass if it doesn't do some of the
5 things that I do.

6 So with that I think at this moment I
7 would like to withdraw this amendment, this --
8 it is a substitute amendment, but --

9 SENATOR GALVANO: We have re-construed it
10 as an amendment to the substitute. Based on
11 his motion to withdraw, show Bar Code 627262
12 withdrawn.

13 We are now going to move to 170764, 9092
14 is the map designation by Senator Simmons,
15 Rules Chair.

16 Yes, before you begin, Senator Simmons,
17 Senator Montford had a question.

18 SENATOR MONTFORD: Thank you, Mr. Chair.
19 In all of these discussions I reflect back on
20 the discussions we had two or three years ago,
21 the initial reapportionment committee, and I
22 know that crossing Tampa Bay has been a focus
23 of the Court's concern.

24 But I also remember back when we were
25 originally doing these maps there was also a

1 lot of discussion about other boundaries, St.
2 Johns River, I-95. I remember distinctly a
3 discussion about anything east and west of
4 I-95. I am just curious maybe from Jay can
5 help me understand this or our legal counsel,
6 that doesn't seem to have entered our
7 discussion.

8 We seem to be focusing on not crossing
9 Tampa Bay, but we don't -- we haven't focused
10 on crossing any other, what, either natural or
11 political boundaries, if you will, like we did
12 three years ago. And I am just wondering if I
13 missed something.

14 SENATOR GALVANO: Senator Montford, when
15 the map drawers were instructed they were
16 instructed to follow the constitution which
17 does make very clear that where practical you
18 are required to follow political and
19 geographical boundaries. So that is
20 incorporated into the product.

21 Also, there -- we will take some time on
22 the committee in looking at the Plaintiffs'
23 complaint and I know others have outside of
24 this committee, so to the extent those issues
25 have been raised there has been some

1 consideration to it.

2 But I guess at this point what we have
3 before us in, and I guess you are referring
4 back to what we adopted at Bar Code 251322,
5 takes into consideration those characteristics.

6 Senator Simmons.

7 SENATOR SIMMONS: Thank you, Mr. Chair.
8 And before I even get started on discussing
9 this I want to thank Jay for the excellent work
10 he has done. I have spent more time with him
11 than he probably can stand, and the fact of it
12 is is that he and I met until probably 9:00 to
13 9:30 last night trying to further improve this
14 map, which is designated as 9092.

15 And also before as a predicate I am going
16 to say to Senator Braynon that, that in fact I
17 welcome a debate in the -- in the excellent
18 comments that you have made and the format
19 because there are parts of this that upon my
20 initial look have a lot of -- a lot of
21 credibility, and I think it is important that
22 we have this debate.

23 And I know that you have probably taken up
24 a lot of Jay's time and I can say this, that he
25 has -- he has done a phenomenal job for us to

1 do this.

2 If anyone looks at this and starts on this
3 process like Senator Lee did previously and
4 like others have done in putting myself most
5 recently, you do find out that, that maybe this
6 is like art work using Senator Lee's comment,
7 that it is, you know, beauty is in the eye of
8 the beholder, or you can adopt the -- one of
9 the Supreme Court Justice's concepts that it is
10 like obscenity. It is very difficult to define
11 but I know it when I see it, and -- and so
12 looking at it, if you see that there is any
13 similarity between this particular map, 9092
14 and 9072, the answer is that there is a lot of
15 similarity.

16 So Senators, if you go ahead and take
17 9072, which was one of the base maps, you will
18 see that I have simply replicated 9072. So we
19 know that the items that are contained in 9072
20 are transplanted into 9092, except for the
21 Tampa Bay area.

22 And the problem that I saw with the Tampa
23 Bay area for 9072, at least it appears to me is
24 that in that map the interim designated 21
25 actually, which is the Pinellas County

1 district, actually jumps the bay. And being a
2 Tier 2 district I was concerned about that
3 jumping the bay or crossing the bay, and I
4 don't have the same problem that Senator
5 Braynon has about the minority access district
6 which is presently 19, but in 9072 is number
7 22, actually crossing the bay and you will see
8 that it does cross the bay and pick up the -- a
9 small portion of Pinellas County to maintain
10 the minority access that is essential so that
11 we do not diminish the ability of
12 African-Americans to elect a candidate of their
13 choice as required by the Fair Districts
14 Constitutional Amendment as well as the Voting
15 Rights Act.

16 If anyone would like you can see under
17 9072 that was handed out previously, the
18 African-American population under that minority
19 access district is 34.5 percent, and the
20 proposal that -- that I have under 9092 is
21 34 percent. So I do maintain in this proposal
22 the ability of African-Americans to elect a
23 candidate of their choice.

24 The problem I see with Senator Braynon's
25 proposal, like I say, there is a whole lot good

1 about it, but when you get into his District
2 19, and this is on 9068, you see that he has
3 diminished African-Americans' BVAP to 28.7
4 percent.

5 And so what I have attempted to do here is
6 address the concern that the Plaintiffs have
7 made in their -- in their complaint and -- and
8 I think it is important, and I think that our
9 Chair, Chair Galvano, has done the right thing,
10 to assure that we have the opportunity to
11 address each one of the allegations of the
12 complaint, not by admitting that they are
13 correct, but by understanding that these are
14 the parameters at which the Plaintiffs, because
15 we are not in a situation where we are the
16 final arbiter of this.

17 The presumption is against us, the burden
18 of proof is on us, and we need to look at what
19 the allegations of the complaint are, but at
20 the same time due process requires that the
21 Plaintiffs be bound by and constrained by the
22 allegations that they have made in the
23 complaint.

24 This is not a free for all where everybody
25 just goes in and -- and addresses issues for

1 the first time at a hearing that will be some
2 time I guess in early December, that neither
3 side knows what position the other is going to
4 take and that due process goes out the window,
5 because due process exists no matter who you
6 are and where you are in a courtroom.

7 And so looking at page 13, I see that,
8 that there is the allegation that under
9 paragraph 53 that the minority access district
10 was packed.

11 I think that when you look at it
12 historically, I think that is not possible if
13 we are talking about a 34 or 35 percent
14 African-American population. I think that
15 maintaining the minority access ability for 19
16 is a laudable goal, and the Voting Rights Act,
17 the Federal Voting Rights Act is going to
18 mandate that we do not further diminish.

19 But at the same time you look 9092 and you
20 will see the fact that I have addressed the
21 issue of 21, District 21 crossing the bay.

22 Now, I have done another amendment because
23 what I did is I looked at this and I further
24 have tried, and unfortunately, Senators, I just
25 haven't had enough time. I mean, that is just

1 the fact of life. I haven't had enough time to
2 further -- to further refine the provisions of
3 this particular district.

4 The rest of 9072 with some other revisions
5 that could be made, particularly down in the
6 Miami area, I think that there are one or two
7 things and I think that Senator Braynon has --
8 has raised some good points about the Miami
9 area that with that and -- and a further
10 revision and further refinement, tweaking
11 whatever language you want to use with respect
12 to -- to the Tampa Bay area, we could have a
13 viable district set up, districts set up in
14 these two regions.

15 As far as I can see, this 9072, which is
16 now transmuted into 9092, does preserve the
17 integrity of the county lines and the city
18 lines and geographical lines.

19 There is a -- there is a lot of merit in
20 9072. Like I say, the problem with it is, it
21 is -- is this area in Tampa Bay that there is
22 the crossing of the actual bay, itself, in a
23 Tier 2 district, District 21. And again, there
24 are some issues down in the Miami-Dade area
25 that I would like to refine that would -- would

1 further improve that area.

2 That being said, I have also, because 9072
3 I went to Jay and I checked about one of the
4 complaints made in the -- in the amended
5 complaint that -- that Daytona Beach was in
6 fact split, and he pointed out to me that that
7 had been corrected in 9072. So therefore it is
8 corrected.

9 It could be further I guess moved a little
10 bit like 9074 or 9076, I can't remember which
11 one, or it could have been 9080 that further
12 moves the line a little more to the south, but
13 the splitting of Daytona Beach has been cured.

14 So -- so Senators, this is a situation in
15 which, as we have said, beauty is in the eye of
16 the beholder. You can see that there is a lot
17 of, of respect for the county lines in this
18 particular -- this particular map. You can
19 also see that there is still more work to be
20 done with respect to two areas, Tampa Bay and
21 some more work in the Miami-Dade, Palm Beach
22 and Broward area, but because of lack of time I
23 did not have that ability and Jay at least
24 needed probably an hour or two of sleep.

25 And so that being said I am prepared to

1 take any questions from -- from the Senators,
2 Mr. Chair.

3 SENATOR GALVANO: Do we have any questions
4 for Senator Simmons? Any questions for Senator
5 Simmons? Yes, Vice Chair Braynon.

6 SENATOR BRAYNON: Senator Simmons, you
7 based yours off of 9072 versus 9078. Was there
8 something that you liked about 90 -- that you
9 thought was better about 9072 than 9078 versus
10 sandboxing the Tampa area out of that and just
11 putting it into 9078?

12 SENATOR GALVANO: You are recognized.

13 SENATOR SIMMONS: Yes, there is. It is
14 the methodologies, and the methodology under
15 Methodology One I think as you can see,
16 improves the county line and geographical as
17 well as city, city lines.

18 SENATOR GALVANO: Further questions?
19 Further questions?

20 Seeing no more questions. Senator Gibson
21 has a question to Senator Simmons.

22 SENATOR GIBSON: Thank you, Mr. President.
23 Mr. -- not yet, Mr. Chair. Going back to -- I
24 am trying to match up the numbers with the --
25 with what is the benchmark map in terms of the

1 area in discussion. And so in the benchmark
2 map, 18 and 19 were at 39.5 and 33.1 percent
3 BVAP and 23.3 and 35.5 Hispanic, I guess that
4 is HVAP, I don't know, HVAP.

5 How do we -- how does your map deal with
6 those percentages? It looks like there is a
7 decrease.

8 SENATOR SIMMONS: In which -- may I ask
9 which district are you discussing? Are you
10 talking --

11 SENATOR GIBSON: In the --

12 SENATOR SIMMONS: -- Tampa Bay?

13 SENATOR GIBSON: In the benchmark map it
14 is 18 and 19.

15 SENATOR SIMMONS: Okay, and --

16 SENATOR GIBSON: And in your map, is that
17 22 and 19?

18 SENATOR SIMMONS: That is correct, it is
19 22 and if you turn over, you have got 9092, if
20 you immediately turn it over to the -- to the
21 left you will see that 22 has a BVAP of
22 34 percent. So it -- it preserves the ability
23 of African-Americans to elect a candidate of
24 their choice, which is consistent with what was
25 done in the -- what is Senator Galvano's, Chair

1 Galvano's map as well. His 9084 has District
2 19, and he has 34.8 percent. So I had an eight
3 percent, I mean a .8, less than one percent
4 decline in the black voting age population. So
5 it is a very minimal decline in the black
6 voting age population in contradistinction to
7 Senator Braynon's, which does reduce it to I
8 believe 28 percent.

9 I think Senator Braynon's is 28.7 percent.
10 So that is the difference, and I have stated on
11 the floor of the Senate and it doesn't need to
12 be repeated, my belief that it is important
13 that we preserve both constitutionally as well
14 as the Voting Rights Act the non-diminution of
15 the ability of minorities to elect a candidate
16 of their choice. The constitution and the
17 Voting Rights Act states that we shall not
18 diminish the ability of minorities.

19 It doesn't just say we are supposed to sit
20 there and try to figure something out in a
21 vacuum. We are supposed to not diminish, and I
22 believe that requirement is one that -- that we
23 must uphold.

24 SENATOR GIBSON: So --

25 SENATOR GALVANO: You are recognized.

1 SENATOR GIBSON: Thank you, Mr. Chair. So
2 in the -- in the benchmark map it is the area
3 is 39.5 percent BVAP, if I am reading the map
4 correctly, which in the benchmark map is 18 and
5 in the new configuration I guess is 22, which
6 34 is far less than 39.5 percent.

7 And so is the result of the percentage
8 reduction because we have to deal with the
9 drawing of 18 differently based on the
10 allegations, and is that what is done in your
11 map?

12 SENATOR GALVANO: Senator Simmons.

13 SENATOR SIMMONS: What I have done and I
14 hasten to caution everyone, the amount of time
15 that I have had to put this together has been
16 very, very limited based upon, you know, trying
17 to get this put together.

18 And so what I can say to you is, is that I
19 have preserved in 22, District 22, almost all
20 of the district as it is in -- in 9072, and --
21 excuse me. I picked it up from 9080. I am
22 sorry, 9080 is where I got the -- the actual
23 drawing of 22.

24 If you look at it, you will see that I
25 picked up the configuration of Senate District

1 22 in 9092, which is my proposal, I picked that
2 up from 9080.

3 SENATOR GALVANO: Senator Gibson.

4 SENATOR GIBSON: Thank you, Mr. Chair. I
5 guess, I mean, I get where it came from, but
6 the original I guess figure that should factor
7 into the drawing is the benchmark map which is,
8 which the BVAP is higher than either of the two
9 resulting maps.

10 SENATOR SIMMONS: In response, I would be
11 happy to go ahead and configure it so that it
12 would increase that amount to preserve of and
13 assure a non-diminution and that is part of the
14 -- of the process that maybe can occur over the
15 weekend. And so we can meet the concerns which
16 I consider to be a very legitimate concern that
17 you have.

18 SENATOR GALVANO: Senator Montford.

19 SENATOR MONTFORD: Thank you, Mr. Chair.
20 I want to ask I think a very similar question
21 to Senator Simmons. If I compare the current
22 map today, and that is District 19, I think I
23 am reading this right, is 37 and 27 which are a
24 total of 64, compared to your map today which
25 it would be a total of 56, 34 and 22.

1 Am I reading that right?

2 SENATOR GALVANO: Senator Simmons.

3 SENATOR SIMMONS: Yes, you are. If you go
4 to the enacted map, which is 9030, and you see
5 District 19, it goes more into Manatee County,
6 and it has a BVAP of 37.2 percent.

7 In order to try to keep the county lines
8 more intact and create more of a compactness.
9 With respect to 22 in my proposed map of 9092,
10 I have had to sacrifice approximately three
11 percent of the black voting age population,
12 dropping it down from the 37 to the 34 percent,
13 and at the same time, like I say, I don't take
14 any pride of authorship with respect to this
15 configuration of District 22.

16 I lifted it from either 22, and there are
17 minor variations, probably .3 percent, because
18 as I was doing it with Jay, he was trying to
19 get things put together as fast as he could,
20 and I know that there was a minor, minor
21 variation between the two.

22 SENATOR GALVANO: Senator Montford.

23 SENATOR MONTFORD: I appreciate that,
24 Senator Simmons, that you are recognized. That
25 is, when you look at the total black and

1 Hispanic from 64 to 56, that is a pretty good
2 drop, and I appreciate you recognizing that and
3 willing to work on it.

4 SENATOR SIMMONS: With that being said,
5 Mr. Chair, I would go ahead and withdraw the --
6 the amendment at this -- the substitute
7 amendment at this time so that I can further
8 refine it and work on it.

9 SENATOR GALVANO: Show the motion adopted
10 without objection and we will show Bar
11 Code 170764 withdrawn.

12 Also, from a housekeeping standpoint, Bar
13 Code 629116 was an amendment to the Braynon
14 amendment which was withdrawn. And so that is
15 now out of order.

16 Okay, so we will now move to Braynon
17 amendment 109228, and this is the one I guess,
18 Vice Chair Braynon, that we had discussed and,
19 Senator Clemens, I don't know if you were in at
20 the beginning of the meeting, but I did tell
21 Vice Chair Braynon that you could help him
22 present this, and if it is the one we already
23 saw, yes, okay.

24 Thank you. That is okay with you,
25 Mr. Vice Chair? I will recognize you then,

1 Senator Clemens.

2 SENATOR CLEMENS: Thank you, Mr. Chair. I
3 do have two. There are two amendments.

4 SENATOR GALVANO: Yes.

5 SENATOR CLEMENS: Senator Braynon and I
6 filed, but and I just want to make sure I am
7 aware which one you want me to present first.

8 SENATOR GALVANO: We are on 9094 as the
9 map identifier and it is Bar Code 109228.

10 SENATOR CLEMENS: Thank you.

11 SENATOR GALVANO: Yes, Senator Bradley.

12 SENATOR BRADLEY: I just want to make sure
13 that procedurally I understand. What we are
14 about to hear is discussion of 9094. I thought
15 I heard somebody, Senator Clemens mention a
16 second map that he was going to talk about or
17 Vice Chairman Braynon was going to talk about.
18 Did I hear that correctly?

19 SENATOR GALVANO: You did hear that
20 correctly. We have two amendments remaining
21 from Vice Chair Braynon.

22 SENATOR BRADLEY: Okay.

23 SENATOR GALVANO: Both of which were a
24 collaboration with Senator Clemens.

25 SENATOR BRADLEY: What was the -- what is

1 the number on the second one, and are we going
2 to hear about the second one?

3 SENATOR GALVANO: Yes, we are. The number
4 on the second one is 9096, Bar Code 561500.

5 SENATOR BRADLEY: Thank you.

6 SENATOR GALVANO: Senator Clemens,
7 everyone has a hard copy as well from the
8 committee staff.

9 SENATOR CLEMENS: Thank you, Mr. Chair.

10 SENATOR GALVANO: Yes, you are recognized.

11 SENATOR BRAYNON: While he is preparing
12 can I ask some -- oh, he is ready.

13 SENATOR GALVANO: Are you ready? Okay,
14 Vice Chair Braynon?

15 SENATOR BRAYNON: I guess I kind of want
16 to just briefly talk about where we see us
17 headed. Have we -- have we, I guess
18 conceptually we have, we have base maps and we
19 have some maps drawn by members and I kind of
20 talked a little bit about the importance of
21 member input and we also kind of went to court
22 on congressional maps to that issue, and just
23 kind of going forward I am really asking an
24 opinion.

25 In your opinion as the Chair of this

1 committee, where would you see us heading? Are
2 we heading down a road that would be -- would
3 keep the process more sterile as has been said
4 with base maps and combinations of what our
5 staff drawn base maps, or are we still in the
6 same, kind of the same position where we were
7 when he went to drawing the congressional maps
8 that, you know, while the beginning should be
9 based, it is a member driven process?

10 SENATOR GALVANO: As you recall from the
11 memorandum that I sent prior to the special
12 session, this -- the base map process was a
13 third point. We are still having a member
14 driven process. As President Lee pointed out,
15 we could have been in and out of here this
16 morning in five minutes, but I believe all of
17 us think it is important to hear from each
18 other and to have consideration of different
19 ideas. What passes out of this committee will
20 go to the floor for a special order, and there
21 will be an opportunity for amendment,
22 questions, debate and everything else that
23 normally takes place when we consider a measure
24 on the floor.

25 SENATOR BRAYNON: Let me ask another

1 question I think I asked before and I asked,
2 kind of tongue in cheek and kind of laughed
3 about it. But I think that it is probably one
4 that is, is somewhat paramount to where we are
5 time wise and this has happened in the past and
6 I know that you probably know this better than
7 anyone, in our communications with our, with
8 the Chairman on the other side.

9 Are they in agreement with us, or have
10 they expressed to you maybe, and the only, and
11 again, most of the communication has been in
12 the public eye so you can just say that they
13 said yes in the public eye, but I know in
14 creating the methodology for instance that was
15 something from you and the Chairman from there
16 created.

17 Have they expressed to you any desire for
18 us to do one or the other when it comes to this
19 being a process that is still very, very much
20 from the -- from staff and I guess and that
21 staff driven mode, or would they as long as we
22 can show that these are Tier 1, Tier 2
23 compliant constitutional amendments, that they
24 are open to those?

25 SENATOR GALVANO: I don't want to speak --

1 Chairman Oliva and I agreed on a procedure for
2 base maps. As you know, it is different than
3 the procedure that was set up for the
4 congressional map. It was a more wide open
5 process which gave the attorneys and staff or
6 staff with the counsel and attorneys the
7 opportunity to produce several different,
8 different options.

9 My memo has been clear. I have not been
10 told that, no, you can't go through the
11 process, instead to the contrary. Having said
12 that, there is a faith in the base map process
13 given the Tier 1 concerns that brought us to
14 this point in our legislative history. So I
15 think there is great discussion that will be
16 given to how maps were derived, where they came
17 from and the methodologies that have been set
18 up.

19 And we will send a product over to the
20 House and then they will take it under
21 consideration and we will see where it goes.

22 SENATOR BRAYNON: I am going to let
23 Senator Clemens, to be fair, he is prepared.
24 But I want to revisit the last thing so I will
25 pause that.

1 SENATOR GALVANO: You are recognized.

2 SENATOR CLEMENS: Thank you, Mr. Chair.

3 First I want to thank you for allowing Senator
4 Braynon and I to present this together. It was
5 very gracious of you and I appreciate that
6 immensely.

7 Again, I want to thank the committee.
8 This is a tedious process. Senator Simmons,
9 welcome to the club in terms of joining,
10 drawing maps, it is a difficult and laborious
11 process, I have a lot of respect for anybody
12 who gives it a try, because it is not easy.

13 So the first amendment that Senator
14 Braynon and I filed is 9094, and this speaks
15 specifically to map 9090, which is the map that
16 I think the committee is considering moving
17 forward to the floor today and in front of you
18 you see a picture of north central Florida.
19 And there were a lot of questions asked the
20 other day, some of which Senator Bradley,
21 Senator Lee, specifically about how we are
22 treating the complainants issues and how were
23 solving them.

24 SENATOR GALVANO: Senator Gibson, you are
25 recognized. Excuse me, Senator Clemens.

1 SENATOR GIBSON: Thank you. The map on
2 the screen is --

3 SENATOR GALVANO: 9090, correct.

4 SENATOR GIBSON: 9090.

5 SENATOR CLEMENS: Correct, it is 9090.

6 SENATOR GIBSON: 9090.

7 SENATOR CLEMENS: That 9090 is I believe
8 the base map.

9 SENATOR GIBSON: Oh, we got it, thank you.

10 SENATOR CLEMENS: The Senator, Chair
11 Galvano has proposed that we move forward with.
12 So I just wanted to show how that is laid out
13 right now, if I might, Mr. Chair?

14 SENATOR GALVANO: Yes, please.

15 SENATOR CLEMENS: Thank you so much. So
16 one, several of the questions from Senator Lee,
17 Senator Bradley had to do with how do we deal
18 with the Plaintiffs' issues and what they were
19 and why they occurred.

20 And so in looking at the map as proposed
21 in Chair Galvano's amendment, one of the major
22 problems that many of the -- that were included
23 in the complaints by the Plaintiffs had to do
24 with including Clay County with Alachua, and it
25 was -- it was -- it was decided by the Supreme

1 Court that political operatives did conspire to
2 include Clay County with Alachua County as part
3 of the Plaintiffs' complaints, and that in
4 doing so it was -- it was a specifically
5 political boundary that was a district that was
6 drawn to benefit either an incumbent or a
7 political party, which obviously was in
8 violation of the constitution.

9 So in the six base maps that were prepared
10 only one of those base maps includes Clay
11 County and Alachua County and that happens to
12 be the one, 78 that was chosen, and that was
13 incorporated into 9090. So you can see that
14 this is the only one that splits Alachua County
15 and includes the north and eastern section of
16 Alachua county and Clay County.

17 My worry is that by proving forward with
18 this configuration we will be creating a
19 potential constitutional issue. And so in
20 order to try to help make the map more
21 constitutionally compliant, I wanted to, along
22 with Senator Braynon, file an amendment that
23 would fix this problem and allow this map to
24 move to the floor without that particular
25 constitutional issue.

1 So in doing that I filed an amendment that
2 changes the construction of just this northern,
3 northern central section of the county,
4 Districts 4, 7, 5 and 9, and as you can see, it
5 now keeps the county of Alachua whole and puts
6 Clay into a district with St. Johns and Putnam
7 and does the necessary things to fix that
8 particular issue.

9 So that is my proposal. It doesn't change
10 the map anywhere else, but it does fix that
11 potential constitutional sticking point. The
12 other thing I wanted to mention is that my --
13 my configuration does significantly better on
14 deviation. District 4 goes from 2414 over to
15 just 214 over.

16 District 5 goes from a significant amount
17 over, 1,500 to less than half of that, 738 in
18 deviation and District 7, the deviation on that
19 is almost 7,700, and my configuration takes it
20 to 2,300. So I believe this is a more
21 constitutionally compliant map.

22 I believe it fixes the issue that was laid
23 out by the Supreme Court and it doesn't touch
24 the rest of the state. So this was offered
25 just simply to fix this problem.

1 SENATOR GALVANO: Thank you for your
2 presentation.

3 Questions, questions of Senator Clemens or
4 Vice Chair Braynon? Questions?

5 If there are no questions, is there debate
6 on amendment 9094, 109228? Are you going to
7 close or --

8 SENATOR BRAYNON: No, this is the
9 equivalent of a courtesy sponsorship.

10 SENATOR GALVANO: No, I understand that.

11 SENATOR BRAYNON: So I am just -- I guess
12 I am just debating.

13 SENATOR GALVANO: No, I was asking.

14 SENATOR BRAYNON: No.

15 SENATOR GALVANO: I was going to ask him
16 to close.

17 SENATOR BRAYNON: He can close.

18 SENATOR GALVANO: I am trying to make it
19 easy for both of you.

20 SENATOR BRAYNON: Yes.

21 SENATOR GALVANO: Yes, Senator Simmons.

22 SENATOR SIMMONS: For a matter of
23 clarification, question.

24 SENATOR GALVANO: Hold on one second if
25 you are going in debate.

1 Senator Bradley for a question.

2 SENATOR BRADLEY: Yes, I just wanted to
3 find out who was involved in the drawing,
4 reviewing, directing or approving of this, of
5 the 9094.

6 SENATOR GALVANO: You are recognized.

7 SENATOR CLEMENS: Thank you, Mr. Chair.
8 No one but me. I drew this in my office, as I
9 did with the other map that I presented the
10 other day, and my staff will attest to the fact
11 that I was ensconced in my office all day
12 yesterday trying to figure out a better way to
13 do it, a more constitutionally compliant way to
14 do it.

15 And I want to apologize to my staff for
16 snapping at them when they interrupted me
17 yesterday, and I was the only one, the only one
18 to draw it and then I showed it to Senator
19 Braynon when I was done, and he agreed to file
20 it as an amendment.

21 SENATOR GALVANO: Senator Simmons, you are
22 recognized.

23 SENATOR SIMMONS: Thank you, Mr. Chair. I
24 am not sure I understand the -- the statement
25 that the -- or at least the complaint, I can't

1 find it in the complaint. I do understand from
2 counsel either yesterday or day before, I guess
3 it was the day before, made a statement that
4 there was a further refinement of the
5 allegations that are contained in the amended
6 complaint in this case, the Senate case.

7 But I am looking at page number 10 and I
8 can't find the statement that, that including
9 Alachua County or doing something like that was
10 in fact a violation of the Constitution or it
11 was done to intentionally achieve an overall
12 political performance bias.

13 So I do know there was a further
14 refinement and it may be in that further
15 refinement, but I don't see it in the
16 complaint.

17 SENATOR GALVANO: Senator Clemens.

18 SENATOR CLEMENS: Thank you, Mr. Chair.

19 It is much like the jumping the bay twice.
20 There was nothing specifically saying you can't
21 jump the bay twice, but what was contained
22 within the finding was that there was a
23 conspiracy to draw districts in a certain way
24 and this was one of the districts that was
25 named, the one that includes the entirety of

1 Alachua, runs through Bradford and Clay County.

2 The documents were pretty -- pretty clear
3 that that is exactly what occurred, and I am
4 just worried that by moving forward a map to
5 the floor that clearly contains that defect and
6 is the only one, by the way of the six base
7 maps that does split Alachua in order to
8 include it with Clay, I am concerned that this
9 could taint the process right from this area.

10 SENATOR GALVANO: Further questions,
11 further questions? Senator Montford.

12 SENATOR MONTFORD: Thank you, Mr. Chair.
13 We have got two amendments. This was the first
14 one.

15 SENATOR CLEMENS: That is correct.

16 SENATOR MONTFORD: The second amendment.

17 SENATOR CLEMENS: The second amendment,
18 Mr. Chair.

19 SENATOR GALVANO: We will get into that in
20 a minute, but there is another amendment.

21 SENATOR MONTFORD: Are we going to decide
22 on this amendment before we have an opportunity
23 to listen to the second amendment?

24 SENATOR GALVANO: Yes. Senator Gibson.

25 SENATOR GIBSON: Thank you, Mr. Chair.

1 Were there changes in the map that there were
2 no allegations about?

3 SENATOR GALVANO: Senator Clemens.

4 SENATOR CLEMENS: I apologize. I noticed
5 that the Justice was over here talking to
6 Senator Simmons. I didn't hear your question.

7 SENATOR GALVANO: She asked if there were
8 changes to the maps for which there were no
9 corresponding allegations.

10 SENATOR GIBSON: Not just your -- not your
11 map, but the maps in general that have been
12 presented.

13 SENATOR CLEMENS: And I apologize, Mr.
14 Chairman, I am not sure I understand the
15 question.

16 SENATOR GALVANO: Senator Gibson.

17 SENATOR GIBSON: Thank you, Mr. Chair. So
18 it was stated that your map makes changes that
19 were not necessary, not necessarily a part of
20 the allegations. Were there changes in the
21 maps that we received as base maps that were
22 not a part of any allegation?

23 SENATOR GALVANO: You are recognized.

24 SENATOR CLEMENS: I believe that is to be
25 the case, yes, but of the six base maps, this

1 was the only one that specifically sought to
2 split Alachua County and include it with Clay.

3 SENATOR GALVANO: Follow up.

4 SENATOR GIBSON: I will just help you a
5 little bit, too. Yes, six and eight were not
6 part of any allegation, and they were changed,
7 so, just a little help on that.

8 SENATOR GALVANO: Senator Montford.

9 SENATOR MONTFORD: Just a procedural
10 question, Mr. Chair, and I apologize. If we --
11 if we take this amendment up and pass it, then
12 what happens to the second amendment that he
13 has?

14 SENATOR GALVANO: In normal procedure
15 without the modification that we made, once you
16 adopt a substitute the others would have all
17 fallen out. As in an extraordinary courtesy to
18 this process we have re-construed in this
19 committee that we each following timed
20 substitute would be deemed an amendment to the
21 substitute.

22 So on that basis if we were to adopt this
23 and then pick up the second amendment, the
24 second amendment would control.

25 SENATOR MONTFORD: Thank you.

1 SENATOR GALVANO: Further questions,
2 further questions? Do we have debate?

3 Senator Braynon.

4 SENATOR BRAYNON: Thank you. I think I
5 understand what Senator Clemens is doing under
6 my name, and what -- and what he is saying is,
7 and you will see in a few of our other base
8 maps that, you know, again, not saying that
9 this was done to favor or disfavor anyone, I
10 think what he was saying was that there had
11 been talk about, and I guess it had come up in
12 the case, that there were allegations of the
13 drawing of that district was meant to favor one
14 party or the other.

15 And I think what he was saying, what he is
16 saying is to be on the safe side, not saying
17 take we chose one map or the other because of
18 that, that maybe we should not possibly err on
19 the same, on that same side with that being,
20 you know, possibly coming up.

21 It is possibly coming up in the next
22 grouping of allegations that come up when it is
23 on the defend this. So I think it is along the
24 lines of trying to help us stay out of the way
25 of what possibly could be coming and, you know,

1 it is admirable to try to help us make sure
2 that we are not up here for no reason and we
3 have done all of this drawing and these
4 meetings and we get to court and they throw it
5 out because of an allegation that, you know, we
6 don't -- because we have our process, the way
7 our process is, that is not something that can
8 be proven or disproven with our intent, but we
9 have seen that the courts have said, you know,
10 if it looks like it then it probably is.

11 So what is saying is let's just err on the
12 side of caution which I think we have done in a
13 few other -- a few other places, particularly
14 procedurally wise, and I don't see anything
15 wrong with that as long as it doesn't add more
16 county splits or do anything Tier 1 or Tier 2
17 bad. Thank you, Mr. Chair.

18 SENATOR GALVANO: Further in debate?
19 Further in debate?

20 Senator Clemens, I am going to allow you
21 to close.

22 SENATOR CLEMENS: Again, Mr. Chair, I
23 thank you profusely for allowing me to do this.
24 Senator Braynon is entirely correct. I don't
25 -- I am not accusing anyone of having some sort

1 of negative or evil intent in drawing the map
2 this way. My worry is that it could cause the
3 Senate problems down the road because --
4 because of the way the map is drawn.

5 The map that I have proposed doesn't split
6 Alachua County, which is a positive. So that
7 is a good thing for us and one less county
8 split there. It also, in terms of deviation,
9 is far superior to the map as proposed.

10 So chair Galvano's map has a lot of really
11 good things in it, and I will talk about some
12 of those when we get to the next amendment, but
13 in this particular case I worry that by moving
14 the map forward without making this change we
15 are setting ourselves up for the Supreme Court
16 rejecting this map.

17 Thank you, committee members.

18 SENATOR GALVANO: Okay, all those in favor
19 of adopting Bar Code 109228 signify by saying
20 yea.

21 (Chorus of yays.)

22 SENATOR GALVANO: Opposed, no. No. We
23 will move to Bar Code 561500, map identifier
24 9096. Again, this is by Vice Chair Braynon.

25 I recognize you, Senator Clemens, on the

1 same basis.

2 SENATOR CLEMENS: Again, thank you, Mr.
3 Chair. Your courtesy is much appreciated. I
4 am not going to belabor the map. This is what
5 -- what 9094 is is essentially with some
6 changes the map that I presented in committee
7 the other day.

8 And so I am just going to move to pointing
9 out the changes rather than going through the
10 entire map so as not to waste the committee's
11 time, and it is much appreciated again that,
12 that I am allowed to be here.

13 I think my presentation maybe didn't go
14 over as well the other day because I included
15 my picture in it. So I decided not to do that
16 today. Maybe, maybe I will have a little bit
17 more luck. The same methodology, so I am not
18 going to bore you by talking about it, but this
19 is the methodology I used in order to be able
20 to create the map.

21 The same issues, it keeps District 21 the
22 same as I drew it previously. I will talk
23 about this a little bit more as I move through
24 the map, but I just wanted to let everybody
25 know that that stays the same.

1 So now to talk about the changes. All
2 right. So I heard --

3 SENATOR GALVANO: If you can hold on, this
4 was actually deemed late filed. And so without
5 objection show the -- us taking it up.

6 SENATOR CLEMENS: Thank you again, Mr.
7 Chair. I appreciate that courtesy. It did
8 come in four minutes late. I appreciate Jay
9 Ferrin doing everything that he could to help
10 me get this filed.

11 We have heard time and time again that
12 there are certain districts that don't need to
13 be changed. So I wanted to respect the
14 committee's will on that. And so this, along
15 with District 3, this just simply puts 5 and 6
16 back. We have heard time and time again
17 throughout this committee process that there is
18 no reason for that particular district to be
19 changed. So I wanted to make sure that I
20 respect the thoughts of many of the committee
21 members who have mentioned that, and didn't
22 alter that, that district in any way. So I
23 wanted to point that out.

24 One of the other things, the other changes
25 to the -- to the map occurs at the very south

1 end of the map. One of my, and I think this is
2 true for the maps produced by staff as well,
3 one of the most difficult things to do in terms
4 of compactness has to do with this district
5 down here, 40. I wanted to find a way to make
6 that district a little bit more compact.

7 If you look up here where the number 37
8 is, this District 40 in my previous map climbed
9 all the way up to the county, Broward,
10 Miami-Dade County line in this map. There is
11 no population there, so in this map I just
12 extended District 37 to the west in order to be
13 able to make District 40 more compact.

14 Clearly, and we all know how this works by
15 now, when you make one district more compact,
16 you almost necessarily make another district
17 less compact. So this makes District 37 less
18 compact, but makes District 40 which was my
19 worse compactness score in the first map that I
20 presented more compact.

21 And then the other change I made actually
22 was as a result of Senator Galvano's
23 submission, and I wanted to tell him how much I
24 appreciated that.

25 I thought I knew Palm Beach County better

1 than anybody else, and it turned out that, that
2 he had one over on me. So I have changed that
3 part of the submission to be more in line with
4 the submission that he made in his map. So
5 those are the three major changes to -- well,
6 there is a fourth change to the map.

7 If you remember that remnant in Southwest
8 Ranches, I did take that out as per the wishes
9 of our counsel, or the direction I should say
10 of our counsel is maybe a more accurate way to
11 say that.

12 Other than that, this map is the same one
13 that was presented the other day in committee.
14 It is, I believe the most constitutional map.
15 It splits less cities, the compactness scores
16 are obviously very similar to where we were at
17 previously, and one, there was one change as a
18 result of some of the changes that I made in
19 addition to the compactness on 40, and that is
20 that -- that the deviations got even better.

21 Before my worse deviation was in the 4,700
22 range, now my worse deviation is in the 4,425.
23 So again, that is a significant, significantly
24 better deviation map than any of the other
25 proposed maps previously.

1 These are the advantages, the same ones
2 that I presented the other day. I don't split
3 any cities in Miami-Dade, and I believe I am
4 the only map to accomplish that as well. That
5 is my presentation. Thank you, Mr. Chair.

6 SENATOR GALVANO: Senators, do we have
7 questions of Senator Clemens or Braynon?
8 Seeing none. We have public testimony.
9 Debate, yes.

10 SENATOR LEE: Thank you, Mr. Chair. I am
11 never sure in the process whether or not we are
12 going to be going to the edge of an explanation
13 and something is going to get withdrawn. I
14 frankly was a little surprised that we went on
15 to vote on that previous amendment.

16 And so it looks like which may be headed
17 there again, and I just want to say with
18 respect to that amendment and any other
19 amendments that we are offering, these things
20 are breaking late.

21 They are, you know, it takes some time to
22 go through them, see how they measure up
23 against other work product that we have on
24 metrics. To the extent to which they address
25 the Tier 2 infirmities that were identified in

1 the alleged second amended complaint, and so
2 those things take some time.

3 I also have a view and I will elaborate on
4 this later, that this may not be the best place
5 for us to be doing these. Maybe this is
6 something that should be more fully vetted as a
7 committee of the whole on the floor of the
8 Senate, not a subset of seven members.

9 And so regardless of what we do I want you
10 to know my vote on the previous amendment and
11 this one is in no way designed to prejudice
12 you, sir, in your effort to try to build a
13 better mouse trap that I am going to remain
14 open minded about whatever it is that you or
15 Senator Braynon or anyone else does and give
16 you the opportunity as we vet these and as we
17 kind of begin to see a little bit more about
18 exactly what they do as we move things around
19 in the Rubik's cube, to explain how from a Tier
20 2 standpoint, from a -- from the standpoint of
21 the Tier 2 allegations in the amended
22 complaint, how these amendments or maps improve
23 upon the base map product process.

24 So I -- I am just one member with one
25 philosophy, but I also am the only trustee of

1 my reputation back home. No one will come, no
2 legal team will come bail me out in my
3 community because I walk around like a moron
4 with my head in the sand while I am up here.
5 So I am trying very hard to keep an open mind
6 about these things, but this is coming at us
7 pretty fast. These are complex, and I want you
8 to know that while I might not be ready to
9 fully embrace the things that you are
10 presenting today, I am going to keep a very
11 open mind as we move forward to the floor, and
12 I hope that regardless of what happens here, to
13 the extent you feel comfortable, you know, that
14 you will once again let the full body take a
15 look at this work product that you all are
16 putting together. Thank you.

17 SENATOR GALVANO: Further in debate,
18 further in debate? Senator Braynon.

19 SENATOR BRAYNON: Thank you, Mr. Chair. I
20 like one of the methodologies that he did, that
21 Senator Clemens did which I thought was
22 admirable, was the -- he looked a lot at
23 functional analysis versus BVAP, and I think
24 that that is a debate that I think that I would
25 welcome, and I think it is one that is a long

1 time coming and, you know, maybe it is one
2 that, you know, should be -- should kind of be,
3 should kind of be initiated by somebody who is
4 a member of that particular group.

5 But I will say that the, you know, if
6 there is a functional analysis then that means
7 it functions that way, going all of the way to
8 the point where it must be a 50 percent or
9 above black voting age population, and then you
10 have a district that is, you know, you know,
11 performs, you know, 60 or 70 percent for one
12 party and then in that party that minority is
13 80 to 70 percent of the primary which is what
14 we have.

15 In many of these it almost makes it
16 irrelevant whether the BVAP is 49 or 50.1,
17 because it is very obvious that that, that seat
18 is going to perform for that -- for the
19 candidate of that choice. So, but yet we still
20 fall back to BVAP or HVAP or something of that,
21 or when we talk about minority performing
22 districts, I think it is a -- I think, and I
23 may have, if anybody wants to grab the tapes of
24 myself and Mr. Ferrin in our discussions in
25 creating my map, which will stretch you across

1 four to five and six days, they are very
2 riveting. I recommend them, we may get a
3 Grammy, audio Grammy for them but, you know, as
4 I am struggling to fill the, you know, to
5 follow this BVAP thing because you have to, you
6 kind of use that as a marker and then do your
7 functional analysis, I begin to question, you
8 know, well, does it benefit and maybe I am --
9 if you will allow me to just tirade for a
10 minute, Mr. Chair, maybe I, you know, does it
11 really benefit the members of that community
12 for you to draw what looks like a spider in
13 order to pack it with or, you know, and I guess
14 that is what it is, is packing it with, you
15 know, with African-Americans or Hispanics, and
16 then the candidate is pretty much speaking only
17 to that population.

18 And then they come to a place, the Capitol
19 and they have to talk to another population,
20 they have to deal with issues that don't relate
21 to that. Is it not in some ways maybe a
22 positive if you have somebody in your district
23 that looks a little different than you, and you
24 are talking about what helps Florida as a whole
25 and not specifically just to one group. While

1 I think, and I think that is, again, a debate
2 and I think that when we -- when we focus so
3 much on BVAP I think we basically, or BVAP or
4 HVAP we start drawing these districts that are
5 packed and they don't -- and they don't
6 necessarily have to function.

7 And I think and whatever it is that
8 happens with this today, I think that is a
9 debate that I am open to having and a
10 discussion that I am open to having as to how
11 that, where our benefits are and how do we best
12 benefit our minority communities in the state
13 of Florida.

14 SENATOR GALVANO: Senator Clemens, you can
15 brief close to supplement that.

16 SENATOR CLEMENS: Thank you, Mr. Chair. I
17 want to again thank the committee. I want to
18 thank Senator Bradley for his question about
19 who drew this map. I spent a heck of a lot of
20 time over the past six weeks learning this
21 software. And so I know Jay is overloaded and
22 I would just extend an offer to any member of
23 the Senate or any member of the committee, if
24 you an amendment that you are interested in
25 drawing, come by my office, I will draw it for

1 you.

2 I know the software, I will show you I
3 know the software, I will show you I know how
4 to draw these districts and I appreciate the
5 question. I had forgotten to mention it at the
6 beginning and I needed to make that very clear,
7 I am the one drawing these maps.

8 If there is a problem with them it is
9 because of how I drew them. So I have a lot of
10 respect for Senator Bradley for asking that
11 question. I believe personally that this, and
12 it is no surprise, that the map I have drawn is
13 a superior map.

14 I believe that what the committee has seen
15 over the past week is that -- and I think Jay
16 Ferrin has said so and the attorneys as well,
17 that maps that have compactness deviations of
18 .1 or .2 really have very little difference
19 whatsoever. So using those, as long as they
20 are all within that, that I guess that
21 category, then it becomes a choice of what the
22 other factors that you are going to use are.

23 And I think all six maps produced by the
24 staff and the map that I produced all fall
25 within the acceptable range in terms of

1 compactness. So -- so those figures setting
2 those aside we look at the things that I talked
3 about which are significantly less deviation,
4 not jumping the bay, not splitting any cities
5 in the county of Miami-Dade, of the fact that
6 this is drawn by a member of the Legislature
7 are significant and measurable advantages that
8 this map has over the map that, that may be
9 moving out of committee today.

10 I wanted to thank Senator Galvano for the
11 map that he did present because it did allow me
12 to draw my map even better as I mentioned
13 earlier. I listened to what you all had to say
14 today, especially Senator Lee, what you had to
15 say, and I have a lot of respect for what you
16 just said.

17 And I thought about, I came in here today
18 thinking that we should be voting on this map,
19 because I think it is a better map, and I think
20 other people do as well. We did -- I did
21 present this map two days ago, so we have had a
22 little bit of time to look over it, but
23 understanding and trying to be cognizant of
24 what Senator Lee has said here today, I don't
25 want to put the committee in a position of

1 choosing another map over my map when they
2 don't feel like they are ready to do that, they
3 don't have the information.

4 So that being said, if Senator Braynon
5 wants to withdraw this amendment I won't have a
6 problem with it.

7 SENATOR GALVANO: Okay, thank you, and
8 show Senator Braynon having moved to withdraw
9 Bar Code 561500.

10 Okay, members, we are now back on SJR 2-C,
11 that is the 9090. Are there further questions
12 on that? Further questions?

13 Okay, if not we will move into quasi
14 public testimony. Senator Latvala, you asked
15 to present the public testimony, you are
16 welcome to do it at the dais or at the podium.
17 You are recognized.

18 SENATOR LATVALA: Thank you very much, Mr.
19 Chairman. I realize this is sort of unusual,
20 but I think we are in unusual times. You know,
21 the week after next I will start my 14th year
22 in the Florida Senate.

23 And in that 14 years I have never
24 experienced being part of a body that basically
25 admitted that we did something wrong, that

1 admitted that we didn't follow the
2 Constitution, and we are now all paying the
3 price for that, we have to be back here.

4 But I think that today, you know, there is
5 a -- there is a great deal of credibility that
6 goes with a committee report, with a committee
7 recommendation. So where there might be a, you
8 know, a tendency to just sort of pass things
9 on, then when they get to the floor they tend
10 to have a little more weight and there is also
11 on the floor a lot less opportunity to ask
12 questions on a normal basis and have debate.

13 So I wanted to share with you some things
14 that are on my heart with regard to your
15 proposal, and I think that what we -- what we
16 need to really guard against is falling in the
17 same trap that we fell a couple of years ago
18 when we passed our original plan, and we did
19 some things that, you know, obviously the
20 courts, the Plaintiffs thought were wrong.

21 We did some things that we have now
22 admitted were wrong, but unfortunately, I see
23 in this plan today that we have in front of us,
24 that you have in front of you, I see history
25 repeating itself. And so as a 14-year Senator

1 and as someone who loves this process and loves
2 this institution, I just think it is incumbent
3 upon me to make some points about that.

4 You know, the base maps, there were some
5 good products in that base map and I want to
6 commend the staff for what they did to produce
7 those products, but what we seemed to have done
8 is picked an outlier from the base maps.

9 In other words, five of the six base maps
10 kept Alachua County whole. We have picked the
11 one that didn't keep Alachua County whole,
12 despite the fact that there has been a lot of
13 public comment, a lot of legal comment about
14 our rationale for putting Alachua County and
15 Clay county together three years ago, but we
16 are doing it again.

17 Secondly, in Volusia County, we have seen
18 a lot of comments. The Plaintiffs have made,
19 you know, made a major appeal on why we drew
20 the lines where we drew the lines of Volusia
21 County, right down through the middle of
22 Daytona Beach, right down 192 in Daytona Beach.
23 And, you know, many of the base maps didn't do
24 that, but we picked the base map that did. So
25 we are repeating history there.

1 Pasco County, a county that is very close
2 to my heart that I used to represent, we had
3 four base maps that kept Pasco County whole,
4 four. They were really happy down there. They
5 thought maybe once and for all they weren't
6 going to get cut up.

7 We picked one of the two base maps, and
8 the fifth base map kept them predominantly
9 whole, and what we have done is instead of
10 keeping it whole, keeping it predominantly
11 whole, we picked the one map that splits it not
12 two ways, but three ways.

13 Now, I haven't heard an explanation of why
14 we have done some of that stuff, and my
15 understanding in the -- in the reading of the
16 Supreme Court decision or the reading of our --
17 of our agreement that we signed, was that we
18 were going to have -- we have the burden of
19 proof of why we do what we have done.

20 I haven't seen an explanation, certainly
21 one that I agree with, of why we picked one of
22 the five maps that split, you know, the one map
23 that split Alachua County. Why in our base
24 maps we handled Pasco County largely a
25 different way and we picked the one that didn't

1 handle it that way, and those poor people in
2 Sarasota County, okay, Sarasota County has had
3 predominantly a congressional seat and a Senate
4 seat for as long as I have been in politics.

5 So we come along last month and we split
6 Sarasota County on a congressional district.
7 Now, we tried to fix that, this body tried to
8 fix that. We tried to do the right thing, but
9 lo and behold, we have now come along on
10 Sarasota County and we have done the same thing
11 to them again. We have taken the city of
12 Sarasota, the soul of Sarasota County out of
13 the -- and separated it from the rest of the
14 county.

15 Now, with regard to compactness, you know,
16 that is one of our standards. You know, take a
17 look at District 7 on this map, and tell me if
18 you don't think that that district would be
19 better represented by Senator Evers because it
20 looks like a hand holding a gun the way -- the
21 way that district is drawn now.

22 I mean, I bet you Senator Evers would be
23 very happy to try to represent that district.
24 Compact, round, square, rectangle, it looks
25 like a hand holding a gun. There is three base

1 maps that have higher compactness scores than
2 the one you selected, 72, 74 and 80.

3 Some of those numbers are pretty close.
4 So when the numbers are close you look at the
5 splits. This map is the fourth best in terms
6 of county splits. There is three maps, 70, 72
7 and 74 that have less county splits and city
8 splits, it is the fifth best. There is four
9 maps, 72, 74, 76 and 80 that have less city
10 splits than the map we picked.

11 Now, Mr. Chairman, you know, you are a
12 very smart lawyer. I hope that we have when it
13 comes time to defend this plan in the Supreme
14 Court at the trial level we have some
15 explanations for why we are doing that because
16 I believe those questions are going to be
17 asked, you know.

18 And finally, several of the base maps had
19 incumbents running against each other. One of
20 the maps that I saw had three incumbents, three
21 sets of incumbents running against each other.
22 Miraculously we have produced a map here, the
23 one base map that to the best of my knowledge
24 and, you know, the best of my research,
25 miraculously, there is no incumbents running

1 against each other.

2 Now, you know, one of the ways the House,
3 one of the ways the House skated along and
4 never got challenged and so forth when they did
5 their plan in 2012, was the fact that they put
6 something like 30 incumbents together in the
7 same seats.

8 Even when we did our plan in 2012, we put
9 Senator Simmons and Senator Gardiner in the
10 same district. So Senator Simmons had to move.
11 We have come back in a remedial process and we
12 have found a way to pick the one base map that
13 doesn't put anybody together.

14 Now, you know, I am not -- I thought I
15 would be better to focus on Tier 2 problems
16 today. I probably got some Tier 1 concerns as
17 well. I could go down the map and I could go
18 through one by one and express those concerns,
19 but I am going to save that for the floor and I
20 am going to save that for -- to see how this
21 process develops between now and the floor.

22 I thought Senator Simmons was on the way
23 to solving a number of these problems, and I am
24 not quite sure with happened and maybe we ran
25 out of time and maybe, you know, maybe our

1 staff is overwhelmed, but I think it is a shame
2 that we were not able to solve those problems
3 in the committee because that is really where
4 the work product is supposed to be developed in
5 the Senate, but we do have a couple more days
6 and we do have until Tuesday to try to do that,
7 and I certainly, I certainly hope you join me
8 in trying to make that happen. Thank you.

9 SENATOR GALVANO: Thank you. Do we have
10 any other public testimony? Okay, we will now
11 move into debate on SJR 2-C, map identifier
12 9090. Senator Bradley, you are recognized.

13 SENATOR BRADLEY: Thank you, Mr. Chairman.
14 I am not going to repeat the rather lengthy
15 step by step objective reasons why I supported
16 what is now 9090, what is before us because I
17 was pretty detailed and I welcome anybody
18 including my colleagues to address my objective
19 reasonings that I articulated a couple of days
20 ago regarding 9090.

21 But since apparently we are going to, you
22 know, keep it real here and go there when it
23 comes to what are obvious implications that my
24 motivation would be a Tier 1 intent problem,
25 and we can use nice words, but let's address

1 it.

2 You know, I just find it amazing that we
3 find ourselves in a situation where if I am
4 endorsing a product that violates a clear Tier
5 2 standard of crossing the St. Johns River
6 which is a major water body, a major geographic
7 boundary, in many ways defines the area of the
8 state that I represent, but if I -- if I don't
9 endorse -- if I endorse a product that violates
10 that Tier 2 standard, then unless, I am sorry,
11 unless I endorse a product that violates a Tier
12 2 standard of crossing the St. Johns River,
13 which is a major water body and major
14 geographic boundary when that in many ways
15 defines the character of northeast Florida,
16 then in that case I am being found to have some
17 sort of mal intent.

18 I just don't accept that. I don't accept
19 it at all, and, you know, the League, we went
20 through the League's maps. None of the nine
21 League's maps cross the St. Johns River. And
22 President Lee said something very important
23 earlier about, you know, all I got when I leave
24 here is my reputation, and President Lee had to
25 sit here and endure this same stuff when we

1 went through the congressional, and had to go
2 to court and sit there and listen to questions
3 from folks and implications and whispers and
4 all of that, and I am just not going to do it.

5 I mean, I don't think that the St. Johns
6 River should be crossed. It is a major water
7 body. It is a major geographic boundary. It
8 is not for any other mal intent reasons other
9 than the fact that much as the League in its
10 nine maps don't cross it, and much as these
11 presentations, many of them don't, I think that
12 is perfectly acceptable and that is fine and it
13 doesn't -- and I am not going to be forced to
14 endorse a product just to prove a negative.

15 I put forward my objective reasonings for
16 supporting 9090. I think they were sound. I
17 don't know what others are, but everybody knows
18 what mine are, and I am ready to defend it on
19 the floor, I am ready to defend it with my
20 colleagues, I am ready to defend it at home and
21 I suppose I am going to have to go to court to
22 defend it based on what I hear. But if I get,
23 you know, subject to amazingly a deposition.

24 So those are my comments, Mr. Chairman. I
25 appreciate your work, I appreciate the work of

1 our staff. I appreciate Mr. Ferrin. Obviously
2 the map that is before us was produced in a
3 sterile environment. Obviously no one disputes
4 the fact that it was produced in a sterile
5 environment and I think that we have a good
6 product going forward. Thank you.

7 SENATOR GALVANO: Further in debate?
8 President Lee.

9 SENATOR LEE: Well, Mr. Chair, I think
10 that while in an ordinary proceeding I might
11 dispense with some of this. I think it is
12 important because of the remedial nature of
13 this process, the fact that every word is going
14 to be reviewed by Plaintiffs, by a Trial Court
15 and the Supreme Court, and that people
16 understand where we are coming from as
17 individuals.

18 I will begin with the obvious, and that is
19 I wasn't here when this process began.
20 Amendments 5 and 6 were game changers in terms
21 of the traditional reapportionment process.
22 And in giving deference and the benefit of the
23 doubt to my predecessors, it is arguable that
24 the extent to which 5 and 6 changed the
25 landscape for drawing maps might have taken

1 some people by surprise, but we are developing
2 the jurisprudence around which reapportionment
3 will be done for decades to come, and in a way
4 we are therefore serving an important function
5 and I think a valuable function for legislators
6 in the future that have to go through this
7 process.

8 We -- word on the street and I use that
9 term because I don't have any formal knowledge
10 of this, but word on the street is that we have
11 six maps in front of us that were drafted by
12 our staff in concert with legal counsel, and
13 that our counterparts at the other end of the
14 hall will accept any one of those six, and that
15 at least as I understand it, they for reasons I
16 suspect that relate to the sterile nature of
17 the drafting process, vis-a-vis, with happens
18 sometimes when members get involved and
19 potential Tier 1 considerations emerge, that
20 they will not look fondly on a map that doesn't
21 follow one of those six maps.

22 Ordinarily, having been through this the
23 first time, I would understand and appreciate
24 that, but there was a fatal flaw revealed
25 earlier this week in the map drawing process

1 when our attorneys said on the record that they
2 ignored, that they ignored the Tier 2
3 allegations contained in the complaint when
4 they established the methodologies.

5 Methodologies One and Two were very clear, and
6 in questioning they defended vigorously our
7 right to ignore those allegations contained in
8 the complaint.

9 Now, that may make legal sense, but it
10 makes no common sense. We will be in court in
11 the near future and it is those allegations
12 that we are going to have been expected to
13 address. Simply redrawing maps in a sterile
14 process and somehow coming out with maps that
15 don't address the base allegations as embedded
16 in Tier 2 considerations to me not only lacks
17 common sense, but it seems defiant.

18 It seems unnecessarily dug into this
19 notion that we somehow have some superior,
20 superiority complex over here that we know
21 better.

22 Now, we have been through this for three
23 and a half years. We have admitted to certain
24 infirmities in our process. Now, 5 and 6 are
25 clear that those embedded, that those

1 infirmities resulted in Tier 2 violations in
2 the eyes of the Plaintiffs. I believe, and I
3 am just one member, but I am the trustee of my
4 own personal reputation, and I believe we have
5 an affirmative obligation as a Legislature to
6 draw maps that attempt -- attempt to address
7 those Tier 2 considerations.

8 I recognize we can't always do that, and I
9 recognize there may well be justification for
10 why we don't in certain cases, and I am
11 completely open minded to that discussion, but
12 I personally believe that that should be a
13 fundamental consideration in what we do.

14 I also believe that given the remedial
15 nature of this process, that whatever I support
16 today, and I am going to support 9090 now which
17 was 9078 and I am going to support that today,
18 but as Judge Lewis said, it is kind of a coin
19 toss.

20 All of these maps, our staff, legal
21 attorneys, our attorneys and staff have told us
22 they are constitutionally compliant. This is
23 the one that everyone seems to have kind of
24 settled on as we come down through the funnel
25 and I am okay moving it on, but I don't move it

1 on with any prejudice.

2 I don't want this committee report to be
3 viewed as committee reports are typically
4 viewed in this institution, because I believe
5 we are in a different place. Despite the good
6 hard work, diligent work of our Chair and our
7 staff and helping us move through this process,
8 this is our process, I don't want the full body
9 of this Senate to view this work product as
10 having any air of superiority, that we are not
11 going to go to the floor with a full and open
12 discussion of any ideas that exist today or
13 might emerge over the weekend, because I feel
14 very uncomfortable having been in seven or
15 eight hours of budget meetings over the last 48
16 hours and trying to follow what is going on,
17 making a decision that prejudices the other 33
18 members of this institution in any way, shape
19 or form.

20 So in that long winded explanation I will
21 support 9090 today because I believe it -- it
22 is a functional map, but I also want to
23 continue to have a dialogue, I want to continue
24 to receive feedback from my colleagues because
25 any map that doesn't address these Tier 2

1 infirmities that are identified in this alleged
2 complaint is going to result in another black
3 eye of this Legislature.

4 It is defiant, it is unnecessary, it is
5 recalcitrant, and I hope that our colleagues at
6 the other end of the hall will recognize the
7 fatal flaw that was placed on the record by our
8 lawyers when they said they ignored those
9 allegations in the instructions they gave our
10 staff to draw maps.

11 And I just want us to restore in this
12 process a little public confidence that this
13 institution has learned its lesson, that we
14 understand that there have been mistakes made
15 and that as we move forward in good faith with
16 malice toward none we wish to rectify those
17 with the passage of this map. Thank you, Mr.
18 Chair.

19 SENATOR GALVANO: Further in debate?
20 Senator Simmons, you are recognized.

21 SENATOR SIMMONS: Mr. Chair, I applaud you
22 for being able to navigate us through this,
23 this situation. We have got challenges and at
24 the same time we have got opportunity, and the
25 opportunity is to do that which is right. That

1 is and does mean looking at the allegations of
2 the amended complaint and everyone of the
3 options that is available to us, looking at
4 what Judge Lewis said, because I believe that
5 when in doubt look at the instructions and
6 these are the best we have. And on page 11 he
7 says there was no reason why the Legislature
8 could not have taken another look at the South
9 Florida districts.

10 He was referring to the 26 and 27, not for
11 political performance, but for better Tier 2
12 compliance, either in response to the
13 Plaintiffs' complaint or better yet, on its own
14 initiative. I believe we are doing that, Mr.
15 Chair, and thank you for leading us as we move
16 through this process.

17 I believe all of us, as you have seen from
18 the various proposals that have been made by --
19 by each of the members of the -- each of the
20 Senators as well as Senator Clemens not on the
21 committee but making a proposal. And each one
22 of those proposals I see has merit, and what we
23 need to do is just what the Judge has
24 suggested, is look at each one of the -- of the
25 various proposals and I believe as we have

1 discussed that from the beginning of this
2 meeting that if we pass something out here, and
3 I do plan on voting in favor of 9090, but also
4 without prejudice to -- to in fact a full
5 exposition and a full discussion that occurs
6 and that this is not a -- something that
7 creates a presumption that other good ideas are
8 in fact ignored, and I look forward to having
9 the opportunity with -- with our colleagues
10 here in the Senate to fully discuss what is the
11 best plan so that we will have honored the
12 obligation that is placed upon us, not only by
13 the people of the state of Florida, but between
14 ourselves the duty to discuss this and resolve
15 what is going to be the best in accordance with
16 the instructions that have been provided to us.

17 And so with that, Mr. Chair, and fellow
18 Senators, I am going to vote in favor of 9090
19 today without prejudice.

20 SENATOR GALVANO: Vice Chair Braynon, you
21 are recognized.

22 SENATOR BRAYNON: Thank you, Mr. Chair. I
23 am probably going to do the opposite of what
24 President Lee did. I was not sure where he was
25 voting three times in his speech. I am going

1 to tell you in the front that I am -- I cannot
2 support the method of us voting on a map that
3 just came straight from the sterile process and
4 sending that to the floor. And I am going to
5 tell you, I am going to kind of walk through
6 why I can't -- I can't do that.

7 I truly believe that it is possible for
8 the members of this body, the members of this
9 committee to have what I consider to be input
10 that will -- that could change it that is Tier
11 1 and Tier 2 compliant. And I will even go so
12 far as to say I wouldn't support a map coming
13 out of this body that only, that had -- the
14 only input was from us as members was that we
15 picked it amongst six.

16 While that may be very, that may make the
17 other side of the Chamber very -- feel more
18 comfortable, I support what we went to court
19 and used taxpayers dollars to defend which was
20 our ability as a Legislature to draw these
21 maps.

22 I even looked at, and I go back to what I
23 talked about when I said I am from Dade County.
24 So if you ask me, once you do Tier 1 and Tier
25 2, how do you go to Tier 3? What cities go

1 together, and then I will even take it a step
2 further and I will go to my good friend
3 colleague, Senator Bradley's comments and
4 talking about crossing St. Johns bay.

5 If someone from South Florida -- St. Johns
6 River. As someone from South Florida, I didn't
7 each know that was an issue or that was there.
8 I know St. Johns, where St. Johns River is,
9 but, you know, but now he will, he says well,
10 that is not, that is not a connected community,
11 there is a river there. So maybe it is more
12 important for him to go to Putnam.

13 But he can tell you that and I think that
14 input from somebody from that region is
15 important, and I do not want to send a message
16 to the other members of our body that says that
17 in my opinion voting a map out with only --
18 with us doing no changes, only picking which
19 one that staff drew, I think it sends a message
20 to them that that is what is appropriate and
21 what we are trying to do, and for me that is
22 not what I am trying to do.

23 That is not what I was sent here to do,
24 you know, I have, I always say this, I have two
25 kids at home, I don't come here lightly. I

1 come here to do the people's work. I come here
2 to have my voice heard. I come here to do what
3 the people that elected me from District 36 to
4 do, and that is to, you know, have a voice in
5 this process.

6 And if we are going to just pass out one
7 of the six and if we pass it out to the floor,
8 I really, I say this and I have heard my good
9 friend, Senator Latvala, say often, we are the
10 Senate, and if we -- if we feel like there is
11 an encouragement from the other body that that
12 is what they would accept and they can defend
13 it, I do believe that we proved our point to
14 Judge Lewis, that we should be involved in it.

15 I just think going to what Senator Simmons
16 said, that when we were offered an option to
17 move, to address the South Florida districts,
18 we did not, and we did not give an appropriate
19 reason why when we offered, we were offered a
20 reason.

21 I will, I will tell you that there is a
22 certain Senator that mentioned it twice, and I
23 have, I say this and I will probably say it on
24 the floor. I have told us, I, unlike many
25 people was here in 2012, and was part of that

1 process, and during that process I mentioned
2 several things that got brought up in the Court
3 case and the next Court case and so on and so
4 forth. I have done it every single time, and
5 A, I am going to tell you I was 3 and 0 last
6 time, I am 4 and 0. I am telling you, I am the
7 champ on this. I will be 5 and 0 if we don't
8 really consider doing something more than just
9 passing it out of this -- of what we -- the
10 sterile process was great for a beginning, but
11 I think the process that we set up where
12 members are recorded.

13 So anything I said when I drew my map or
14 any amendment I draw is recorded. I will
15 defend mine. I will go to court if I am called
16 as Senator Bradley has said, he, I think he
17 said he would or he was done with it, I am not
18 sure, but I will do what was -- what is
19 necessary. I will do what is necessary to
20 prove that, you know, this is why I did it, I
21 can explain anything I did, and I will do that,
22 and I would assume any other member of the
23 Legislature would do that as Senator -- as
24 President Lee did, because we are -- we are
25 members.

1 It is our job, you are doing your job.
2 Why did you do your job? Sit in front, you can
3 sit in front of a Judge, sit in front of the
4 Plaintiffs and tell them. So for me I can't
5 support just a map just, you know, just a map
6 produced by -- by staff, because I do not want
7 to send that message to the other members that
8 that is what we are going to do. So with that
9 I am sorry, I cannot support this.

10 SENATOR GALVANO: Senator Gibson, you are
11 recognized.

12 SENATOR GIBSON: Thank you, Mr. President.
13 I keep calling you Mr. President. Mr. Chair.
14 I have a couple of issues, I think.

15 One is my -- my disappointment in how this
16 has played out. I think I expected for the
17 committee to come up with one of the maps and
18 not just be given a map to -- to then decide on
19 whether we are going to amend it.

20 I -- my understanding with the six maps
21 that we got is that we would end up with one
22 map as a committee and certainly I respect you
23 as the Chair and have always had high respect
24 for you, and we are friends, but I just
25 expected a different process.

1 As to the numbers or the numbering of what
2 will likely pass out of here today, I took
3 issue with that process as well, because my
4 understanding was we were going to have a
5 discussion about how the numbers, numbering
6 system would play out before we had any forward
7 movement on that, and that didn't happen
8 either. And so I am just -- I am a little
9 disappointed about the way we have proceeded.

10 Secondly, we keep talking about a sterile
11 environment. I don't think there is anything
12 sterile about the way the maps have come into
13 being. And obviously when you can identify
14 geography and then you can identify district
15 numbers, there is nothing sterile about that.

16 I, too, was on reapportionment in -- when
17 we enacted the map that we enacted, and I
18 think, I know there has been some discussion
19 about the back room processes, but in the front
20 room processes there was discussion. There was
21 a -- we had to redo the numbers which I thought
22 we didn't have to redo in this particular
23 situation, but apparently that wasn't the case.

24 And I want to make sure that we understand
25 that we need to make sure we get a map in so

1 that we are not talked about as not really
2 producing anything, and therefore, our input is
3 not considered and is not just our input, it is
4 the input of the people that sent us here and
5 to make sure that we have a map going forward
6 that the House who is our partner will
7 certainly, we won't end up where we ended up
8 the last time and then the Judge says, well, we
9 don't have a legislative map so we are just
10 going to use the Plaintiffs' map.

11 I don't want us to end up in that
12 situation again because I think we are better
13 than that, and our constituents deserve better
14 than that.

15 Finally, I am still at the end of this
16 road. I am still unclear what we promised to
17 do and whether or not it was actually done in
18 this map, and maybe you can explain that in
19 your close, because I know I asked it before,
20 because what I see as I mentioned earlier when
21 Senator Clemens was making his presentation, is
22 that there were map changes that were not
23 necessary to address allegations, and to me
24 that is just diversion from what it is we were
25 really supposed to do.

1 And finally, as Senators, I hope that
2 there will be no one that takes any drawing,
3 any drawing of the lines personally. We need
4 to take the personal out and get down to the
5 business of the people, recognizing the impact
6 the maps could potentially have on future
7 members, not just us as we sit here today.

8 Thank you.

9 SENATOR GALVANO: Senator Montford, you
10 are recognized.

11 SENATOR MONTFORD: Thank you, thank you,
12 Mr. Chair.

13 There has been mentioned by a couple of
14 our colleagues that they weren't here during
15 the process when it started. I was fortunate
16 enough to be here. I was fortunate to be on
17 the Reapportionment Committee.

18 I was also fortunate enough to travel
19 throughout the state when we were taking public
20 testimony from one end of the state to the
21 other.

22 I remember distinctly a discussion over in
23 West Florida when the question was whether or
24 not the lines would be drawn horizontally or
25 vertically. There was quite a bit of

1 discussion and at some point rather pointed and
2 somewhat heated discussion from -- from members
3 of the audience about who they wanted to
4 associate with and who they wanted to be in the
5 same district with and who they didn't want to
6 be in the district with.

7 I learned about the St. Johns River and
8 Lake Okeechobee and I-95 and all of the other
9 boundaries that we were -- would be advisable
10 to -- to consider, and in the back drop of all
11 of this was some 30 something years of school
12 rezoning which is not dissimilar to this.

13 And so I came in, into the original
14 process I think rather sterile, if you will,
15 and I was not during the Court proceedings and
16 all, I was not called thank goodness. I am not
17 sure what that -- what that message was, but I
18 am glad I wasn't called.

19 But I see this committee as being, this
20 committee process and the product being quite
21 different than the other committees, regular
22 committees. We know that the work is done in
23 committees and when the committee brings a
24 recommendation to the floor there is a high
25 level of confidence among our colleagues and

1 not on the committee that we have done our work
2 and due diligence, and I think we have here.

3 I think we have done the work, we have
4 done the due diligence but this is different.
5 This process is different, the product will be
6 different. The restrictions that we came into
7 in this particular committee at this particular
8 time was far more constraining than -- than
9 your regular committees.

10 We had the Court case there, we had
11 directions, we had a multitude of factors that
12 we -- that we had -- had to consider. So this
13 process is different, a lot different, and I
14 think that our colleagues on the floor will and
15 they should be encouraged to take this,
16 whatever we send out of this committee, to take
17 it and be encouraged to make amendments, be
18 encouraged to take their own personal view and
19 their knowledge of their particular part of the
20 state and any other part of the state and make
21 amendments to whatever comes out of here today,
22 with an eye on trying to rectify the situation
23 that we, the Senate, have put this state in.

24 So Mr. Chair, I want to thank you for your
25 leadership in this rather difficult process.

1 You have done a masterful job in trying to open
2 it up to all kinds of discussion, all kind of
3 input. You have been very gracious with that
4 and I appreciate your leadership.

5 SENATOR GALVANO: Thank you. Before I
6 close, Senator Montford moves a committee
7 substitute of SJR 2-C.

8 First of all, I would like to thank the
9 staff, especially Mr. Ferrin, who has been
10 working literally around the clock, just like
11 he did when we were here addressing the
12 congressional maps and most all of us on this
13 committee who have at one point or another
14 weighed in on how lines should be drawn,
15 realize how really difficult it is, because of
16 the constraints that you have geographically,
17 politically and from a population standpoint.

18 This isn't easy stuff we are doing, and it
19 wouldn't be easy in a perfect world, but we are
20 not in a perfect world legislatively. We are
21 in a very constrained legislative world, a
22 world that, yes, we put ourselves in, but it
23 exists nonetheless. We have tremendous
24 constraint from the legal system.

25 You know, we talk about the superiority of

1 the committee product. Well, the product that
2 comes out of our Chamber is not even going to
3 be given the benefit of the doubt.

4 We will have to prove that up before a
5 Court to show that we met the requirements of
6 the constitution. And so as a committee I
7 think all of the members of the committee have
8 been very gracious this week to make sure that
9 we have heard as much as we could from all
10 parties, including people who are not on the
11 committee. I appreciate that you indulge me
12 today to even take votes on Bills or amendments
13 that we didn't necessarily even have to take
14 votes on, and to hear really from anyone who
15 asked to be heard before this committee.

16 With all of that and what was presented on
17 Monday when we were here with the House as well
18 as the time we took the last time we were
19 together, I am confident that 9090, map
20 identifier 9090 is a constitutional compliant
21 product that is worthy to go to the floor.

22 The floor is no different than it is in
23 any other day we convene the session. We will
24 have an opportunity for amendments, for
25 questions, for debate and that is not going to

1 change simply because we pass a Bill out of
2 this committee. But I don't want the committee
3 to in any way believe that this is not a
4 constitutionally compliant product.

5 From the beginning the process was set up
6 in agreement with Chairman Oliva and we all
7 experienced the difficulty in this process
8 during the congressional redistricting session.
9 So I worked with Chair Oliva to establish a
10 methodology to begin this special session that
11 seemed to be more agreeable to many of the
12 Senators that I had heard comment from in the
13 past.

14 The House has been very gracious in giving
15 us the lead. We have also established certain
16 parameters with regard to the base map drawing
17 in particular, that we have a record of it so
18 that it can be reviewed and most likely
19 presented to the Court in the future.

20 And so with take process we began in a
21 much better posture with regard to Tier 1 than
22 how we got here in the first place. And if we
23 are getting anything right now, Senators, it is
24 the Tier 1 compliant.

25 We were here a year ago to address the

1 Congressional Order that come out of Judge
2 Lewis, as Judge Lewis' Court, and when that
3 went back for review, one area we got it right
4 was Tier 1. We had fixed that, that infirmity.

5 When we came back here again a year later
6 because the Supreme Court did not agree with
7 Judge Lewis who agreed with us, which by the
8 way, is just another example of how difficult
9 it is to really get our hands around these
10 amendments. I mean, we are learning as we are
11 going, we are all a test case.

12 You know future Legislatures will be able
13 to learn from us, but we are the ones who are
14 leaving skin in the game in order to help them
15 have a lesson book to learn from. But when
16 Judge Lewis looked at what we did in the
17 congressional redraw, where did we get it
18 right? Tier 1.

19 And that process was very similar to the
20 process that has been laid out for this special
21 session. And so I think there is an acute
22 awareness among every member of the Legislature
23 that we need to be cautious and make sure that
24 we comply with Tier 1.

25 Now it was brought up today with regard to

1 incumbency. Frankly, that is not something we
2 can even look at, no. We cannot favor or
3 disfavor an incumbent pursuant to Tier 1. I
4 did read in the report that apparently some
5 members are -- are now paired against each
6 other, but at the end of the day those are
7 areas we can't go to.

8 And like Senator Gibson said, we need to
9 not take it personal or be overly subjective or
10 really subjective at all, but look at the map
11 in terms of the Tier 1 and the Tier 2
12 compliance.

13 One of the exercises that took place this
14 week that I felt was necessary as generated by
15 President Lee and then really drilled down on
16 by Senator Simmons was looking at the
17 allegations of the Plaintiffs' complaint. That
18 doesn't mean at all that this committee has
19 decided that at they not mere allegations and
20 that they somehow have been proven up or
21 justified, but in an abundance of caution we
22 have taken a look at those and have let it help
23 us make the decisions on where we are today.

24 And as you recall, with that exercise the
25 last time we were together that really helped

1 us narrow the choices in terms of the map that
2 we were going to choose.

3 We also used our discretion thus far in
4 terms of methodology and what works and what
5 doesn't, and consistency, and as much as we
6 want to argue one way or another, that was a
7 snag for us when we were here in the
8 congressional case and it is something that was
9 addressed in the back and forth between myself
10 and Chair Oliva before we went into the
11 process.

12 And so with those decision markers and the
13 discussion and input that took place in this
14 committee, I was comfortable in filing as an
15 amendment 9078, which did not have some of the
16 affirmities complained of by the Plaintiffs and
17 for example in particular the Tampa Bay issue
18 that came up early on.

19 Then the question of numbering came up,
20 and the issue was how do we number these
21 districts. We had a methodology set out that
22 was based on commonality and that is what I put
23 into my memorandum and I thought this was
24 reasonable given the fact that no one
25 challenged the numbers of these districts. It

1 wasn't raised and the courts did not have any
2 issue with how we did it. But nonetheless,
3 based on the discussions in this committee we
4 decided that it would be a better course to
5 randomly number. And Senator Gibson, that is
6 essentially all that we really, really did.

7 Fortunately we didn't have to use the ping
8 pong balls this go around, but were able to
9 utilize a program with the assistance of the
10 Auditor General and assign random districts. I
11 promised you on Wednesday that today you would
12 have a choice on that and the committee spoke.
13 We have chosen.

14 And so, members, we have new numbers, new
15 lengths of terms, so to speak, and we will most
16 likely be in a position where we are running
17 again. Nonetheless, I think that helps us have
18 a more defensible position going forward.

19 So 9090, with the input of the committee,
20 with the process in which it was originated and
21 then explained and then reviewed by us, with
22 the new numbering system that -- or the new
23 numbers that have been put on randomly, is a
24 product that we can, whether you say it is
25 prejudice or not, that we can go to the floor

1 and say, members, colleagues, if this map or
2 Bill resolution is passed, we are confident as
3 your Reapportionment Committee that we have
4 complied with the Constitution of the State of
5 Florida. We have complied with the
6 interpretations and the apportionment decisions
7 and we will be in a good posture to defend that
8 before a court of law.

9 So I ask all of you to vote for this
10 measure and let's move on to the next step
11 where we could continue the discussion and
12 let's get a map out to the House and hopefully
13 one that we can pass as a Legislature even
14 given the extraordinary legal challenges and
15 constraints and hurdles that we are dealing
16 with. Thank you.

17 Madam Secretary, please call the role.

18 SENATE CLERK: Senator Bradley?

19 SENATOR BRADLEY: Yes.

20 SENATE CLERK: Senator Gibson.

21 SENATOR GIBSON: Yes.

22 SENATE CLERK: Senator Lee?

23 SENATOR LEE: Yes.

24 SENATE CLERK: Senator Montford?

25 SENATOR MONTFORD: Yes.

1 SENATE CLERK: Senator Simmons?

2 SENATOR SIMMONS: Yes.

3 SENATE CLERK: Vice Chair Braynon?

4 SENATOR BRAYNON: No.

5 SENATE CLERK: Chair Galvano?

6 SENATOR GALVANO: Yes. And by your vote,
7 members, SJR 2-C will be reported favorably as
8 a committee substitute.

9 Again, thank you all and we that Vice
10 Chair Simmons moves we adjourn.

11 (Whereupon, the proceedings were
12 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 115 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 7th day of November, 2015.

CLARA C. ROTRUCK

Notary Public

State of Florida at Large

Commission Expires:

November 13, 2018

Commission NO.: FF 174037